

The Right to Rights: Education as the Problem and Solution to the Lack of Enforcement of International Human Rights Law

Alexandria Boutrosⁱ
Depaul University

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 on the Rights of the Child, one can see the limits of such an indeterminate system. The two questions being posed are: “Could the implementation of human rights education enhance enforcement within countries of international human rights accords?” and “How should one go about implementing a human rights education initiative?” To answer these questions, literature regarding human rights education initiatives around the world were reviewed and focus was put on initiatives working to enforce international human rights law. From reviewing the literature, a major component of the effectiveness of a human rights education initiative is the quality of training the teachers received and the level of commitment to the initiative by school administrations.

Keywords: education, rights, international

DOI: 10.29329/ijpe.2018.139.12

ⁱ **Alexandria Boutros**, Depaul University, Department of Peace Justice Conflict Studies, USA.

Correspondence: al_boutros@hotmail.com

Introduction

UNESCO, ICRC, UNICEF, CEDAW, ICPR, etc. What do all of these international human rights treaties have in common? They are viewed to be failing in many of the countries in which they are ratified due to one of the biggest obstacles facing international human rights bodies: enforcement. 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 the International Convention for the Rights of the Child (CRC), and then have consequently made reservations that inevitably change the meaning and reasoning behind the initial convention. 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 CRC, 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 hypothesis of this paper: education, namely human rights education (HRE), is the biggest problem as well as the solution to the lack of enforcement of International Human Rights Law. HRE can be briefly described as an educational pedagogy aiming to use an ethos of human rights to can serve as a framework in which to teach. By looking at the problem of enforcement itself then exploring current human rights education initiatives and the theories behind them, one can begin to piece together a framework of what is and is not needed to successfully implement a human rights education initiative that mainstreams human rights and thus enforces international human rights treaties.

This paper will first review the issue at hand using the Convention on the Rights of the Child (CRC) as a key example of the lack of enforcement. This paper will then investigate what international initiatives exist for HRE and their effectiveness in supporting international human rights law. This investigation will be conducted through a review of published literature, from which the factors for improvements will be identified. At the conclusion, the elements most prevalent from the reviewed literature will be highlighted to invite further research and progress in the field of HRE.

Convention on the Rights of the Child (CRC):

A key example of lack of enforcement that directly effects a society’s knowledge of their rights is regarding the 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 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, p. 93). Howe and Covell submit that this is an important note to keep in mind when implementing the

convention into HRE as implementation can make or break the effectiveness of an HRE initiative. 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. 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, p. 92). Again, we see that there is no physical or logistical enforcement mechanism put in place that will effectively ensure that children are taught the right to their rights.

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, p. 576). 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 as expressing opinion and taking part in the decisions process concerning children's issues (Uçus and Dedeoglu, 2016, p. 92).

Tactics of enforcement such as embarrassment or critique, as Kirgis (2009) described above as the "mobilization of shame" often does not work effectively as can be observed from the outcome of Pakistan's ratification.

Review of the Literature on the Rights to Human Rights.

The purpose of the review was to identify studies and review articles regarding the efficacy of HRE initiatives and the specific characteristics that are implicated in the success or failure of each program. Extensive searches of Google Scholar, the Journal for Progressive Education, HeinOnline, Springer Link, and JSTOR through World Cat were conducted using the following terms: human rights, education, studies, civic engagement. A total of around 70,000 entries were returned. We then added the search terms human, engagement, and conventions and excluding any not in English. This subsequent search resulted in decreasing the number of citations to 500. At that point, the titles of the articles were scanned to exclude any paper not directly pertinent to the purpose of this review. This resulted in excluding 450 articles. The abstracts of the 50 remaining articles were reviewed. A majority of reports pertained to studies regarding HRE initiatives around the world. All papers not addressing the three components addressed in this paper, 1. A specific HRE initiative being discussed 2. An evaluation of the efficacy of that initiative and 3. The pedagogies being used/ the theory behind the initiative. Review articles were utilized as sources for additional papers and as sources for proposed hypotheses. Despite the fact that the majority of the literature addresses the implementation of HRE in schools, studies regarding HRE initiatives out of school settings were not excluded. For the purposes of this review, studies can be assumed to be related to implementation inside of school settings unless otherwise specified. A total of 5 reports addressed the efficacy of HRE education initiatives around the world. Additional searches of Google Scholar did not yield additional reports.

Surveys, Studies, and Initiatives

Rights, Respect, and Responsibilities (RRR) Initiative

The initiative called the Rights, Respect, and Responsibilities (RRR) initiative was launched by the Hampshire England Education Authority in 2004. So far, the program has been employed in

varying degrees in over 300 Hampshire primary schools. The researchers explained 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, p.118), 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. Another activity the initiative has utilized is,

After reading the story of Cinderella, students were able to dissect the CRC 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, p. 119).

Howe and Covell (2008) 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, p. 96). 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 studied, 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, p. 99). 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, as described by Howe and Covell, 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, p. 98).

Education literature, such as the study carried out 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 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 in the U.S.A with the reluctance to provide women and black people human rights education.

Howe and Covell explained 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 then went 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, p. 99). The founders of the RRR initiative reflect in the study carried out 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 adopted 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 aspect of the curriculum that needs to be taught in addition to her original workload. Rather, it fits in as part of the curriculum already being taught. "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, p. 126). This underlying framework created through this initiative works to perpetuate an environment of global-interconnectedness through a bridge between children's self-interest and the international human rights conventions that work to protect them.

Survey by Uçus and Dedeoglu

A study carried out 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, p. 93)

The participants of their study included twenty-four female and twenty 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 explained that the instrument used in this study to collect data was an Awareness of Children's Rights Scale that

comprised of 36 open ended, multiple choice, and true- false questions that were all based on articles of the 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 1: children’s rights education curriculum: Protection Module (Uçus and Dedeoglu, 2016, p. 96).

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, i.e. including their self-interest.

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 understanding 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, 2016).

“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, p. 107). Article 29 of the CRC 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.

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 bond 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, p. 106). 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 prevalent in many

societies, such as Pakistan, in regards to fully enforcing and implementing human rights treaties is a conception refuted by this study (Uçus and Dedeoğlu, 2016).

Survey by Sabancı, Kurnaz, Yürük

A different survey conducted in Ankara, Turkey by Sabancı, Kurnaz, and Yürük (2016) studied 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” (Sabancı, Kurnaz, Yürük, 2016, p. 48). 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” (Sabancı, Kurnaz, Yürük, 2016, p. 48). Alternative concepts pose a problem in understanding concepts such a democracy which pave the way for students to better understand historical and cultural events. Alternative thoughts can be compared to the traditional thinking so prevalent in the other studies provided.

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” (Sabancı, Kurnaz, Yürük, 2016, p. 50). 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 (Sabancı, 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 (Sabancı, 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 (Sabancı, 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 (Sabancı, 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 (Sabancı, 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” (Sabancı, Kurnaz, and Yürük, 2016, p. 54). 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 (Sabancı, Kurnaz, Yürük, 2016). The results from this study can be used to reflect on how in Pakistan every student is coming to class with several alternative conceptions regarding the proper interpretation of sharia. Many of those interpretations were learnt from their parents or grandparents as set in stone with no room for deeper understanding and criticism. It is thus the responsibility of the school and educational structures to unravel and challenge those alternative conceptions, especially ones that are directly correlated to the human rights of the child.

Education for Democratic Citizenship (EDC) Initiative by Osler and Starkey

Researchers Osler and Starkey explained 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, p. 147). 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 programs can effectively contribute to combating racism” (Osler and Starkey, 2002, p. 143).

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, p. 143). 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, p. 155). This weakness illustrated in the study in the study carried out by Osler and Starkey is further explained 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, p. 144). 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 a 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, p. 150). 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. This study of the EDC program further suggests the importance of having space for the self-interest of students that links their democratic selves to local and international governing bodies.

Survey by Leung, Yuen, Chong

Another study provided is in regards to the development of civic education in Hong Kong. The Hong Kong Special Administrative Regions (HKSAR) of the People’s Republic of China (PRC) has ratified 15 international human rights conventions and passed associated local legislation inter alia, a Hong Kong bill of rights ordinance (Leung, Yuen, Chong, 2011).

The implementation process of Civic Education in Hong Kong has taken place in four stages chronologically (Leung, 2008). HRE was first included in the school curriculum in stage two of this development, known as “1984-1997: The politicization of the Intended curriculum” (Leung, 2011, 147), just before 1996 when Hong Kong’s sovereignty returned to the PRC. In stage three known as, “1997 onwards: re-depoliticization of civic education and official affirmation of nationalistic education” (Leung, 2011, 147) HRE was excluded from the mainstream school curriculum again. This stage occurred immediately after the return of sovereignty to PRC (Leung 2007, 2008). The education reform that is discussed in this study is the fourth stage that began September 2009. In this stage liberal arts was introduced as a compulsory subject with focuses in civic education and HRE. The

initiative was started with senior secondary students. The researchers, Leung, Yuen, and Chong, from the center for citizenship education under the Hong Kong institute of education, performed a study on this new HRE initiative. The researchers explained the makeup of the project team, “the project team was composed of three academic colleagues with expertise in civic education, one academic colleague with a law and human rights background, and one research assistant” (Leung, Yuen, Chong, 2011, p. 148).

In the study two schools are discussed, School A and School B. In both schools, the initiative was incorporated into their integrated humanity subject (Leung, Yuen, Chong, 2011). Both schools were also Co-ed with 195 participants around the age of 14. At School A, each core element lasted for approximately a month, with three lessons per week, while each lesson lasted for 55 minutes. The pedagogies adopted included chalk and talk, use-based approaches, group discussion and experiential learning. At school B there were 11 double-lesson with each single lesson lasting for 35 min. Similar concepts to school A were taught with an addition of a childrens’ rights section (Leung, Yuen, Chong, 2011).

Data was collected through pre and post project questionnaire surveys to assess the impact on students as well as through teacher interviews (Leung, Yuen, Chong, 2011). The number of valid questionnaires collected for both School A and B was 195. Four themes were included in the questionnaire for both schools: 1 attitude toward human rights, 2 knowledge of human rights, 3 attitude towards rule of law, 4 knowledge of rule of law. Questions regarding children’s rights were for school B only (Leung, Yuen, Chong, 2011).

The results of this study outlined clear obstacles as well as successes. The most commonly encountered obstacles were “insufficient knowledge among teachers, difficulties in maintain student interest, difficulties in assessment, and concerns about the misuse of human rights concepts” (Leung, Yuen, Chong, 2011, p. 151). Regarding the difficulty of insufficient knowledge among teachers, it became evident to teachers that they did not have the ability to answer students’ questions about the subject matter. In turn, teachers had to rely heavily on the textbooks which also lacked in quality. The researchers explained how a couple of teachers “admitted they may even have conveyed the wrong messages occasionally” (Leung, Yuen, Chong, 2011, p. 153). The lack of sufficient training on the subject matter was reflected in the lack of confidence teachers had when conveying the lessons to students. Several teachers expressed their interest in further training, “I wish to understand, besides the need to obey the law, the essential aspects of the rule of law” (Leung, Yuen, Chong, 2011, p. 153).

Regarding the difficulty stated about retaining student interest, below are statements made by students explaining where their disinterest comes from:

“We feel more interested if we can discuss or debate issues. But because there is little time, the teacher just keeps on talking, making us feel very bored. After all, the issues are controversial and we want to express our views” (Leung, Yuen, Chong, 2011, p. 153)

“When we learn the Universal Declaration of Human Rights (UDHR), we just focus on a few themes. Then we move on to discuss discrimination. I wonder whether we truly understand the issue of discrimination given our limited understating of UDHR” (Leung, Yuen, Chong, 2011, p. 154).

Both above statements present a theme of lack of depth into each subject as well as a negligence of children’s self-interest. The obstacles prevalent here support participatory pedagogies such in-class debates and roundtable discussions. These types of participatory pedogogies allow students to make connections with the subject matter and their everyday lives. Students from both schools describe how their learning has impacted their world view outside of school, “When I am having dinner with my family and hear about human rights abuses on TV, I will talk with them about the human rights we learned about in class” (Leung, Yuen, Chong, 2011, p. 155), “now we are learning about human rights and the rule of law and I have become more alert to whether human rights abuses are taking place” (Leung, Yuen, Chong, 2011, p. 158), “If people go to Beijing to appeal

against their unjust treatment they are always stopped by the police. Is this and infringement of their human rights” (Leung, Yuen, Chong, 2011, p. 155). From these statements one can see how the students were cognizant of the injustices happening in their community and an underlying premise of how human rights creates a foundation for one’s daily life. Not only are students aware, but they are interested in learning about their rights under international conventions. The process of introducing international human rights law to students is the first step, the implementation process in the second. This study suggests how the lack of teachers’ preparation was a major detriment to the students learning and one might take from this study that teacher training to increase teaching capacity is a step towards creating a more successful HRE initiative that will in turn strengthen the enforcement of human rights legislation.

Discussion: A Deeper Look into Teacher Trainings Initiatives

From the above studies regarding the implementation and efficacy of different HRE initiatives in Hong Kong, Turkey, and England, one recurring obstacle was insufficient teacher training and how this hindered enthusiasm and interest from both teachers and students. The above studies support the idea that sufficient teacher training is essential for successful implementation of an HRE program. This necessary element pushes one to look further into current initiatives focused on HRE teachers’ trainings.

Salam Institute for Peace and Justice Initiative

A study was carried out on a human rights education project that was initiated in Chad and Niger by the Salam Institute for Peace and Justice. The Salam Institute is a “non-governmental organization that focuses on designing and implementing training and educational materials on interfaith dialogue and interreligious peace building in Islamic contexts” (Abu-Nimer, Nasser, Ouboulahcen, 2016, p. 539). The program utilized an intervention into the Qur’anic Schools (QS) due to the fact that 55000 QS exist to serve 14 million people and are “forming parallel educational institutions that preserve and perpetuate certain Islamic teaching” (Abu-Nimer et al., 2016, p. 537). The intervention into the QS was specifically through teacher training with a participatory pedagogic framework used to guide and manage the intervention “at the level of content, context, and process to contribute to building a culture of peace in the targeted community” (Abu-Nimer et al., 2016, p. 540). Teacher training was viewed to be the most important initial intervention because the teachers in QS have for a long time maintained a great deal of symbolic power as gatekeepers of the core values of authentic Islam (Abu-Nimer et al., 2016). Abu-Nimer, Nasser, and Ouboulahcen performed a case study on the Salam Institute’s human rights education initiative in Niger. The researchers explained how “this study attempts to address the problematic issue of how to improve the allegedly substandard intolerant and uncritical education offered by QS (Abu-Nimer et al., 2016). In order to conduct the case study, researchers visited 20 of the 76 schools through a partnership with the Zinder Union of QS (Abu-Nimer et al., 2016). Data was collected through interviews, observations, and focus groups. The 20 schools were chosen based on consultation and agreement with the Union secretariat as well as the general availability and access to the schools during the time of the case study (Abu-Nimer et al., 2016). Researchers explained how the teacher training consisted of about 56 teachers and utilized highly participatory tactics such as learner centered and context appropriate teaching tools, as well as planning sessions for dissemination of peace messages in other QS (Abu-Nimer et al., 2016).

How the initial intervention was facilitated was viewed by the researchers to be very important as QS teachers are always cautious in dealing with international organizations. “Teachers view it as their holy duty to resist any form of incursion into their perceived authentic Islamic faith and value system” (Abu-Nimer et al., 2016, p. 541). The researchers explained how the Salam Institute made initial contact with the Union through in-kind donations of chairs, books, computers, etc. This tactic proved crucial to gain the primary trust of the local partners and provided as a conduit into more difficult conversations regarding the implementation of teacher trainings with the institute. Another

crucial aspect of the training group was the inclusion of Muslim Arab Speaking experts having a key facilitative role.

Abu-Nimer et al., illustrated how the intervention was introduced to the local partners,

“We framed the goals of the intervention as not changing the curricula, but rather building the teacher’s capacity in context appropriate learner centered teaching methods. Using role plays, cultural rituals, stories, poetry.... Cultural proverbs provided excellent opportunity to introduce values such as tolerance, human rights, and nonviolence with little tension and suspicion of our intentions trainers” (Abu-Nimer et al., 2016, p. 545).

After being allowed to proceed with the project, the researchers described how the team had teachers “design sample lessons on specific themes with illustrations from the Quran and Hadiths, provided by the participants, to support the spreading of the message of peace” (Abu-Nimer et al., 2016, p. 546). Another activity involved the teachers brainstorming stories, examples, cultural sayings, and local and national poems that supported the values of peace education that they could use in their class rooms as a non-traditional way of promoting Islamic writings and peace messages.

The researchers found several successes and challenges that resulted from the Salam Institutes initiative. The successes included the way in which the institute was not only accepted but appreciated in the community. Abu-Nimer et al., explained how the local community felt that the trainers demonstrated a sincere and genuine interest in documenting the needed improvements to the QS and did not come off as “serving external western agendas of changing Islamic beliefs” (Abu-Nimer et al., 2016, p. 546). A local leader declared to the local governor that the team was genuine due to the determination of the trainers to visit over 20 of their schools and spend time getting to know the communities children (Abu-Nimer et al., 2016). Researchers also illustrated how there was a clear shift in certain teacher’s perception of their roles as educators as one educator stated, “as a result of the training, I began thinking about not using violence in teaching the students, I noticed that in this training we were relaxed and managed to learn lots of information about teaching” (Abu-Nimer et al., 2016, p. 548). In several of the other studies mentioned in this paper, a fear of losing respect, and namely control, over the students is often cited as a factor preventing teachers from fully implementing peace education. However, it is seen in the study above that through the relaxed nature of the teacher training, that fear was dismantled in a teacher.

A challenge illustrated in the case study was regarding the initial hesitation of participants due to the previous lack of any human rights education. “Peace education principles were absent from the teachers perception of their role in the first workshop, several teachers emphasized that this was their first –professional training after 15 years of teaching with the same memorization methods” (Abu-Nimer et al., 2016, p. 548). Abu-Nimer et al., explained how several teachers found the training insulting when it was proposed that QS teachers could organize a neighborhood trash pick up, however, not however by the end of the training, as QS teachers were “planning a project to involve parents and students in initiating a public celebration to support the school” (Abu-Nimer et al., 2016, p. 549).

A second challenge described by the researchers was focused on certain ethno- and religious-centric interpretations. “Such beliefs fundamentally contradict the core training many participants expressed their belief that ‘Islam is superior to all other faiths’” (Abu-Nimer et al., 2016). The training team decided not to confront this controversy and avoided being caught in local political dynamics and debates over religious-centric beliefs (Abu-Nimer et al., 2016, p. 550). This is another example of alternative concepts as described above or resistance due to traditional thinking.

A last, but very hindering challenge was funding. Lack of funding was found to be a major challenge as it impeded the capacity to disseminate manuals to a larger number of QS (Abu-Nimer et al., 2016). However, despite the several challenges present throughout the implementation of the

initiative, teachers expressed their willingness to try and thus provided evidence that the QS teachers in Zinder schools “are open and willing to engage with agencies and third party interventions that take into consideration the sensitivities discussed above” (Abu-Nimer et al., 2016, p. 552). Careful and skillful relationship building with leaders in QS is found to be crucial in order to build initial trust and successfully implement their training.

International Human Rights Training Program (IHRTTP)

Another initiative is the International Human Rights Training Program (IHRTTP) offered by the Canadian Human Rights Foundation (CHRF). “The IHRTTP is an intensive, [three week], intermediate-level training program on human rights education for human rights activist and educators” (Nazzari, McAdams, Roy, 2005, p. 173). This program brings about 120 people working to progress HRE initiatives from over 60 countries around the world and has had over 2,000 participants since it started in 1980. An underlying ethos of this IHRTTP is constructivist learning, a theory mentioned in an above study as well, as it is an important source in understanding transformative learning theory. “Constructivist learning theory assumes that meaning exists within us rather than in external forms and as such, learning construct their own knowledge based on interaction with their environment” (Nazzari, McAdams, Roy, 2005, p. 174). Some of the constructivist activities include case studies simulations, concept mapping, jigsaw learning, brainstorming, debate, fishbowl discussion techniques and open space technology. Upon completion of the program each participant takes home a CD ROM with many of these same activities from the training and additional resources. The authors of the study found that “82% of participants stated that the activities undertaken during the program had resulted in some changes in their perceptions or ideas” (Nazzari, McAdams, Roy, 2005, p. 183), “36% of participants suggested that their perceptions or ideas about human rights education had changed” (Nazzari, McAdams, Roy, 2005, p. 183). Today, the IHRTTP continues to act as a catalyst for the development of new HRE projects worldwide through putting importance on the forefront disseminators of HRE, the teachers and advocates.

Discussion

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). Despite the limited availability of studies regarding effectiveness of human rights education, there are many HRE initiatives and individual advocates currently working around the world.

In Pakistan where a majority of women, especially in rural areas, must choose between their education and their life, there are several initiatives (Suduth, 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, p. 4). 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 the Convention Eliminating Discrimination Against Women (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, p. 591). 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, p. 3). 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, p. 483, 485). Shakeela explained 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 Howe and 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 a pre-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, p. 100).

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. In other words, deconstruction of alternative concepts and traditional thinking should be implemented early on in one’s education to ensure a generational shift towards human rights.

A review of the HRE initiatives provided above suggest several key aspects that hindered successful implementation. Lack of student interest was found to be a major obstacle that was traced back to two key factors. The first was teacher training. Teachers that were not able to expand on the theories and injustices being discussed relied too heavily on textbooks that often were inadequate. Teachers’ inability to answer questions posed to them created an environment that lacked confidence and understanding. The second factor was a lack of a bridge connected the information being learned and their everyday lives. Self-interest was found to be important factor for both students and teachers, in the material in turn allows people to understand the information as an underlying framework of their human and civil rights in society. The studies above suggest the importance of using nontraditional pedagogies for disseminating HRE as traditional thinking and alternative concepts were often found to be contradictory to rights laid out in human rights treaties such as the ICRC. The last obstacle addressed, not necessarily specific to HRE initiatives, was funding. Any bodies hoping to begin a HRE initiative must keep funding in mind when measuring the sustainability of the program.

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, p. 92), 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. 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 being willing to exercise that responsibility. This motivation is an impulse every person is born with however 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, 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, p. 96). Due to the limited number of studies surrounding different models and obstacles for human rights education, current initiatives will be working with limited resources. Professor Cherif Bassiouni explained 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. In order for human beings to continue to rethink and reshape how society can work successfully in a democratic and equal nature, more studies and research need to be conducted on education and the important role it plays in the enforcement of international human rights law.

References

- Abu-Nimer, M., Nasser, I., & Ouboulahcen, S. (July 06, 2016). Introducing Values of Peace Education in Quranic Schools in Western Africa: Advantages and Challenges of the Islamic Peace-Building Model. *Religious Education*, 111, 5, 537-554.
- Asian Development Bank (May 2009). Overview of Civil Society Organizations : Pakistan. *Asian Development Bank*.
- Bassiouni, M. (2013). *The Shari'a and Islamic Criminal Justice in Time of War and Peace*. Cambridge: Cambridge University Press. doi:10.1017/CBO9781139629249
- Covell K, Howe RB (2008) Rights, respect and responsibility: final report on the County of Hampshire Education Initiative. Available at: <http://discovery.cbu.ca/psych/index.php?/children/index/> (accessed 25 October 2008).
- Covell, K., Howe, R., & McNeil, J. (January 01, 2010). Implementing children's human rights education in schools. *Improving Schools*, 13, 2, 117-132.
- Howe, R., & Covell, K. (January 01, 2010). Miseducating children about their rights. *Education, Citizenship and Social Justice*, 5, 2, 91-102.
- Leung, Y.W. (2008). An ‘action-poor’ human rights education: a critical review of the development of human rights education in the context of civic education in Hong Kong. *Intercultural Education* 19, no. 3:231-42

- Leung, Y. W., Yuen, T. W. W., & Chong, Y. K. (April 01, 2011). School-based human rights education: case studies in Hong Kong secondary schools. *Intercultural Education*, 22, 2, 145-162.
- Nazzari, V., McAdams, P., & Roy, D. (May 01, 2005). Using Transformative Learning as a Model for Human Rights Education: A Case Study of the Canadian Human Rights Foundation's International Human Rights Training Program. *Intercultural Education*, 16, 2, 171-186.
- Osler, A., & Starkey, H. (June 01, 2002). Education for Citizenship: mainstreaming the fight against racism?. *European Journal of Education*, 37, 2.)
- Osler A., & Starkey H. (2005) Rights and responsibilities. In: A Osler, H Starkey (eds) *Changing Citizenship: Democracy and Inclusion in Education*, Maidenhead: Open University 154-167.
- Sabancı, O., Kurnaz, S., & Yürük, N. (October 01, 2016). Seventh Grade Students' Conceptual Understanding about Citizenship: Does a Constructivist Social Studies Program Make a Difference?. *International Journal of Progressive Education*, 12, 3, 47-61.
- Sudduth, J. T. (January 01, 2009). CEDAW's Flaws: A Critical Analysis of Why CEDAW Is Failing to Protect a Woman's Right to Education in Pakistan. *Journal of Law and Education*, 38, 4, 563-592.
- Weaver, K. M. (January 01, 2007). Women's Rights and Shari'a Law: A Workable Reality? : an Examination of Possible International Human Rights Approaches Through the Continuing Reform of the Pakistani Hudood Ordinance. *Duke Journal of Comparative & International Law*, 17, 2, 483-510.