

Children's Right to Education: What Does it Mean?

In a local BC newspaper, a 16-year-old girl, Callista Ryan, expressed concern about possible human rights violations related to her inability to access education. Across the world, the Taliban shot and severely injured a young Pakistani girl, Malala Yousafzai, for going to school when she was 14 years old. This common inability to access education has united Malala, Callista and other children in their advocacy for children's right to education. The Society for Children and Youth of BC supports their advocacy by addressing what a human rights perspective on children's 'right to education' means in British Columbia.

This article makes three central points: 1) there is global/Canadian consensus on human rights importance, including the right to education as a fundamental human right 2) children in vulnerable circumstances who are denied education are vulnerable to other human rights violations and 3) children have a right to express their views about matters important to them and to have adults respond in meaningful ways.

There is universal acceptance that recognizing human rights is essential for children and adults. Human rights emphasize respect for the dignity and inherent value of everyone. Human rights are important in preventing abuses and for providing opportunities for each person to reach their full potential while free from discrimination. These human rights include social, economic, political, cultural and civil rights.

The right to education is a long-standing fundamental human right expressed in several United Nations human rights instruments, to which Canada has either agreed in principle or has ratified. These instruments are indispensable for children to realize their full potential. The 1948 *UN Declaration of Human Rights* states that everyone has a right to education (article 26); the 1960 *UNESCO Recommendation Against Discrimination in Education* makes explicit the right to quality education. The 1966 *International Covenant on Economic, Social and Cultural Rights* recognizes the right of all individuals to education (article 13).

The 1959 *Declaration on the Rights of the Child* states that children have the right to receive education (article 7), the 2008 *UN Convention on Rights of Persons with Disabilities* recognizes that children with disabilities have the same human rights as all other children (article 24), and the 1989 *UN Convention on the Rights of the Child* affirms children's right to a quality education (article 28), including a human rights education (article 29). Children in British Columbia have a right to education under provincial law. Together, these legal declarations reflect the essential principle that receiving an education is vital to everyone, including children.

Children in vulnerable circumstances who do not receive education may be susceptible to multiple human rights violations. Their right to education, therefore, is '...linked directly to the realization of [their] human dignity and rights' (UN Committee on the Rights of the Child, General Comment No. 1). Children living in poverty risk several human rights violations when denied their education and when dependent upon schools for meals and other services. Children with special needs, who depend upon service continuity associated with schools, face similar risks.

Children's right to education is associated with preventing and responding to violence against children. A recent UNICEF report entitled *Hidden in Plain Sight: A statistical analysis of violence against*

children notes that violence ‘...remains an all-too-real part of life for children...’ and that this reality impacts children’s academic success. The report stresses that school programs can shift attitudes that contribute to the violence that children experience and link children to support services.

Human rights obligations require Canada (including British Columbia) to respect, protect, and fulfill all human rights, including the right to education and to avoid measures that hinder or prevent the realization of education rights (Committee on Economic, Social and Cultural Rights, General Comment No. 13). Access to quality education is critical for all children, especially children who are vulnerable to multiple human rights violations.

It is inevitable that conflicting or competing rights held by children and adults will exist when implementing rights. Within this context, the *UN Convention on the Rights of the Child* (UNCRC) makes apparent children’s special considerations in ‘articles’ with four principles as guidance. These principles, which are interdependent, include children’s right to: express their views about matters important to them; have decisions made that reflect their best interests; realize their full potential; and be free from discrimination and harm.

When decisions impact children’s lives, actions are required that comply with ratified UN human rights treaties. Adopting a human rights approach to the current labour dispute means that adults ensure children realize their fundamental right to education and other human rights. Vulnerable children who cannot access education may experience additional human rights violations.

A human rights approach to children's lives, therefore, requires adults to consider children’s best interests in all matters that impact them. It requires adults to listen and give weight to the voices of children, such as Callista, Malala and other young people, and respond in meaningful ways to young people's concerns about their education. It requires adults to avoid measures that hinder or prevent the realization of education and other human rights. And, taking a human rights approach means that adults will provide opportunities for children to reach their full potential.

The Society for Children and Youth of BC strongly advocates for the full realization of children’s human rights today and in the future.

Submitted on behalf of the Board of Directors
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Since 1974, SCY has focused on providing a strong voice representing children and youth. We provide supports to adult duty bearers to improve the well-being of children and youth in British Columbia.