

The Rights of the Child: Are we creating a world in which all children are enabled to reach their full potential?

The last twelve months has brought into living rooms, in safe and secure countries, images that should cause governments to question their responsibility towards the world's children. A battered, bruised and bewildered child sitting in an ambulance after yet another shelling of his home town in Syria; schoolgirls kidnapped in Africa; lifeless little bodies washed up on Europe's shores; children wandering across the European continent looking for a place to stop, rest and be fed. It is estimated that there are about 25,000 displaced children in Europe alone, with about 10,000 of them with no adult to care for them. What should the response of educators be in the face of the conflicting challenges posed by vast numbers of dispossessed people and the underlying current of suspicion which travels with them?

This chapter will consider five international statements: The United Nations Convention on the Rights of the Child (UNCRC); A world fit for children; The Universal Declaration of Human Rights; The United Nations Millennium Declaration; The state of the world's children. From these five statements, three imperatives for action are suggested – economic, educational and moral – and challenges posed regarding legislation, finance and acceptance to meet the imperatives.

The UNCRC (United Nations Convention on the Rights of the Child)

The UNCRC (United Nations Convention on the Rights of the Child) provides a base from which to build a response. The convention clearly sets out responsibilities in regards to the children trapped in adult created circumstances. All young people under the age of 18 are considered to come under the protection of the convention – unless a specific country has set the age of majority earlier.

Article 4 of the UNCRC states: *States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.*

Articles 28 and 29 of the UN Convention on the Rights of the Child (UNCRC) have particular significance for education authorities and educators.

Article 28

1. States Parties recognize the right of the child to an education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that

the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Both articles could provide a global education foundation of rights, responsibilities and core curriculum. A knowledge and understanding of the UNCRC provisions becomes essential for educators if the global challenge of educating the world's children is to be met. The concept of "think global, act local" should be applied as school educators adopt and adapt the UNCRC provisions to meet the needs of all children in their care, whether permanent resident, citizen or refugee seeking shelter.

An integral part of the Rights of the Child is that "State Parties recognise the right of the child to an education..." (Article 28.1). This right is mere words on paper for so many children in today's conflict stricken world. An ABC news report of 15 February, 2017, ran the headline "Refugee camp teachers struggle to teach displaced Syrian children". The report included the words of the Director of the Wisdom School at the Atmeh camp in Syria, "There is no future for these children, no schools or university for them because of war" (Ahmed Ibrahim).

The Universal Declaration of Human Rights

As well as the rights set out in the UNCRC, there are parallel rights set out in the "Universal Declaration of Human Rights" (1948). Article 26 states:

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

The United Nations Millennium Declaration

The "United Nations Millennium Declaration" (UN, 2000) set out to reaffirm the work of the organisation as a force for unifying countries towards creating a world in which peace, prosperity and justice were pre-eminent. Included in the Declaration is paragraph 19 which states the resolve: "To

ensure that, by the same date (2015), children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education” (p.5). To meet the targets set by the UN, eight Millennium Development Goals (MDGs) were set to be reached by 2015. The eight goals are:

1. Eradicate extreme poverty and hunger
2. Achieve universal primary education
3. Promote gender equality and empower women
4. Reduce child mortality
5. Improve maternal health
6. Combat HIV/AIDS, malaria and other diseases
7. Ensure environmental sustainability
8. Develop a global partnership for development

Goal 2 of the MDGs reflected directly the statement from the Millennium Declaration by aiming to provide primary education for every child.

A report on how these goals were being met was drafted by the UN in 2015. The data provided for Goal 2 indicated that considerable progress had been made in the provision of primary schooling for the world’s children. The enrolment rate for primary aged children has risen from around 83% in 2000 to about 90% in 2015. However, there are two distinct issues to consider. Firstly, an enrolment rate of at least 97% is used as the benchmark figure for universal enrolment to have been achieved. Secondly, the aggregated data does not reflect the differences found in various parts of the world. For example, in sub-Saharan Africa, despite the difficulties of high levels of poverty, armed conflicts and other emergencies, the enrolment numbers has more than doubled from 62 to 149 million children. The numbers in other parts of the globe such as Syria indicate a worrying trend of falling enrolments as a consequence of continued conflict. It is estimated that only 12% of Syrian refugee children in Lebanon are enrolled in a school setting.

A World fit for Children

A “World fit for Children” was adopted by the United Nations General Assembly on 10 May, 2002. Ten principles and objectives were stated in this document as a sound basis for creating a world fit for children. Educators across the world have the opportunity to make a difference to the lives of children in many ways. One such way is embracing the “Ten Pillars of a Good Childhood” in this Decade for Childhood (2012-2022), an initiative led by The Association for Childhood Education International and the Alliance for Childhood. The “Ten Pillars of a Good Childhood” mirror the provisions in the United Nations (UN) document and provide a check list against which can be measured the effectiveness of strategies towards creating a world fit for children. The Ten Pillars are:

1. Safe & secure places for living & learning & access to health care, clothing, shelter, & nutritious food
2. Strong families & loving, consistent caregivers
3. Social interactions & friendship
4. Creative play & physical activity
5. Appreciation & stewardship of the natural environment
6. Creative expression through music, dance, drama, and the other arts
7. Education that develops the full capacities of the child—cognitive, physical, social, emotional, & ethical
8. Supportive, nurturing, child-friendly communities
9. Growing independence & decision making
10. Children & youth participating in community life

International educators share a responsibility to know about and give serious consideration as to how these principles are enacted in education systems.

The State of the World's Children

The UNICEF report, “The State of the World’s Children 2016; A fair chance for every child” reminds us that:

“If the soul of a society can be judged by the way it treats its most vulnerable members, then by a similar measure, a society’s future – its long term prospects for sustainable growth, stability and shared prosperity – can be predicted by the degree to which it provides every child with a fair chance in life” (p. 1) The report authors contend that unless inequity is tackled today, in 2030 60 million children of primary school age will be out of school.

National obligations under international law are clear, therefore. The implications are of paramount importance to the legislators of signatory countries. It is in the implementation that the words come off the page and begin to take shape in providing a society that cares for its children. As Alderson (2016) questions, “How can we be sure international rights are realities, not merely passing ideologies?” (p. 1). The first step is for governments who have adopted the UNCRC to enshrine the provisions into domestic law thus protecting children’s rights. The UN Committee on the Rights of the Child (2003) contended that such a move “should mean that the provisions of the Convention can be directly invoked before the courts and applied by national authorities...economic, social and cultural rights, as well as civil and political rights, must be regarded as justiciable.”

Arising from all of the sources mentioned in this chapter thus far, there are three imperatives to consider. Firstly the word “development” in the MDGs implies a link to the economic health of a nation state; that every child having a sound, basic education will provide an economic boost for a country. Secondly, there is the imperative to have an education infrastructure to provide schools and teachers to provide the education. Thirdly, there is a moral imperative that we all share to ensure that the UNCRC provisions are met in our own national and cultural context.

Economic imperative

“Up to half of the world’s jobs – around 2 billion – are at high risk of disappearing due to automation in the coming decades.....Only quality education for all children can generate the needed skills, prevent worsening inequality and provide a prosperous future for all” (ICFGEO, 2016, p.12). The International Commission on Financing Global Education Opportunity (ICFGEO) noted that globally there is a turn from high employment in manual labour type jobs to automation. The high employment areas of the industrial age are making way for jobs requiring particular skills in technology and critical thinking. In countries where the skill gap is not closed, economic growth will be stunted. The result of an economic slump is a rise in unemployment numbers. The cumulative effect is significant because as under and unemployment grows then wages are less and, consequently, spending is less. The spiral effect is of an economic slump and national budgets less able to support those who need financial help the most. Of particular concern is the evidence that global and domestic spending in education is not a priority in many countries. Delors (1996) presaged in his report, “Learning: the treasure within”, the necessity of appropriate education for all children to meet the needs of the 21st century. He stated that “...education is at the heart of both personal and community development” (p.17). The report proposed four pillars as the foundation for learning in the 21st century: *learning to live together; learning to know; learning to do; learning to be*. The concepts behind each pillar go beyond the traditional curriculum of content silos and encourage skills such as team work, creativity, problem solving and critical thinking as well as numeracy and literacy. The development of these skills enables future generations to work in the increased globalised information and knowledge economy.

The economic imperative to provide a quality education for all children is clear. To enable this to happen, governments need to enact budget policies to meet the educational demands of employers and the cognitive developmental needs of its children. Legislation for education should reflect these needs and ensure that, as far as is possible, the provisions of both the Universal Declaration of Human Rights and UNCRC for free and compulsory primary education for all children, are met. Unless children are prepared for entering the globalised and digitised work place then a country’s economy will suffer and the standard of living gaps, evident across all regions of the world, will widen. The 21st century learner will be able to capitalise on global earning opportunities while those ill prepared will fall further behind economically.

Education Imperative

The multiple UN declarations and resolutions noted above all include a clear statement that there should be universal free primary education for all children. MDG 2 is clear about that expectation. How can this be achieved? The scale of the challenge is beyond the means of the poorest countries and therefore requires a global response. The ICFGEO envisions the setting up of Multilateral Development Banks (MDBs) to raise finance for global funding for education thus enabling free primary education worldwide. The vision for this investment is that "...all classrooms – from the remotest village and the most desolate refugee camp to the most crowded city – will be online with a scalable digital infrastructure" (p.4). The implications for learning and teaching are the need to have teachers with the confidence to work in online environments and who can adapt their practice to meet the needs of their students rather than the needs of a set curriculum. In turn, then, there is a need for teacher educators who can equip teachers with the skills to meet the challenges of the refugee camp as well as the inner-city school. This demands of the teacher educator a global perspective to education and an understanding of the provisions of the UNCRC. If governments take their responsibilities under the UN conventions and resolutions which they have signed and agreed to implement then Standards for Teachers prevalent in a number of countries should reflect this global concern. A good example of this inclusion in standards for teachers can be found in the General Teaching Council Scotland (GTCS) "Code of Professionalism and Conduct" (2012). In the statement on the purpose of the code, the GTCS states that it is based on the general principles of the UNCRC. Section 2.7 states that teachers should "...be aware of the general principles of the UN Convention on the Rights of the Child..." At the time of writing, the author is not aware of this specific inclusion in any other nation's standards for teacher registration.

The provision of teachers in remote and troubled parts of the world should be of concern to the international community. There is the well-established "Médecins sans Frontières". Perhaps it is now the time to consider a task force of "Teachers without Borders" who can travel to the areas of most need and provide basic education to children trapped in refugee camps, for example, as a result war and/or terrorism. If governments who have endorsed international conventions such as the UNCRC take their responsibilities as members of the global community then the outworking of that responsibility may be to provide a funding and legislative framework to allow for teachers to be where they are most needed in times of crisis. The MDBs, supported by finance from the developed countries of the world, would be an appropriate funding body for this task force. Having online classrooms / learning and teaching spaces is one aspect of universal education provision, but those spaces require appropriate adult mediation for the children to be able to access appropriate learning resources and make sense of them. It may be that both teachers and teacher educators have a role in training some of the adult residents of the camps to be the mediators. A body such as a possible

“Teachers without borders” could be a major force in bringing diverse international communities together through children being able to communicate and learn about each other’s lives.

Moral Imperative

What exactly is the role of school and teachers in 21st Century schools? The neo-liberal zeitgeist of standardisation would dictate that schools are about attainment targets for students and the nation state’s place in the PISA rankings in literacy, numeracy and science. Standardised testing such as NAPLAN (National Assessment Programme Language and Numeracy) in Australia has evolved into high stakes measurements of education performance for schools and classroom teachers. Evidence points to the narrowing of the curriculum when classroom practice is judged by national standardised tests. (Au, 2007; Black & William, 1998; James & Tanner, 1993) The curriculum designed and the teaching strategies for meeting national test outcomes reflect too closely what Freire (1972) designated the “banking system” (p.46) in which the teacher deposits information in to the student’s mind and this information is then withdrawn in a test situation. The test then measures memory rather than knowledge and understanding. Freire considers this a form of oppression because the content of the curriculum is decided by an outside body – usually the government of the day – and transmitted to the students. The students have no say in what they learn and are passive recipients of the curriculum content. In this model, there is no place for the development of critical thinking skills, nor of deep inquiry strategies.

In contrast, Rennie, Venville and Wallace (2012) regard schools as having the “social role of preparing our youth to be responsible adults and sensible citizens” (p.viii). The authors see the starting point of this approach is the “proposition that we live in a global community” (p.viii). The concept of community suggests a “sense of fellowship, affinity, identity of character and joint ownership” (p.viii). In this digitalised and connected world, the community is global and the attributes of community membership identified are equally applicable. If students are to be “responsible adults and sensible citizens” of this global community, then the school curriculum needs to reflect a global perspective on knowledge and understanding of what matters in the connected world community. Article 29 of the UNCRC sets out 5 guiding principles on which school education should be developed.

In Scotland, the General Teaching Council Standards for Leadership and Management requires, “Embracing locally and globally the educational and social values of sustainability, equality and justice and recognising the rights and responsibilities of future as well as current generations.” (Personal Values and Commitment GTCS, 2012). Building such expectations into teacher standards will raise the bar as far as the requirement for teachers to be globally aware as well as knowledgeable about the UNCRC provisions. But what of the children to whom these provisions apply? How can they or their family’s judge whether their rights are being met? There is a moral responsibility to

include teaching about the Declaration of Human Rights and the UNCRC as a first step towards creating a world in which children know that they have a place and that they are respected and safeguarded. Alderson (2016), in discussing citizenship education and its possible dilemmas, asserts that knowledge about rights should be a crucial inclusion in school curricula. She comments that "...rights serve as powerful structures that can help to prevent and remedy wrongs, and they work as enduring high standards and aspirations" (p.1). However, if human rights and children's rights are not enshrined within the domestic laws of individual countries then they are toothless tigers without impact on real lives. There are those who see children as "persons in the making" (Brighouse, 2000, p.11) rather than as individuals who are living full lives in the present. The opening statement of Governance fit for Children reminds us that "... the Convention confirmed the status of the child, who has to be considered as a person, not as an object of adults' benevolence, entitled with dignity and rights" (2014, p.1).

It is easy for children to become "invisible" when they are considered unable to speak for themselves. Article 12 of the UNCRC states:

"States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

This concept is further developed in the "Ten Pillars of a Good Childhood" numbers 9 and 10 which infers that children are capable in being involved in decision making about their lives.

Pillar 9: Growing independence and decision making

Pillar 10: Children and young people participating in community life.

The outworking of these two pillars in society is commented on by Pulkkinen (2012). She comments in regards to Pillar 9 that parents should be offered support to understand their child's cognitive development and the factors that impact on the development. In regards to Pillar 10, there needs to be recognition that "Childhood is a unique stage of its own in human development, as is old age" (p.167). Pulkkinen's views on these two pillars reinforce the understanding that children are real people at a specific point in their development and not people in the making simply waiting in the wings of life's stage until they reach a certain age.

Challenges

"We reaffirm our obligation to take action to promote and protect the rights of each child – every human being below the age of 18 years, including adolescents. We are determined to respect the dignity and to secure the well-being of all children. We acknowledge that the Convention on the Rights of the Child, the most universally embraced human rights treaty in history, and the Optional Protocols thereto, contain a comprehensive set of international legal standards for the protection and

well-being of children. We also recognize the importance of other international instruments relevant for children.” (United Nations General Assembly, 11 October, 2002)

Three particular challenges arise from all of the above. They are those of legislation, finance and acceptance.

The challenge of *legislation* lies in the need for countries to not only sign the UNCRC but to embrace and enact the provisions of the Declaration into domestic law. Signatories to the act are but paying lip service to its provisions if the core tenets of the Declaration are not made visible in law and in practice. For example, the treatment of refugee children can fall short of the provisions under Article 22 of the Convention:

“States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.”

In other words, nation states who are signatories to the Convention have at the very least a moral obligation to protect refugee children through the enactment of appropriate legislation into domestic law. Subsumed within Article 22 is the right of the child to free education provision wherever they are resident. The challenge is to legislators to enshrine these rights within domestic law so that lip service becomes practical service.

The challenge of *finance* lies within the purview of governments to include the needs and rights of children in their national budgets. Internationally there are a variety of responses to the specific inclusion of a “children’s budget” in national budgeting plans. For example, in Lithuania civil servants considered it too problematic to analyse indirect and direct funding for matters relating to children to be quantified within their national budget. Wales, on the other hand, has initiated a budget analysis to indicate funding for children every year from the 2014-2015 budget. The Swedish government includes a section on “Childs Rights Policy” in their budget. (HRC, 2014). Citizens and tax payers have a crucial role in challenging governments on their spending priorities regarding the rights and welfare of all children within our national borders.

The challenge of *acceptance* is recognition that children are not adults in the making but people in their own right at whatever age and stage of development. One challenge could be for schools to have a student council if one does not already exist. This would allow children to have a voice in an environment which they inhabit for many years of their lives.

There are those, however, who do not have the opportunity to be represented by a student council or any other student body. These are the refugee children who arrive at a national border, unaccompanied and with no documentation to indicate who they are, where they have come from or

their date of birth. A report by the UK Refugee Council (2012) discusses the dichotomy faced by immigration at the front line of determining the status of people wishing to enter the country. On the one hand, national security and unauthorised entry to the country is of high importance. On the other hand, however, is the need to fulfil obligations under the UNCRC to care for refugee children and allow them sanctuary from conflict in their homeland. Specific issues arise when the age of the young person cannot be established because they have no identification and their appearance suggests that they are possibly over the age of 18 years. The report cites five stories of “age disputed” (p.5) young people who were initially assessed as being over 18 years of age but later found to be between the ages of 14 and 16 years. Without the intervention of a body such as the Refugee Council, these young people would have been sent back to war torn areas of the world such as Afghanistan, Iran and Eritrea.

Next steps? Over to you – the reader!

The European Union Human Rights and Democracy action plan (2012) has the potential to provide an impetus for member states to work together to create an environment in which the challenges set out above might be met. The final statement in the document encompasses that ideal: “While respecting their distinct institutional roles, it is important that the European Parliament, the Council, the Member States, the European Commission and the EEAS commit themselves to working together ever more closely to realise their common goal of improving respect for human rights” (p.9).

The opening statement to this chapter applies to all children and young people. How do we as individuals respond to the challenges inherent within that statement? How do we encourage our legislators to enshrine the provisions of the UNCRC into domestic law? Are we playing our role in creating a world in which all children can be enabled to reach their full potential?

“The true measure of a nation’s standing is how well it attends to its children – their health and safety, their material security, their education and socialization, and their sense of being loved, valued, and included in the families and societies into which they are born.” (UNICEF, 2007)

Overview of succeeding chapters

Continuing the theme of this chapter, the remaining contributions deal with the specifics of the application of both international and domestic legislation to education systems in different parts of the world: Australia; UK; Europe; and, Canada. While some of the views presented may seem country specific, the underlying issues regarding children’s rights are universal in application.

Patrick Meehan reviews the relationship between education and the law as experienced in England and Wales. Consideration is given to the way in which this relationship may or may not lead children and young people to become active and responsible citizens.

Rachel Shanks and **Scott Peter** raise the positive and negative aspects of the proposed national Named Person Service in Scotland. The service aims to provide a comprehensive approach to the care of all children and young people. The authors recognise that should the service prove to be a success, it could provide a benchmark in this area of care which could be replicated internationally.

The question of citizenship within the broader European context is raised by **Eszter Anna Nyúl**. The European Union, while forming a strong economic union across, currently, 28 nation states, creates a dilemma in the political sense in that each state has its own sense of citizenship. How, then, to create a union of diverse cultures and languages into a union of European citizens with a common understanding of the term “citizenship”?

Violence against children is a topic found across all countries and cultures. **Elisabetta Biffi** explores this difficult topic through the lens of UNCRC and WHO reports on the state of the world’s children. The UNICEF report “*Hidden in Plain Sight*” is accessed to provide disturbing statistics from all corners of the globe.

Restrictive practices are considered by **Dr Linda Steele** to be a form of violence against children with disabilities. The chapter reviews the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and recent Australian government inquiries, which provide a strong policy basis for viewing restrictive practices as violence, which should be prohibited.

Dr Lynn Revell, **Professor Hazel Bryant** and **Dr Sally Elton-Challcraft** challenge the requirement for teachers to be front-line personnel in the prevention of terrorism in the UK. A new role for teachers is to be on the alert for possible radicalised pupils in their schools. In this way, their professional identity is compromised as their involvement as part of a counter terrorist strategy is normalised. This chapter examines how student teachers regard this new aspect of their role as educators.

Marie Battiste and **James Youngblood Henderson** tackle the problem of educating the children of native peoples in a system grounded in western cultural norms. The chapter deals with this issue within the context of Indigenous children in Canada.

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