

POLICY BRIEF



A Comparative Study on Children's Rights Education: Implications for Policy Reform in Hong Kong

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Children's Rights Education: Hong Kong's Obligations Under the Convention on the Rights of the Child

As a signatory to the United Nations Convention on the Rights of the Child (UNCRC), Hong Kong's obligation under Article 42 "to make the principles and provisions of the Convention widely known by appropriate and active means, to adults and children alike" should have directly influenced both education policy and training and practice of educators. However, to date, Children's Rights Education (CRE) is seldom incorporated as an element of teacher training, is not a significant part of the school curriculum and is not entirely part of the school ethos across most Hong Kong schools and educational institutions.

In the only comprehensive study of its kind in Hong Kong, a multidisciplinary team of scholars from the University of Hong Kong examined the extent to which the HKSAR Government has met its Article 42 obligations. In particular, the study explored the current state of CRE implementation in Hong Kong schools and compared the pedagogy, policy and practices in Hong Kong against international best practices identified through an extensive literature review and qualitative surveys. Drawing on the findings, the research team proposes recommendations for structural and substantive improvements to Hong Kong's policies in relation to fulfilling its Article 42 obligations pertaining to CRE under the UNCRC. This policy brief provides an overview of the key research findings.

What is CRE?

CRE is a specific form of the more general concept of human rights education (HRE) with a particular focus on the particular rights, responsibilities, and needs of children. It is centred on the understanding that children are not a special and vulnerable class of human beings in need of special protections but are full and equal citizens who are rights-holders in their own capacity. It is also predicated on the idea that schools are democratic communities where children learn the values and practices of citizenship.

Not only the content of the curriculum but also the educational processes, the pedagogical methods and the environment within which

education takes place must be firmly rooted in human rights.¹ CRE can therefore be understood as the explicit teaching of children's rights in a school environment in a manner that itself models and respects those rights.²



Photo Credit: NCEE.org

Why is CRE important?

CRE is a legal obligation

As a signatory to the UNCRC, the Hong Kong Government has the obligation to safeguard the three P's of children's rights, namely, provision, protection and to ensure their participatory rights. Implementation of CRE through general and specific measures aiming to achieve widespread dissemination and promotion of children's rights and their integration into educational curricula is legally binding requirement under Article 42 of the UNCRC.

More particularly, the Government should organise education and its content according to values enshrined in the various articles of the UNCRC. It should educate children about their own rights and develop respect for the human rights and fundamental freedoms of others.

CRE has desirable and beneficial outcomes

There is an emerging consensus that CRE has significant positive effects in both the short and long-term development of individual citizens' responsibilities and capacities for rights-respecting behaviour in society.

Research suggests that CRE can augment children's understanding of rights as reciprocal and the role of responsibilities as part and parcel of the notion of rights; enhance their appreciation of the importance of mutual respect in the community; cultivate a positive school environment for learning and social interactions; and help children to develop values and skills that are necessary for participation in civil society.³

Policy and Practice in Relation to CRE in HKSAR

Despite its ratification of the UNCRC and these demonstrated benefits of CRE on children and society more broadly, HKSAR has fallen considerably short of its Article 42 obligations.

In its review of HKSAR's periodic report, the Committee on the Rights of the Child expressed concern that "professionals working with and for children, as well as children and parents themselves, have limited awareness and understanding of the Convention" and recommended that the government ensure that HRE is provided in schools at all levels and to raise awareness of human rights among all

sectors of society.⁴

Studies have found that human rights in general are not part of Hong Kong's cultural and value system. Social stability is considered to be a more desirable end than individual rights, which have seemingly been perceived as at odds with a stable society.⁵ For similar reasons, minority rights receive little support from the general public.⁶

Currently, the UNCRC is not part of the school curriculum as a separate subject per se. However, a literature review of practices in Hong Kong identifies the partial implementation of HRE through the incorporation of human rights values education across several courses. Having said that, the lack of teacher training, lack of resources and materials provided by the government, confusion and fears relating to HRE/CRE and their potential impact on governance and harmony, and an exam-oriented and knowledge-based curriculum continue to pose major challenges to the effective implementation of Article 42 obligations in Hong Kong.



Photo Credit: SCMP May Tsz

Previous studies have revealed that educators' fear and confusion regarding the content of the principles, fear of losing authority over children, feelings of incompetence and out of depth in teaching these materials, coupled with heavy workload, lack of resources and support, and abuse by students are the major obstacles to the effective incorporation of HRE/CRE in schools.⁸

Recent research reveals worrying trends about the state of teachers' knowledge of human and children's rights. For example, although many Hong Kong Liberal Studies teachers agreed that social protection should be provided to children and everyone should have the right to freedom of religion, right to physical integrity and right to privacy, they rejected the notion that children are bearers of these rights.⁹ This may suggest that

children are considered as 'subjects' who need to be provided for and protected but not as autonomous beings entitled to participation in decisions pertaining to their interests and needs and as rights-bearers themselves. This reveals that the concept and content of children's rights are much misunderstood among the teachers. Particularly worrying is that these are the teachers who are typically tasked with teaching human rights and children's rights.

Teachers play a fundamental role as transmitters of knowledge and as key facilitators of children's rights in schools. There is a critical lack of structured teacher training on the content of HRE/CRE across teacher training programs. Government provided resources and materials are mostly absent and fall far short of what is required.

Key Findings of the Hong Kong Survey

A total number of 3195 students (from primary 5 to 6; secondary 2, 4, 6), 841 teachers, and 43 principals from 51 schools across multiple targeted school types (local primary and secondary school; ESF/international primary and secondary school; and special schools) agreed to participate in the survey.

This random sample has reached a large portion of the target population and bolstered the representativeness of the research findings from this wide-scale research regarding the implementation of CRE from multiple informants in Hong Kong. In-depth qualitative individual interviews with the principals and separate focus group interviews with the pupils and teachers respectively, were also conducted to help contextualize the findings.

Pupils' Awareness of Their Own Rights

While nearly all children are aware of having rights, surprisingly few are aware of some basic rights, e.g. the right to see a doctor and even the right to sufficient food.

Awareness of the UNCRC is not high and awareness of equal rights does not seem to improve with age. Most students believe that they must first fulfill responsibilities before enjoying their rights. Significantly, most also believe the same applies to adults and their rights.

Surprisingly, while most students consider some non-physical punishments acceptable, a

substantial percentage considers some physical punishments as also acceptable. This might reflect the influence of Chinese culture regarding practices pertaining to discipline, the role of authority figures in justifiably using such means to obtain compliance with desirable behaviour and the internalisation of these norms, rendering such practices acceptable.

It is worth noting that more than a quarter of the school principals reported that children's rights are not part of the curriculum not clearly indicated as a component in the syllabus and school policies, and are seldom referenced by teachers. These gaps are even more prevalent in Hong Kong's secondary schools.

More than half of the teachers said their knowledge was inadequate to integrate children's rights values into teaching. When asked what would motivate them to incorporate CRE into their teaching, the most common responses were: a course pack designed to incorporate CRE; opportunities for CRE related training; and funding for CRE related materials and equipment.

Student responses also reflect that children's rights are not part of the curriculum and the teachers' lack of confidence and competence in the area. Students report that learning about children's rights is a low priority in the classroom, even though most believe it is important and want to learn about it. Similarly, few secondary students report any children's rights promotion in school other than during Liberal Studies lessons or through an invited speaker.



Photo Credit: UNICEF HK

Educators' Knowledge of Children's Rights

Only a small proportion of teacher and principal participants had received any kind of CRE training. Relatively few teachers indicated that

their school has appropriate resources to support them in the implementation of CRE and even fewer said their school had provided them with any training to incorporate CRE into the curriculum.

Most principals and teachers displayed a limited understanding of the notion that rights are inherent. More than half of them iterated that children must first fulfill their responsibilities before enjoying rights, and in certain circumstances, teachers should be able to suspend some rights. This seems to indicate that many teachers do not view children as full citizens in whom rights inhere but an extension of the parental family unit or society until they reach the age of majority, a now out-dated view. This might also be explained by Chinese ideology and culture, which epitomizes teachers as authority figures and the view that it is acceptable for them to deprive children of certain rights for the children's benefit.

Fewer teachers than principals felt children should have the right to be free from corporal punishment. This seems to indicate that teachers do not perceive corporal punishment to be 'abuse' but rather a legitimate instance of temporary suspension of the right to be free from abuse or the right to bodily integrity.

These ideas are reinforced in the findings in relation to the recognition of privacy, bodily autonomy and integrity. There is a distinct lack of awareness of these as spheres that are protected against intrusion. Most principals and teachers feel that parents should be able to monitor their children's Internet activity. And a slight majority of principals responded that schools should be able to force students to take a drug test if their parents consented. Like parents, principals would justify such an intrusion as being for children's own wellbeing and interest.

Principals' and teachers' responses to several questions also point to a weak understanding of and commitment to the rule of law, human rights and the principle of equality among them as a group of educators. This is problematic given their significance as role models for children and the likelihood of transferring these views to their students.

School Ethos

CRE is not only about teaching the full range of children rights, but also the fostering of a school

environment where children can fully exercise their rights, express their opinions, and be active players in the design of education services.¹⁰

The study found that children's rights are not entirely a part of the school ethos. While most principals responded that their school has channels to enable students to raise concerns regarding the curriculum, school activities and facilities, significantly fewer said that students are able to participate in decision-making at the school or that student's views could influence changes in curriculum.

While most students in secondary school reported the existence of a student council/union and a student newsletter/bulletin, freedom of expression in the student council/union and the usefulness of the student newsletter/bulletin were both reported to be weak. Most primary school principals were also of the view that students are not independent or mature enough to organize the student union. It appears that primary school teachers are more conservative about letting students express their views.



Photo Credit: Hong Kong Digital Vision

The classrooms and playgrounds do not seem to be right-respecting environments either. While nearly all students believe in the principle of equality, less than half are willing to be friends with students who are "different" (e.g. boys who act like girls). And even though the majority of principals recognize that Non-Chinese Speaking (NCS) students have different learning needs compared to Chinese students, less than half of secondary school principals and teachers reported they had measures in place to assist NCS students.

Challenges of Implementing CRE

The current Hong Kong survey and a literature review of CRE implementation in selected countries for comparison (UK, Norway and Australia) highlight some of the critical gaps pertaining to state party efforts and their

effectiveness in relation to the Article 42 obligation:

- There is a critical lack of awareness of the existence of the UNCRC among children and educators;
 - There is a lack of sufficient understanding of the substance of the principles enshrined in the UNCRC and their implications for children and policies and practices relating to them;
 - There is a gross misunderstanding of the concept of rights, their inherent nature and their inviolability exists among the primary stakeholders who have significant authority and control over children;
- There is a rather conservative attitude towards children at the state and educator level and one that continues to perceive them as subjects rather than active agents that have a right to participate in decision making concerning their own interests as holders of rights themselves; and
 - There is a significant lack of appreciation of their own rights and entitlements among the children themselves, and therefore, also, the rights of other children, particularly those who are different from what is perceived to be the 'norm'.

Recommendation for the Hong Kong SAR Government

The research found that the HKSAR Government has yet to introduce CRE systematically into the school curricula as a matter of requirement; set key indicators to measure and evaluate the substance and impact of the content in terms of understanding and awareness; and require teachers to undertake relevant training in children's rights in order to ensure knowledge and confidence in delivery of content. These are major gaps that set the agenda for the HKSAR Government action if it is to take seriously its obligations under the UNCRC and to do so more proactively.

Drawing on the Hong Kong survey and the international best practices identified through an extensive literature review and qualitative surveys, the research team proposes the following recommendations for structural and substantive improvements to Hong Kong's policies in relation to fulfilling its Article 42 obligations pertaining to CRE under the UNCRC.

1. Take a holistic approach to CRE aiming to raise awareness of children's rights through teaching but also to incorporate children's rights values and principles in all aspects of Government's activities, legislative framework on education and schools.
2. Set up a strong legislative educational framework outlining the demands and standards for schools to incorporate children's rights into the teaching and school environment, which should:
 - a. include children's rights principles and standards such as equality, participation, non-discrimination, inclusion, special education needs, etc. to protect the rights and interests of the most vulnerable children's groups who are at risk of marginalisation;
 - b. make it mandatory to include children's rights in the curriculum at all levels of education from early years to tertiary education, as a separate topic within the curriculum but also to ensure that children's rights language and principles are incorporated in all aspects and topics of the curriculum;
 - c. seek to ensure that a comprehensive, whole school approach to the implementation of these principles is put into place.

To this end, the Government ought to develop a suitable checklist and guidelines as well as allocate appropriate resources to assist schools in implementing these recommendations.

3. Set up a regulatory framework that ensures systematic implementation and routine evaluation. More specifically, it should:
 - a. develop and review from time to time the appropriate benchmarks and indicators based on the UNCRC and other human rights treaties and principles;

- b. require data to be gathered to allow for impact measurement, monitoring, evaluation, and recommendations to be made later.
4. Build capacities and competencies in children's rights education through:
 - a. getting teachers involved and passionate about CRE;
 - b. explicitly and implicitly incorporating children's rights values into the teacher-training curricula as a requirement of the teaching qualification;
 - c. providing opportunities for pre-service and in-service compulsory training in these areas and facilitate advanced education to update teacher's knowledge, pedagogy and school methodologies from time to time.
5. Facilitate the development of children's rights teaching materials, which should be:
 - a. developed in accordance with and be directly linked to the curriculum;
 - b. made easily available to teachers, researchers, trainers and other interested personnel and provided free of charge or at a low cost.
6. Ensure extensive dissemination and implementation of UNCRC principles through:
 - a. the use of interactive media or leaflets;
 - b. visible and active participation in annual events, and relevant activities to mark significant days such as children's day, etc;
 - c. make the best interest principle and the standards of the UNCRC part of a checklist that all ministers and officials proposing changes to law or policies use to declare that the proposed measures are in compliance with these principles and will not have an adverse impact on the interests and rights of children.
7. Encourage CRE initiatives by:
 - a. setting up a formal award system to give official recognition to schools or other stakeholder groups that incorporate these recommendations to motivate stakeholders to improve standards and do even better;
 - b. making available funding for CRE initiatives initiated and developed by NGOs or by the Government's offices / ministries or other groups of experts.

Although these measures may go a long way towards raising the standards of children's rights awareness, education and implementation, a fundamental stakeholder group that has a strong impact on the realisation of children's rights is parents. The Government and schools ought to put in substantial efforts in educating parents groups about children's rights. This can be done through the distribution of educational material but also through the provision of seminars at hospitals or children's clinics and even at schools to widely disseminate this important information about the rights of the child.

References:

The full research report with a comprehensive set of findings and detailed analyses and their implications for policy reform is available at www.law.hku.hk/ccpl.

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Centre of Comparative and Public Law, The University of Hong Kong

The Centre for Comparative and Public Law (CCPL) was established in 1995 as a non-profit virtual research centre at the Faculty of Law of the University of Hong Kong. Its goals are to (1) advance knowledge on public law and human rights issues primarily from the perspectives of international and comparative law and practice; (2) encourage and facilitate collaborative work within the Faculty of Law, the University of Hong Kong, and the broader community in the fields of comparative and public law; and (3) make the law more accessible to the community and more effective as an agent of social change. It has over 20 years of experience in conducting contract and other research in the field of public and comparative law.

Social Sciences Research Centre, The University of Hong Kong

The Social Sciences Research Centre (SSRC) has over 20 years of research experience and has been commissioned by the government, non-government organizations, universities and other institutions to undertake contract research and to conduct a wide range of surveys to collect public views on the various social, economic and political issues and government policies.

Centre for Advancement in Inclusive and Special Education, The University of Hong Kong

The Centre for Advancement in Special Education (CASE) was established in February 2004, under the Faculty of Education, The University of Hong Kong with the aim of advancing research and services in special education and providing an infrastructure to encourage synergies in carrying out research projects in the field of special education. To support the development of inclusive education in Hong Kong, the Centre has launched a series of seminars and symposium on Inclusive Education. In June 2011, the Centre formally changed its name to the "Centre for Advancement in Inclusive and Special Education (CAISE)."

The Hong Kong Committee for UNICEF

The Hong Kong Committee for UNICEF was founded in 1986 as one of the 36 national committees for UNICEF. It organises fundraising and advocacy activities to provide financial support for UNICEF's programmes across over 190 countries and territories to help children survive and thrive. It aims to arouse public awareness of the plight of children in developing countries and of the need to champion children's rights.