Children and fish have no voice?

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There is an old Polish saying "Children and fish have no voices" and although it may be said in a similar vein to the English adage of children 'should be seen and not heard,' the latter is a directive whereas the former appears as a plea [NOTE 1].

This chapter seeks to explore the *Convention on the Rights of the Child* by specifically focussing on the children's rights each of which, internationally, are the most promoted and most ignored; namely the right to education [Article 28] and the right for children to be heard [Article 12] (United Nations, 1989). It will also endeavour to promote a new perspective through the legacy of the Polish children's rights philosopher, Janusz Korczak. To whom, as former Council of Europe's Human Rights Commissioner, Thomas Hammarberg (2008) humbly points out, that the development of international law in children's rights owes a debt. The rediscovery of a 'Korczakian' philosophy may be the inspiration needed to fully implement child rights in education and children's services.

Despite the United Nations 'Decade for Human Rights Education', it is agreed that there is still a significant gap worldwide for people in recognising and claiming their rights – even in highly developed European economies (Borzel, Risse, 2009). This applies even more so in the case of the most ignored global minority, children. The UN *Convention on the Rights of the Child* was described as a catalyst but calls for action almost 20 years later still resonate, as at times there appears to be more interest in the law of children's rights than the children themselves (Therborn, 1996).

Of particular interest to this discussion is that children are to know that they are rights' holders, with education directed towards developing respect for human rights [Article 29] and children to be made aware of their rights under the Convention [Article 42] (United Nations, 1989). Thus, although education is of special importance in the Convention, children's participation in decision-making in schools is only recently achieving wide recognition as a crucial element of educational policy. This is substantially driven by pressure due to the lack of implementation of Article 12 and through a growing body of research on its importance (Lundy, 2012).

Nelson Mandela (1994) is applauded in promoting an end to racial discrimination and promoting freedom of expression, demanding that a robust and honest exchange of opinions and criticism is essential for democratic society and good governance. However, this is difficult to suddenly materialize in adulthood without a child ever experiencing such

exchanges with increasing relevance and effect. The obvious platforms for these foundations are the family, school and local community. Despite its history, a rights based approach to curriculum and educational practice is not widespread anywhere in the world. It is with this intent that this chapter moves beyond legislation and data in seeking concrete replicable actions which improve children's lives by embedding children's rights and a participatory approach into education.

The publication of 'Wealth of Nations' in 1776, described a nation's economy as a product of its factors, namely those of Labour, Land and Capital. This revolutionary economic model, simply put, proposed that by varying these inputs, more of one and in the best combination with the others, a country could increase its advantage of other nations and grow its economy (Smith, 1904). Over the years, this model has been reframed in terms of comparative and absolute advantages, but the essence remains, with the model being taught to university economic students worldwide. Governments seeking to improve their standings in a global market, where land and capital may be fixed, find more flexibility in the factors of Human Capital and Entrepreneurship – that is improving the productivity of Labour not just in terms of its quantity. This concept of mass education for the populace finds its beginnings primarily within the industrial revolution. This intense period of change brought the sudden requirement to shift a labour force away from agrarian production. Improving skills of the workforce led to higher outputs and gave the frontrunners of the Industrial Revolution, Europe a global advantage that lasted into the 20th century. Of course, this was coupled with its age of colonialism, the expansion of another production factor in Land, and a cheap agrarian workforce which required very limited Capital in terms of investment. Both of these have bearing on the school system the world has inherited today, a system that rather than delve into ideology can simply be described as seeking to achieve two often competing goals, either economic or cultural.

Cultural transmission is often raised as the opposing goal for education to an economic argument. The pioneers of European education, the Jesuit order of the Catholic Church, hold a 500 year old mantra. Their ethos of 'give me the boy at seven and I will show you the man' is often cited as evidence of the long-term recognition of formation of character and life-long potential that an early childhood education plays. Of a similar time, the Enlightenment which swept Europe called for education as an opportunity for the betterment of mankind and introduced concepts of citizenship (Benavot, 1997). The concept of inclusion that is including all children in poverty and with disabilities, accessing the education system were inspired by Pestalozzi and born out of the New Education movement of the late 19th and early 20th centuries. It included kindergarten as coined by Pestalozzi's student, Froebel. This new school of thought that included Dewey, Montessori, Steiner and Korczak has elements of child-centeredness, participation, problem based inquiry and hands-on-learning still in worldwide schooling practice today. Of these, it appears only the philosophy of Korczak, the child rights activist who demanded a voice for the child and a social pedagogy built on respectful relationships with adults, is largely ignored as an educational philosopher. Perhaps this would not be the case if Korczak's legacy was related more to his literature and the way he lived his life, rather than his infamous walk of death to the Nazi concentration camp with his orphans. The New Education movement as a whole came to a grinding halt with the devastation of Europe by two wars in quick succession, leaving disproportionate numbers of women and children struggling to

survive ongoing harsh conditions. The post war climate sought to unite nations under the banner of "never again" through the creation of the Breton-Woods institutions, primarily the United Nations. This lead to the *Declaration of Human Rights* and the subsequent UN resolution which appeals for a collective memory of these crimes, with a view to prevention (United Nations, 2005). As the Holocaust loses eye-witnesses, the call of "never again" has been deafened time and again as a negligent world has been remiss in the suffering of people as occurred in the Balkans, Rwanda and Middle East. There is an urgency to review victim remembrance and education for the prevention of racism and segregation to guide how the next generation will transform their respective communities and society, if at all.

The decades that followed World War II saw a change in world order. Decolonisation and attempts to rebalance past inequities brought certain types of freedoms, complex power hierarchies and ongoing inequality through limited development. The decades of international relations and effects of geopolitics are beyond the scope of this essay, but it is sufficient to say debate continues about whether current policies of multilateral aid and universality of education are appropriate. The failure of a purely economic indicator such as Gross Domestic Product (GDP) to capture the real state of a nation's growth and change, led to the creation of the Human Development Index (HDI) which included child mortality and education interventions as essential in better understanding a country's development. The health sector has a history of successful evidence-based interventions with clear outcomes, such as reducing incidence of malaria and improving maternal health. However, in contrast the education sector remains divided on the goals and purpose of education. Hence it tends to focus less on results and more on simple inputs such as school enrolment levels. The 2015 deadline looms large for the *Millennium Development Goals* (MDGs). The language and measures used, such as attendance, teacher-student ratios and basic numeracy and literacy skills reveal the post-2015 debate is still limited in terms of education effectiveness and has barely moved past universal enrolment.

Academic research reports tend to review legislation, policies, government spending and systems. Whilst having much to offer theoretically beyond structural reform, most recommendations end with the requirement for more resources and better teachers which, while obvious, offer little advice that can be put into practice today. The challenge is to bridge the gap between the research of economists, lawyers and education specialists who, in using different highly academic terminology, might as well be speaking different languages in relation to the everyday experience of schools. The United Nations Educational, Scientific and Cultural Organization (UNESCO) developed the *Education for All* goals for 2015 which acknowledged the need for a greater focus on outcomes. Ironically these goals are for the most part still about inputs, highlighting the lack of agreement on meaningful and realistic outcomes for education. Baseline data continues to be collected erratically on different measures and the World Bank final report utilises the UNESCO data, therefore remaining input focused. Furthermore, enrolment and literacy levels may be available but offer no guidance in themselves into how to achieve improvement. It is also unfortunate that large scale aggregated reports rarely go beyond the media and a few interested parties, so there is little opportunity for the research to be "used" by the practitioners and community in useful ways. Hence, many countries are developing their own context-specific assessments and school improvement strategies, and for these they look across borders for success stories such as Poland (OECD, 2011).

In 1993, the UN Committee for Rights of the Child described Poland's situation as heavily impacted by its economic conditions. The nation was described as socially impoverished, with health care lacking medication and facilities, and its education system under threat in the face of declining numbers of nurseries, kindergartens and libraries, children increasingly out of school with less materials, lessons and other school activities. Given this poor report card as a starting point, Poland captured the attention of the world with its reversal and education system reforms leading to top performances in international student assessment. The changes have been recognised as an outstanding success, with Poland reaching the top 10 highest achieving countries in the world within the decade 2000 to 2009, as per the Program for International Student Assessment (PISA) OECD testing system. This was backed up with highly applauded improvements in student numbers and teacher qualifications. Not only did this shake up neighbouring countries, it demonstrates the out dated view that the world is divided into rich, well-educated countries and poor, low-educated ones (Jude, 2011). This achievement is of particular interest to lower and middle income countries as Poland finds itself ranked amongst some of the richest countries in the world such as Finland and Korea. This is despite its spending rate per student at almost half of Germany's spending and only a third of US expenditure, with UNESCO (2012) reporting big improvements found in literacy and the performance of girls with low achievement. However, recent surveys of Polish students look beyond standardised testing, finding more than half are bored with lessons and the same number reporting fear of attending certain classes. The negative attitudes towards school and vice versa schools' poor attitude to children's wellbeing reflect in students' lack of motivation, widespread addictions, peer violence and a lack of family involvement or interest in schooling (Komendant-Brodowska et al., 2011). Joining other high income countries, once top-down reform is achieved, finding itself on track and although having outperformed in terms of reducing early school leavers, Poland is at risk of losing momentum and slipping backwards. Beyond standardised assessment in numeracy and literacy, Polish students are found to be lacking motivation, problem-solving skills and creativity. However, as Poland experienced economic success once as the factory of Europe, it was able to finance its educational system changes. Compare that to now, as it finds itself amongst the biggest economies not only in Europe, but the world, it will require the reverse – that is to improve education quality to drive the economy. Quality improvements are needed in the form of improved support for children's wellbeing and engagement with learning. Enhancing creativity, risk taking and flexibility will drive innovation within the economy, a key ingredient of Entrepreneurship. These are the next challenges for the Polish education system as it mimics the stall of other wealthy countries (Council of Europe, 2011).

Poland's reform and direction in education should be watched carefully as a potential pathway for middle income and developing economies which may share similar experiences of becoming relatively new democracies dealing with the suffering of the past combined with new social inequalities (Brzeziński, Jancewicz, Letki, 2014). So we must wonder just as Adorno (Horkheimer, Adorno, 2002) did, is it possible to be "Writing poetry after Auschwitz" not in the terms of self-expression but questioning how life can be constructed as before in the light of overwhelming public support for the Nazi solution by the German people? His main criticism was that too little was done to change the structure of education in Europe given the self-destruction of The Enlightenment within the hypocrisies of

the fascists. Just as Poland is having a historical reawakening post-communism, it should make us wonder why in that if seeking to fulfil the mandate of "never again", we threw out the baby without changing the dirty bathwater?

A critical eye on the language of education readily reveals that it is not neutral and in a few mere words constrains our expectations. Schools often refer to their students, the children as pupils. This word derives from the 16th century, where a pupil [NOTE2] was a minor under the charge of a guardian, and related to the pupil of one's eye – that is the tiny image of oneself seen reflected in another's eye. It can be understood in the nature of education of that period, where a young ward was sent to a distinguished scholar for years in the hope of becoming a mirror image, an apprentice as such and far removed from the experience of most pupils today. The constraints of language and conformity of teaching towards standardized testing robs not only the potential of each child, but also undermines the intellect and capabilities of the teacher. Ironically, for most teachers, the word 'pedagogue' derives its origins from Latin as the slave who guides or leads the master's son. Korczak regularly rejected vocabulary and categorisation, advising adults to use a "creative-I-don't-know" to begin each day spent with children. He rebutted the term pedagogy (possibly a detriment to his legacy now as a pedagogue), as it referred to a method, a system and if we project the origins of the word, a form of enslavement to others. Continuing the theme of eyes, the simple differentiation of blue and brown eye colour used by the Nazis to segregate Jews became the basis for Jane Elliott's famous classroom experiment of the nature of prejudice with her class of eight year olds. Readily substituted for yellow stars or hijabs, a simple symbol becomes the defining feature of an entire group, stripping the individual of any other human qualities except for belonging to the group, "the others". The methodology used by Elliott in her trademark "diversity training" is targeting older children and adults and can simply be viewed as a teaching strategy rather than a socially transforming agent. In reality, the majority of stereotyping and prejudice develops in early childhood. This phenomena appears to be a complex product of absorbing adult non-verbal behaviours, environment and is able to be shaped by educational and social policy (Bigler, Liben, 2007). However, this one teacher's example does demonstrate the necessary risk that a teacher, school or community often take in challenging social norms and power hierarchies, especially without the backing of a recognised and accepted framework. On the other hand, the *Convention of the Rights of the Child* ratified by all countries (except Somalia and the United States) can provide this legitimacy. Although as with all negotiations, the Convention is a compromise and not perfect as a vehicle for rights education, it still holds the gravity of international law and agreement on its side. The Committee on the Rights of the Child provided a General Comment on 'The Aims of Education' where it states "the participation of children in school life, the creation of school communities and student councils, peer education and peer counselling, and the involvement of children in school disciplinary proceedings should be promoted as part of the process of learning and experiencing the realization of rights". Where others are criticized as theorists without practical application, Korczak provides the very model of an everyday life, lived in ongoing critical reflection of his own philosophy on child rights. He established a children's parliament, court, theatre and newspaper in the materially deprived and difficult environment of orphanages. It is a model of practice towards theory, which seems all the more relevant for today's teachers struggling to find "a good fit" with

universal school enrolment and standardized curriculum for increasingly diverse cohorts of students experiencing a wide range of complex situations.

The Enlightenment, often known as the Age of Reason, urges at its core the domination of nature, to demonstrate the superiority of man's intellect, to free mankind from superstition and myth. Knowledge gleaned from sources outside of the enlightened way, specifically Western science was ridiculed and marginalised. Concepts of faith, traditional connections with nature and spiritual meaning which underpinned life for the vast majority of humankind could not be squeezed into reason and rationality, so therefore were interpreted as lower than the now conventional school of thought. Finding its roots in social Darwinism, evolutionary theory was appropriated towards the concept of an intellectual hierarchy, one more developed and hence more valuable, and in the nature of enlightenment philosophy any contradictions to this were purely subjective and readily dismissed as related to the low capacity of the subject. The promotion of art and science was to bring about a worldly understanding and on one's self, within it stimulating morality, a sense of justice and generally the pursuit of human happiness (Habermas, 1981). However, the Enlightenment failed to retain and improve on its original premise, that of self-awareness and critical reflection (Horkheimer, Adorno, 2002). The quest for understanding nature was skewed into a quest for dominance and control over it, and in turn over other human beings.

Our modern view is largely to recognise children as unique and special, which although a wonderful sentiment, within group settings where children are categorized by age and development norms, it tends a critical eye towards difference as problematic. This has led to fashion new models of learning styles, disability and disorder, which in turn push aspirational parents into seeking alternative education methods. Finding evidence for a hypothesis that is already held as a belief is an easy trap to fall into, for example currently, learning style assessment lacks the evidence base to incorporate it into general educational practice. It appears a misplaced but good intention to reach for a deficit approach and differentiate children on the basis of aptitude, rather than building upon the shared experience of children being together within one community (Pashler et al., 2008). Although difference may exist, particularly between genders and different backgrounds, these are minor compared to similarities and can be readily incorporated by changing the learning environment and teaching style. The majority of children experience traditional schooling with content and processes divided into academic subjects and sometimes with progressive methods which seek to teach skills and competencies in anticipation of future needs. The use of critical thinking or methodology within discrete subjects and lessons, tends to tie these skills and attitudes within those frameworks that is to remain connected to particular content. The goal is to teach processes to be transferable for exploring content meaningfully. For example, descriptions and statistics help provide new perspectives on demographics which after analysis can be expressed again as content, for example as a visual design or theatre. Calls for a stronger arts subject focus ignores that numeracy, literacy and cognitive skills similarly underpin human expression and original thought. Hence calls for more funding for the arts and diversified strategies as popularised by Sir Ken Robinson's TED talk (2007) which garnered almost 50 million views on the internet, is distracting as it is simply a panacea for an ill school system. An existentialist philosophy which provides a highly personalised curriculum allows for individual learners to

construct their own meaning and identity. However, this may only suit a wealthy elite seeking alternative individualist education, unlikely to fulfil the financial and political requirements of governments worldwide.

Critical pedagogy has an opportunity for resurgence not only because of economic circumstances post-GFC and leftist 'Occupy' movements demonstrating their dissatisfaction with the status quo, but also due to the cultural lament for loss of childhood and community. Adorno (1944), parallels Korczak, in giving early warnings about corporations "drowning out democracy in pursuit of profit", both predicted that the same economic growth which is required to make a more just and equitable possibility also serves to enslave masses into materialism and conformity. The GINI index, a measure of inequality of wealth amongst a country's residents, demonstrates the global trends of nation's becoming wealthier but more inequitable, as a small percentage seize power and dominate over the majority. Coupled with the mass consumption of entertainment as content is devoured at unprecedented rates, including increasing exposure of children to sexualisation and violence, has become the hallmark of a Western childhood (Giroux, 2001). Adorno and his peers at the Frankfurt school fell out of favour with their pessimistic views, but as old issues rise up amongst changes in power dynamics a view beyond positivism by returning to a critical mode of pedagogy seems warranted. The totalitarianism is now one of corporations, Apple, Amazon, Google and Facebook using preferences and personal data to lead the unwary public towards convention and "most clicked" norms. An ability to use critical reflection on technology and the information it provides is as essential as the classics were to Romanticism. Alternative education has long criticized traditional views demanding critical pedagogy for democratic, pluralistic outcomes (Giroux, 2012). However, the reproach continues to be that academics and philosophers are far removed from the everyday life of teachers and students, making what is said difficult to interpret and translate into meaningful change.

> "No pedagogy which is truly liberating can remain distant from the oppressed by treating them as unfortunates and by presenting for their emulation models from among the oppressors. The oppressed must be their own example in the struggle for their redemption" (Freire, 1970, p. 54).

Critical pedagogy stems largely from Freire's (1970) ground breaking publication "Pedagogy of the Oppressed". The issue with this form of education in seeking out experiences of oppression and calling for social action is that it has a tendency towards rhetoric and identification of oneself as a victim rather than a perpetrator. The danger is that the teacher and school becomes a vessel of propagating ideology – as was the case that emerged in West and East Germany in defining the different perpetrators of suffering upon the Germans as the major victims of World War II. We are reminded that this is not a historical remnant, providing Mamdani's account of Rwandan genocide where "victim becomes killer" (Moeller, 2005). This is an extreme illustration but parallels what has been reported by NGOs working with disadvantaged and marginalised groups in rights' based education. That is the tendency of the groups to see victim and offender as two completely separate categories, increasing stereotypes and segregation. Thus the troubling tendency of the "victim" group in claiming their place as rights' holders with the backing of an international organisation going on to perpetuate similar wrongdoings against the previous

oppressors. Conflict and war create situations where ordinary citizens distance themselves from the immorality of their actions, so what can be expected from the children witness to public violence. Whether it be the Maidon in Kiev, Gaza in Israel, Mombasa in Kenya or Michigan in the United States, violent conflict is more present today than any other time in history. Although not specifically stated in the Convention, the education of rights must involve responsibilities that is the obligations involved, as others are rights holders also and this must be also respected.

Whereas the trauma children experience directly from military and political conflict in areas such as Palestine is well documented and cannot be downplayed, almost regardless of geographic location, many children are subjugated and exposed to some form of violence whether through the media or the adults around them (Baker, Shalhoub-Kevorkian, 1999). To break out of this tit-for-tat game plays, rights' based education must begin not only in reparation of conflict but prior to, as an inherent part of all children's early experiences to include rights and respect for the rights of others. Within the school context, particularly in wealthy countries, great care must be taken not to mislead children into over-identifying with another's suffering by an easily added "me too".

The Articles of the CRC can be generalised as falling into 3 main areas: Protection, Provision and Participation, which as discussed above, child participation is the least implemented and understood, heavily related to adult selection and approval (Woollcombe, 1998). Unfortunately, visibility of children is often tokenistic and rarely above a public relations exercise not even equated with participation let alone having children's voices heard, respected and making a real impact on policy making. UNICEF itself only changed its own philosophy to fully recognize the CRC underpinning a rights based approach in 1996 and in terms of Article 12, the promotion of a participatory approach for children as direct beneficiaries and rights based education has appeared a decade later (Cream Wright, Ndong-Jatta, 2007). Most education systems and models such as UNICEF's Child Friendly Schools are designed to address issues of provision and protection with the objective of improving access to quality education.

Hannah Arendt (1958) cautioned about the delicate balance between autonomy and vulnerability, of a world which is anchored in the past but politicizes education and children without allowing for them to act in transformation to the new. However, far from viewing children as future citizens with only potential or advocating for a "Lord of the Flies" child autonomy, both Arendt and Korczak's utopia are pleas for a better world via the obligations of adults where children were viewed as valued and humans with rights and opinions in the present. This philosophy is echoed by Kotrane (2010), as the vice president of the UN Committee on the Rights of the Child, he observes that the right of children to express themselves is a summation of all the other rights. It is interesting to note that he made this observation prior to his election to the Committee and then, as the Vice President of the Committee, changed his position in recognising Article 42, the dissemination of information and rights education for adults and children alike, as the most significant contribution of the CRC. His change of position reflects the ongoing tension between legislature and education, with most child rights and protection workers coming from a legal or social work perspective, and schools working directly with children under a hierarchal inherited framework. Kotrane (2012) states that rights are going to be of no use unless people know about them and describes this Article as both "a legal norm and

a pedagogical tool" which States should be using to ensure that adults and children are both informed of the Convention and to help children learn about their rights.

To date many rights based education programs follow Elliot's anti-racism training format, as discrete short courses and often attached to development projects. This is a Band-Aid application, predominantly implemented for adults in response to specific issues or threats which create an egocentric view of the beneficiaries as victims needing to claim rights to the detriment of others. There have been some regional studies that have assessed various tools, methods and brought recommendations for establishing child participation systems across government and non-government organisations. However, there remains a significant lack of practical information and research into how to guide organisations into a systematic process for child participation especially the vulnerable children with which they work. There continues to be a 'performance' of child participation that is sporadic, tokenistic and has no effective impact on decision-making (Save the Children UK, 2010).

Restructuring of society through the teacher's power and the school as a political unit shifts aspects of power and control to a local level. Although decentralised education has been shown to be powerful community building reform as in the previous example of Poland and also in the Madrasa preschools of Kenya, it does not go far enough as a transformation. Critical theorists recognize teachers as having an integral role to play in challenging societal inequity but still maintain the teacher as the filter, that is, as giving a voice to diverse students rather than demanding the voice of the child be heard as a matter of course. With the declaration of the Convention, children are not simply the passive receivers of educational inputs but must be viewed as "political actors in their own right" (Craig, 2003). Therefore for a holistic outcome of young people able to be heard and claim their place as rights' holders whilst respecting the rights of others, education must allow for young children to begin this journey. However, teachers and schools should not subscribe to the critical pedagogy political role of holding the keys to citizenship, instead seeking to provide a safe, pluralistic space which provides shared experiences leading to self-discovery and the development of relationships (Arendt, 1958). That is, to pass through the experiences of acquiring sufficient process skills within a culturally-rich, content environment suited to their own local context connected to a global framework via the *Convention on the Rights of the Child* similar to the writings of Korczak, loyal to the child rather than a political ideology.

The only approach truly recognised as child-rights based education is one where the Convention provides the framework for curriculum and policies and is modelled through the actions of the school or program, such as the "Rights, Respect and Responsibilities – RRR" schools in the United Kingdom. Within these schools, Article 12 is consistently cited to ensure children are involved in matters that affect them and where their voice can be heard in terms of being citizens of a democratic school. Overall the program is rated as successful, but evaluation highlights the difficulty in teaching children to make connections between their rights and responsibilities, and in particular how teacher attitudes towards children and poor preparation for participatory methods result in lessons that focus on responsibilities and behaviour control. When not fully understanding children's rights themselves, adults have a tendency to revert to traditional character education and rules, which ironically does not make the best case for teaching responsibilities. When children are guided by rights, with an opportunity for exploration and cognitive provocation in

areas of self-interest, the outcomes bring an understanding of their own rights, create empathy for others and a sense of duty to act (Howe, Covell, 2010). Moral development begins in the earliest years of childhood within the family and continues through not just the socialisation of school but also within the community, thus providing years of complex experiences. It is not simply a process of learning new information or applying knowledge but close confrontation with previously held beliefs causes fundamental changes in the way a person structures their thinking and this qualitative transformation will hence influence all future decision making (Kohlberg, Hersh, 1977). Despite this, schools often baulk at the concept of moral education preferring that this remain the domain of home, church and society at large, or worse, in increasingly secular and individualistic countries, it is being actively suppressed in favour of relativism and teaching of a "mixed bag of values" without the necessary cognitive conflict that lived experiences bring. The small number of Korczak dedicated schools in Poland provide an excellent example of rights based practice embedded within family, community and religious values, and contrary to some atheistic thought, faith-based education can be a vehicle in solidarity with human rights in achieving social justice (Clark, 2014). Teachers, parents and religious leaders, rather than fearing the relinquishing of power in this respect, instead embrace a child-rights approach through the CRC have the ability to impact national education policy through each State's requirement for monitoring progress and to report on implementation of the Convention. Hence there needs to be more research and training on bridging the gap between the theory, the law and the reality of everyday teaching practice (Lundy, 2012).

As a human rights treaty, Article 12 of the *Convention on the Rights of the Child* is a "unique provision" in that it addresses the fact children are the subject of rights with legal and social status but paradoxically lacking the independence that can be enjoyed by adults. This creates an ongoing tension between a child's needs for protection and economic provision versus the sharing of power and claiming of rights. Article 12.1 recognizes the civil and political rights of children and requires that children be heard with their participation and views given serious consideration in decision-making. UNICEF declares that supporting children's participation leads to more engagement with civil society and better understanding of democratic systems in adulthood (Lansdowne, 2011).

Article 12.1 of the *Convention on the Rights of the Child* guarantees that each child capable of forming views should have the right to express these in matters affecting them, and these should be carry weight in the decision making process as per age and maturity. The second paragraph 12.2 asserts specifically that States have a duty to ensure this occurs within any judicial or administrative proceedings which will affect the child. Although the CRC enjoyed the fastest ratification of any international law, in practice it is possibly the least understood, especially since Article 12 which is to be considered a guiding principle that is the underpinning of the rest of the Convention and how it should be implemented. In the two decades that followed ratification, a great deal of legislation and policy work was undertaken and although this was not mentioned in the original CRC, the concept of "participation" emerged as a methodology for implementing Article 12. As is the nature of time and interpretation, evolution has defined the process as one of information sharing and dialogue between adults and children within an arena of mutual respect which ensures children can learn how their views impacted on outcomes (UN Committee on the Rights of the Child, 2009). This sits well with a Korczakian style which translates to

a pedagogy of respectful relationships and ongoing dialogue between adults and children especially in matters directly affecting them.

In regards to participation and the right to express an opinion, Article 12 prefaces this with giving weight in accordance with the child's age and maturity so the dilemma exists as to what extent children can exercise their rights and when as their experiences and capacity grows. This was highlighted on a global scale with the lack of involvement of children in the development of almost all National Action Plans. Save the Children UK (2010) called for Non-Government Organisations (NGOs) to make grassroots changes by promoting child participation and leadership whilst building children's capacity to become involved. Almost a decade later, the same organisation reports that despite awareness from international NGOs of the importance of having children participate there remains a lack of capacity in achieving this in practical terms and still seeking to build meaningful involvement into their program designs. The usual strategy is to involve children in key planning meetings and committee representation related to a project, which is often met by resistance from adults or is tokenistic. With limited experience in working with children in this way, a lack of systematic approach and poor attitudes, the methods employed are a self-prophecy for failure – "this won't work so it doesn't". From its knowledge of these organisations and programs, Save the Children UK acknowledges that despite the theory of incorporating children's participation there is a lack of "the long term technical and follow-up support is needed to ensure meaningful and effective child participation becomes a reality". It recommends working through existing children's structures such as schools, youth centres and orphanages, to build children's involvement into the project cycle of development.

This ambiguity about age is unnecessary as demonstrated in the involvement of kindergarten classes in the UK RRR school example and early childhood research which also shows it is clear within the family home, day care centre or preschool. The early years literature in Europe and the US since Timesweek declared the "scuola materna" of Reggio Emilia as one of the Top Ten schools in the world has provided a new vision of the capacity of infants and very young children. The key principle behind Reggio Emilia (schools for 0–6 year olds) is the view of the child as a competent person from birth with inevitable rights and a capacity for communication which is to be fostered. The use of documentation involves skilled teachers collecting children's symbolic representation in multiple forms including words, drawing, drama and sculpture and has facilitated very young children in surprising the world in their sophisticated levels of thought and expression of views in "one hundred languages" (Gandini, 1993).

The catchcry of 'capable of forming their own views' is used to discount younger children and early childhood in general by those who lack the understanding of how to listen to those views (Alderson, 2008). Adults making policy and legislative decisions within this field often lack excellent examples of children's communication such as those from the Reggio Emilia "scuola materna" or the practical skills within their own relationships with children. Although they may be momentarily challenged by the child activist, piano prodigy or computer genius, as is the case for much stereotype formation, these are viewed as exceptional individuals rather than illustrative examples of a wider capacity and this prejudices their views of the capabilities of younger children at large. The Committee on the Rights of the Child (2004) discussed early childhood as the critical period for

realising all rights. It calls for more involvement with States' Education Departments and unlike many individuals sees implementation of rights education as embedded in early childhood as part of Article 29 and "The aims of Education". Without this foundation as a starting point it is unlikely that States can formalise a comprehensive child rights agenda and continue making progress for this and future generations. The Committee stresses sharing power with young children using a participatory method with practical and real experiences of claiming their rights and undertaking responsibilities.

Early childhood is commonly acknowledged as a rapid period of development defined as between birth and 8 years of age, thus the sector encompasses early parenting support, childcare, kindergarten, school transition, first years of primary school and child health and wellbeing [NOTE 3]. Since the ground breaking study "Neurons to Neighbourhoods" there have been countless studies on early development in terms of neuroscience and the economics of investing in early childhood. Nobel Prize winning economist, James Heckman (2014) calls for early childhood investment within vulnerable groups "the earlier the better" using the Marshall quote "the greatest capital that you can invest in is human capital, and, of that, the most important component is the mother" referring not just to preschool but to enriched parenting, early interventions and family support. UNICEF (2014) has published a comprehensive multi-disciplinary study that quite simply says that investing in early childhood development is the most cost-effective ways to increase a country's skills and productivity. The most recent attempts to qualify improvement is via child wellbeing and described as three vital indicators;

- Quality of care within a child's home environment
- Access to early childhood care and education
- Overall development status of children

Children's services such as preschools and childcare centres together with families should provide the basis of everyday learning for human rights education. This does not translate into a laissez-faire approach of allowing children complete independence and autonomy, instead organisation and structures assist in learning how to develop one's identity as a rights' holder whilst learning to respect the rights of others and interdependence through belonging to a group. However, early childhood remains a specific area that continues to be marginalised by public opinion even by those working within the sector and these very organisations making it difficult to make inroads even for High Income group countries such as Poland which already has barriers to improving the quality of early childhood education and care within a child's home (Gazeta Wyborcza, 2014). Contrary to the view of interfering with a family, a more systematic approach is needed beyond financial support to parents in providing a nurturing and engaging environment form the very beginning of a child's life.

Put simply, nurturing quality care for children has for years been described as responsive and sensitive to a child's verbal and non-verbal cues. That is listening to a child express their needs and responding appropriately which includes putting into place the structures and processes that communicate family and cultural values as simple as whether a baby is held or given a toy when distressed. It seems self-evident for babies and becomes more intangible in toddler years when needs and desires between adult and child form a struggle for power and control within the relationship. Opportunities in real life to demonstrate

fair and unfair, allow children to experience the emotive effects of injustice and develop problem solving skills at an early age so as to understand more complex situations in the future. We are born with a capacity for resilience and generally, when developed well, children will display abilities for particular social and thinking skills. That is aptitudes for empathy, communication and a sense of their own identity in confidently building positive relationships. Their problem solving skills will not only provide opportunity for resourcefulness and alternative solutions gleaned from abstract thought but lead to a sense of autonomy and control. Thus this holistic nature of resilience and awakening of critical thought that builds after successfully overcoming gradually increasing challenges within the context of protective factors is essential to building a society with a sense of purpose, educational goals and positive future outlook (Zolkoski, Bullock, 2012).

This picture of resilience is highly related to risk and power structures not only amongst the "oppressed", as children remain the most disadvantaged and controlled group globally. Many modern parenting practices have not only been culturally transmitted through a Western model but modified and amplified through psychology, books, nursing services and now of course internet forums and blogs. Children's social competence and emotional adaptability is related to maternal expression of positive emotion. Second to the protective factors offered by the family, the school environment is an important element given the amount of time a child spends there. The type of factors that promote resilience during adversity are variable dependent on cultural context and developmental stages (Alvord, Grados, 2005). The International Resilience Project also demonstrated faith as an individual and community protective factor is more relevant in some cultures than in others (Grotberg, 1995). Hence ignoring the faith component within schooling creates a cultural clash dividing home and school structures, as occurs within the secularising models of education from Europe and North America.

Enlightenment thinkers such as Rosseau which influenced the behaviourist development approach of Piaget continue to have a huge sway on not only early childhood services but also parenting, readily seen by the "gold star" reward approach. Parents perpetuate a culture of compliance and constraint from birth. Using unnecessary dummies/pacifiers, controlled crying techniques in over-scheduled feeding and sleeping routines, containers such as car seats and prams to restrict movement urges and electronics to distract from conflict in relationships (Lally, Lerner, Lurie-Hurvitz, 2001). Although these techniques are often described in developmental stages and supposed to be underpinned by observation of the 'natural' child, in reality, parents, child care workers and teachers are too busy to make these individual observations. The adults surrounding young children send very strong messages in their words and actions about their views of children and expectations for them which consequently are internalised by the child (MacNaughton, 2003).

However, these behaviourist theories should not all be negatively discounted as they have formed the basis of "following the child's lead" and play as learning within early childhood education have led to the "discovery" of child rights as interpreted by Reggio Emilia, However, as useful as this has been, the seductiveness of an aesthetic approach such as Reggio which emphasizes children being different should not overshadow the universality of the rights of every child with quality relationships and wellbeing at the core. Excellent practices promoted by child specialists such as Pikler and Gerber (2002), demonstrate the reciprocal dance that is required between infant and caregiver to create

a relationship of respect and trust and provide us with current examples of a Korczakian philosophy [NOTE 4]. Thus the concept of careful observation, critical reflection and the "view of the child" has had over two decades to develop in the early childhood sector. In countries such as Australia, teacher education courses have often included study of various philosophies and encouraged teachers to make a value judgement based on their own beliefs, research and the cultural context of their work (MacNaughton, 2003). That being said teaching occurs within a social and political sphere whether a teacher consciously reflects on their own ideology or does not. However, with the rise of national early childhood policy, such as standardised testing in the Netherlands or constructivist philosophy in the Australian framework, in reality this pre-set direction leaves teachers in a vacuum of self-directed review or pulled along by the tide, both ending in conflict and dissatisfaction, creating a hotchpotch of strategies even within the smallest of teaching teams. Disorganisation and confused direction by the adults as demonstrated creates a stressful environment for children. That is not to suggest that the over-controlled and regulated "helicopter" style of parenting is the remedy. Emerging research suggests that although the negative effects of stress and toxic environments on early brain development are well documented there is a silver lining to a certain amount of unpredictability and hence risk is necessary for the development of adaptability which is a crucial component of resilience. In its early stages scientifically, the call is to examine more closely this mechanism and its role in developing better coping strategies in challenging situations (Gapp et al., 2014). Resilience can be defined as the ability to be allowed to make mistakes, overcome challenges and rebound. Self-esteem, praise and positivity culture which has spread globally through mass media avoids suffering and seeks only instant reward and pleasurable activities. Growth and development arrives through change and challenge which although traumatic at the time, a subsequent nurturing environment which does not completely remove the effects instead provides opportunity for children to recover and reflect. Repeated over time, failure and difficulty becomes seen as not unsurmountable and in fact a required element of success and a normal life. This does not arrive as news for practitioners and action researchers who in their work with children, families and communities, have spent the past decade increasingly resisting the sanitising of childhood. A phenomenon of increasing wealth, smaller families with older parents and a litigation culture, has brought an obsession with safety and rather than fostering a balanced risk averse attitude, it has seen a demand of risk free environments.

What Holocaust education has demonstrated is not to shy away from difficult topics even in regards to young children even if this involves taking risks and challenging the notion that all children are innocent, to be protected from their lived realities. As with most of Europe, increasing diversity and economic challenges impact on service providers and increase intolerance, discrimination and racial violence not only towards incoming migrants but also towards minority groups already residing within the country such as those with disabilities and this makes children especially vulnerable (United Nations, 2003). Thus Rights education can be viewed as Peace Education for wellbeing as well as intervention for social ills. Governments, as well as international institutions, must be held accountable for their leadership in putting the rights and well-being of children above all other concerns. And those that fail to do so must also be held accountable (Bellamy, 2001 p. 4). By ignoring early and even middle childhood, policy makers fail to realise that

children arriving in their age of youth are not 'empty buckets' waiting to be filled with the knowledge and skills for citizenship. Critical theory describes itself as liberating humans from that which enslaves them so it is useful for parents and families to move beyond the idea that their own children are not inherently their possessions or part of them, but have rights as people and this at times makes it seem that a child's voice is the most difficult to hear. The Vice President of the Committee on Rights of the Child poses this question as he summarises the global ambivalence to rights of children. In reality, in no other time of history have children rights been so debated and at the same time neglected (Kotrane, 2012). This applies even more so for the Convention's "sorest point" Article 12 which is largely ignored, not only by States world-wide but also is fairly limited in its implementation even within organisations and communities which claim to champion child rights. Hence it would be recommended that further investigation is given to the pedagogical philosophy of Korczak (as a process and beyond content as a historical figure) and its application within a broad system for schools in developing other opportunities for rights' based education. A child-rights based framework for all children, taking inspiration from a practitioner such as Janusz Korczak who dedicated himself to children and formulated much of his philosophy under extreme circumstances of war, discrimination and starvation, serves as an ideal role model for people striving to work with children in difficult and challenging circumstances. In putting rights into practice, activities can be basically categorised as the following; Monitor, Report, Litigate, Campaign and Connect. The examples of practice related to the philosophy of Janusz Korczak, have achieved these aims especially through establishing relationship based programs (social pedagogy), children's parliaments, courts and public representation forums. As UNICEF advocates, these categories of activities dynamically encourage children to make decisions about their own health, manage institutions which they are a fundamental part of, develop their own projects, support peers and evaluate services for younger children and publicise their citizenship at national events. Furthermore, there are emerging trends of children and young people advocating for their rights and the rights of others in campaigns, using media to raise awareness and lobby for policy change.

Most countries more than ever, need education to enhance innovation and problem solving to secure a position in the "knowledge economy" and avoid slipping backwards. Twenty five years of undertaking global education reforms, child rights and early childhood in particular still stand out as neglected and improvement is essential to move forward in all other areas. Most countries that have made substantial inroads into other areas of children's rights, find themselves at the point of needing to attach the overlooked aspect of children's voices to the vehicle of education. That is, embed Article 12 into any successful school reform as specified in Article 42 and give the rights based approach some momentum. The child rights approach must start from the very beginning and seek improvement in home environments, local community and the early childhood sector,

As is the case in many States, a certain resistance to the implementation of child rights especially the right of children's expression and participation, has come from a perception that this threatens family and even some religious beliefs and cultural traditions. The tension between family, religion and State must be resolved for progress to be made in early childhood, child rights and the overall state of education and wellbeing. Expanding good examples of school, community and home based programmes that are already in place

means that intervention is not just imposed from top down structural reform but rather a participatory, inclusive process which shares power with children and families whilst building capacity in communities.

If subscribed to post-modernism and critical pedagogy, then there must be a new path which seeks reconciliation with "other" values and ideals beyond the rationalism and logical thought of the Enlightenment. To enable the next generation to become effective at conflict resolution and decision making processes to change not only their local communities but also the international arena, young adults must have the confidence and competencies required for dialogue, participation and leadership thus there needs to be a series of active engagement and experiences of ever increasing complexity during childhood and adolescence. The use of a rights based approach within education and other children's services is a way to inspire children and young people into engaging further with their school and improving the quality of their learning. These steps would be in line with the vision of Janusz Korczak, that is enabling children to express themselves and have their views heard and respected in the home, in the school and in the community from an early age will enhance their sense of belonging – and readiness to take responsibility. A "Korcak" revival comes at just the right time to inspire momentum within child rights and ensure that it becomes a reality lived by children right now. A new age of plurality that is unifying rather than homogenizing, not blind to inequity or afraid of being critical, but beyond pessimism and despair, it finds inspiration as Korczak did, in joy, faith and above all, hope for a better world.

Children are not people of tomorrow,
but are people of today…

Janusz Korczak, 1926

Notes:

Note [1] Author's own translation, traditional Polish saying.

Note [2] Pupil (n.d) from http://www.merriam-webster.com/dictionary/pupil retrieved 23 November 2014.

Note [3] World Bank and World Health Organisation both cite this as their definition of early childhood on their websites.

Note [4] That Emmi Pikler was influenced by Korczak in her work as a paediatrician restructuring a post-war orphanage in Hungary is the author's own subjective correlation based on similarities between philosophy and likely exposure of Pikler to Korczak's pre-War writing and reputation. It is currently being researched as part of an unpublished doctoral thesis. Pikler was the mentor of Magda Gerber, who brought the approach to the US.

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