




Early Childhood Matters

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Critical thinking

Bernard van Leer  Foundation

The Convention on the Rights of the Child

Fostering critical thinking as an aim of education

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Jaap Doek is chairperson of the UN Committee on the Rights of the Child. He is Professor of Family and Juvenile Law and Director of the Office of International Relations at the Vrije Universiteit Amsterdam. He is also a deputy juvenile court judge at the District Court in The Hague. Professor Doek is a distinguished member of the European Law Faculties Association and founding member of Defence for Children International (Geneva) and the International Society for Prevention of Child Abuse. In this article, he discusses the processes that help to translate the right to education as defined in the Convention on the Rights of the Child (CRC) into holistic and inclusive education that aims to realise the potential in all children. Within that broad vision, he shows how quality education that includes critical thinking can be argued for, using the various instruments that have been developed to support the implementation of the CRC.

Education has been recognised as a right in numerous human rights instruments, including the Convention on the Rights of the Child. These instruments clarify the nature and the aims of the education that is the object of this right; and one aim of education thus defined is to foster among children the ability to think critically.

Article 28 of the Convention on the Rights of the Child confirms that every child has the right to education and that this right should be progressively achieved through, among other means, compulsory and free primary schooling.¹

A World Fit for Children, the outcome document of the United Nations General Assembly Special

Session on Children, held in New York on 8-10 May 2002, builds on this. Thus, paragraph 7(5) of the Declaration that opens the document contains the affirmation that 'All girls and boys must have access to and complete primary education that is free, compulsory and of good quality as a cornerstone of an inclusive basic education.'²

The document refers to education more than 60 times as a right of children, a duty of states, a means of escaping poverty and gaining a viable livelihood, a way of acquiring essential life skills and so on. The core of the document is a Plan of Action that resulted from more than two years of consensus-building.

A world fit for children is one in which all children get the best possible start in life and have access to a quality basic education... and in which all children, including adolescents, have ample opportunity to develop their individual capacities in a safe and supportive environment. We [the 'States parties'] will promote the physical, psychological, spiritual, social, emotional, cognitive and cultural development of children as a matter of national and global priority. (*A World Fit for Children*)

The Plan of Action lays out four key priorities for children, one of which is the provision of 'quality education'. Clarification on the nature of this quality education can be found in Article 29 of the Convention on the Rights of the Child. Within the Convention, Article 29 represents the central record of the aims of education recognised by the States parties. It declares that the education of the child should be 'directed' to:

- * the development of the child's personality, talents and mental and physical abilities to their fullest potential;
- * the development of respect for human rights and fundamental freedoms ... ;
- * the development of respect for the child's ... cultural identity, language and values ... and for civilisations different from his or her own;
- * 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;
- * the development of respect for the natural environment.

These aims have been further elucidated by the Committee on the Rights of the Child, the United Nations treaty-monitoring body for the Convention. In 2001, the Committee adopted General Comment No. 1 on the Convention³ which elaborates in paragraph 2 on the aims of education as enshrined in Article 29, which

... insists upon the need for education to be child-centred, child-friendly and empowering ... The education to which every child has a right is one designed to provide the child with life skills, to strengthen the child's capacity to enjoy the full range of human rights and to promote a culture which is infused by appropriate human rights values. The goal is to empower the child by developing her or his skills, learning and other capacities, human dignity, self-esteem and self-confidence. 'Education' in this context goes far beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society.

Paragraph 3 of the General Comment amplifies on the content of the education to which every child has a right.

The child's right to education is not only a matter of access [Article 28] but also of content. An education with its contents firmly rooted in the values of Article 29 (1) is for every child an

indispensable tool for her or his efforts to achieve in the course of her or his life a balanced, human rights-friendly response to ... challenges ...

Children are confronted with many challenges in life. According to paragraph 3:

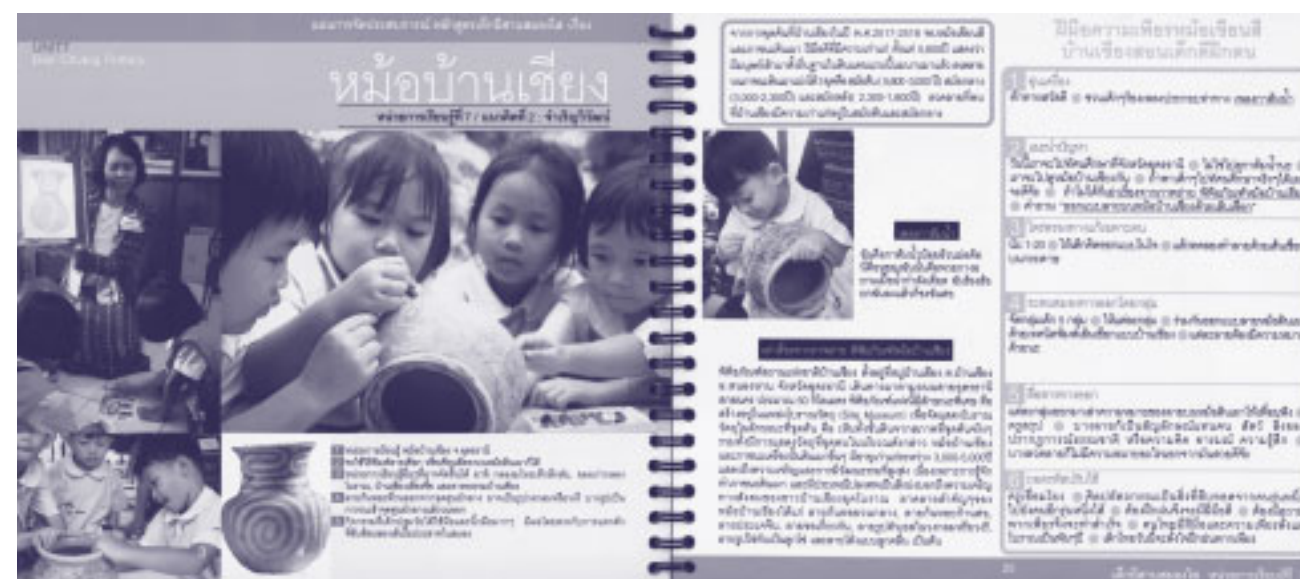
Such challenges include the tensions between ... the global and the local; the individual and the collective; tradition and modernity; long- and short-term considerations; competition and equality of opportunity; the expansion of knowledge and the capacity to assimilate it; and the spiritual and the material.

These messages are confirmed and expanded in paragraph 9:

Education must also be aimed at ensuring that essential life skills are learnt by every child and that no child leaves school without being equipped to face the challenges that he or she can expect to be confronted with in life. Basic skills include not only literacy and numeracy but also life skills such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents, and other abilities which give children the tools needed to pursue their options in life.

One aim of education, within the sense of the Convention as interpreted through General Comment No. 1, is therefore to support children in dealing with the 'challenges' they face by helping them develop 'life skills' so that they can 'pursue their options in life'. These skills include 'the ability to make well-balanced decisions', 'critical thinking' and 'creative talents'. Through education, young children should be enabled to learn to think creatively and acquire the reasoning skills they need so they can make judicious choices about the issues that are important in their lives. The ultimate goal is to assist the child in achieving the experience of 'a full and satisfying life within society'.

General Comments are widely regarded as useful contributions to the understanding of the relevant human rights instruments and as authoritative



Education should aim at promoting a set of skills in children such as self-esteem, assertiveness and problem resolution

interpretations of the rights in question. Indeed, they have been employed by non-governmental organisations and rights advocates in litigation in the national courts of States parties, and tribunals in many countries have acknowledged their juridical value as evidence of the intentions and meanings of the instruments.⁴

In addition to General Comment No. 1, there are other instruments that could be brought to bear to argue for the existence of a linkage between the right to education and a duty to supply children with instruction that fosters life skills and the ability to think critically.

Besides providing authoritative interpretations of the articles of the Convention, the independent experts who compose the Committee on the Rights of the Child also review the progress and monitor the compliance of States parties with regard to their obligations under the Convention. To accomplish this, the Committee employs a human rights monitoring system based on a periodic reporting procedure and the use of relevant information available through UN agencies and other sources. This sort of system is common to all UN human rights treaty bodies.

In the case of the Convention on the Rights of the Child, paragraphs 1 and 2 of Article 44 set forth the responsibilities involved in the reporting system, as follows:

1. States parties undertake to submit to the Committee, through the Secretary General of the United Nations, reports on the measures they have adopted which give effect to the rights recognised herein and on the progress made on the enjoyment of those rights: (a) Within two years of the entry into force of the Convention for the State party concerned; (b) Thereafter every five years.
2. Reports made under the present article [Article 44] shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

For states, the preparation of the initial and periodic reports should, in theory, represent an opportunity to conduct a comprehensive review of national law, policy and practice, and make improvements where necessary, as shown in the following examples.⁵

The State Party Report of Canada (28 July 1994):

The development of the child's full potential is the goal of Saskatchewan's Core Curriculum... which emphasise[s] general skills, values and attitudes which apply to all areas. These include such subjects as communication, numeracy, technological knowledge, independent learning, social skills and creative and critical thinking. (paragraph 578)

The State Party Report of Trinidad and Tobago (17 June 1996):

The major objectives identified in the 1985-1990 Educational Plan are to: (a) Encourage mature and critical thinking; ... (c) Encourage responsible and self-generated action ... (paragraph 132)

The State Party Report of South Africa (22 May 1999):

Curriculum 2005 will be phased in between 1998 and 2005. It makes provision for eight learning areas... Life Skills Education is aimed at

promoting self-esteem, assertiveness, decision-making, problem solving, conflict resolution and negotiation skills in children. These are intended to empower children to deal with, inter alia, issues of sexuality, substance abuse, stress management, discrimination and health and safe living. Curriculum 2005 follows an outcomes-based approach which implies, amongst other things, that learners should also give evidence of what they are able to do, and not only of what they know, and to make use of their rights to freedom of expression and thought. (paragraph 407)

The Committee and government representatives of each of the States parties consider the relevant reports at Committee sessions. Based on this dialogue, the Committee publishes 'concluding observations' on each report and specific references to critical thinking can be found. For the Committee, the examination of the reports represents an opportunity to highlight non-compliance with treaty obligations, and the resulting exposure should encourage the states to inaugurate change. The following example was applied in substantially the same form across a number of States Party Reports:

The Committee recommends that the State party, taking into account the Committee's General Comment No. 1 on the aims of education: (a) Undertake a process of curriculum and teaching methodology reform – with the full participation of children – which stresses the importance of critical thinking and problem-solving skills development; (b) Direct education towards the development of the child's personality, talents and mental and physical abilities to their fullest potential ...

Critical thinking and quality education: the way forward

Education, as understood in the instruments discussed here, means 'quality education'. By that is meant holistic and inclusive education that aims to develop the potential in every child to the full. Within this, one objective is – as already mentioned – to support children in dealing with the challenges they face by helping them

develop skills such as critical thinking and the ability to make well-balanced decisions.

For its part, the Committee on the Rights of the Child uses General Comments to inform, mobilise and remind governments of their obligations under Article 29 of the Convention. But the comments of the Committee often suggest that there is a need to raise the awareness of teachers, parents, education authorities, government policy-makers and others likely to play a role in improving an education system. As this article should have made clear, the instruments provide a great deal of supportive material to help in that task; and, given that states attach great importance to education, it ought to be possible to advocate for an education that fosters critical thinking among children beginning at an early age.

Early childhood development programmes can gainfully use Article 29 and General Comment No 1 on the aims of education as a guide to establish a system of education that enhances the development of a child's talents and abilities to the fullest, so that the child is prepared to lead a responsible life in a free society. Such development is at the very heart of a child's right to education. As enunciated in General Comment No 1, paragraph 12:

... Article 29 (1) insists upon a holistic approach to education which ensures that the educational opportunities made available reflect an appropriate balance between promoting the physical, mental, spiritual and emotional aspects of education, the intellectual, social and practical dimensions, and the childhood and lifelong aspects. The overall objective of education is to maximise the child's ability and opportunity to participate fully and responsibly in a free society.

Notes

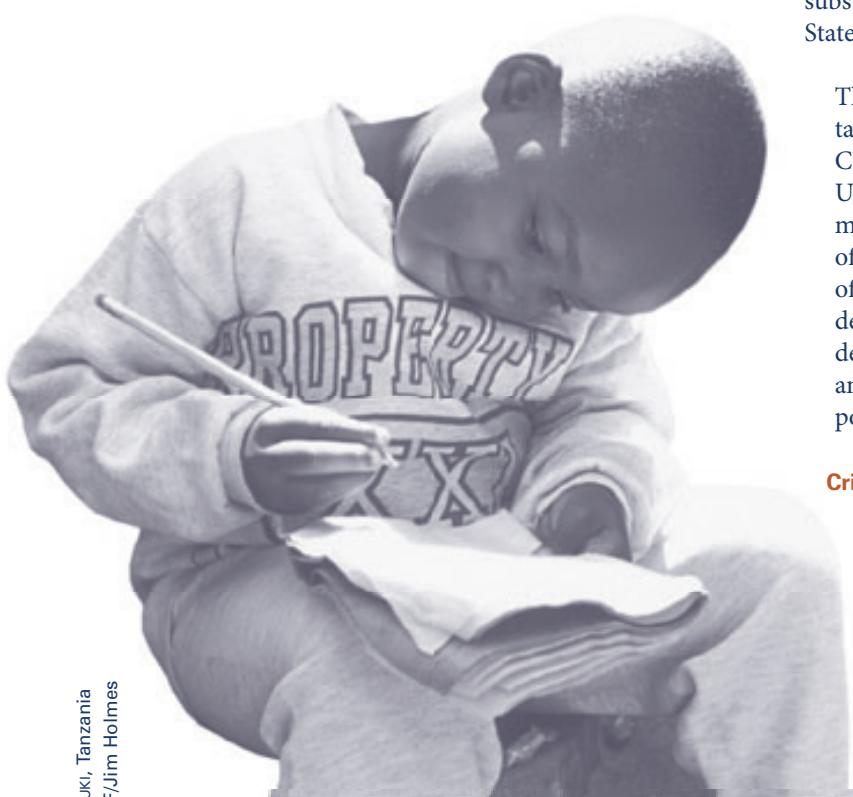
1. The Convention, adopted by the UN General Assembly on 20 November 1989, has been ratified by 192 States parties, making it the most widely ratified of the international human rights instruments.
2. *A World Fit for Children*, approved at the special session on 10 May 2002, was adopted by 180 nations.
3. A General Comment is a formal statement in which a treaty body (in this case, the Committee on

the Rights of the Child) explains and interprets the specific content of an instrument.

4. A particularly rich example is offered by the 'General Comments of the Human Rights Committee under the International Covenant on Civil and Political Rights'. National court decisions citing the interpretations contained in these General Comments are numerous throughout the world.
5. The reports and concluding observations mentioned here and following can be examined on the Treaty Body Database of the Office of the High Commissioner for Human Rights, at www.unhchr.ch/tbs/doc.nsf.

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