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## **The category of children's rights in the reflection of academic didactics**

### KEYWORDS

education for children's rights,  
academic didactics, human  
rights, teacher

### ABSTRACT

This paper concerns the place and meaning of a new category of children's rights, which also finds its place in the area of interest of academic didactics. The current approach to human rights in schooling is basically normative, thus, the present academic didactics is challenged to prepare students of education – and teaching – related faculties to confront the issues in the field of children's rights at work in a professional manner. The paper illustrates an author's concept of didactics in terms of education to children's rights at higher schools which was elaborated based of the research on the didactic aspects of children's rights education for teachers and educationists on the academic level. The following issues were put in question and served as a basis for specific approaches to academic didactics in terms of education on children's rights: an essence and need for inclusion of content related to children's rights in academic learning practice, didactic tools at teacher's disposal and their role in education for children's rights. On the one hand, the paper presents a discussion on the professional preparation of teachers and educationists to face challenges related to protection and promotion of children's rights within educational environments. On the other hand, it includes an attempt to merge the discrepancy between theory and practice in this field.

Adam Mickiewicz University Press, pp. 109-116  
ISSN 2300-0422. DOI 10.14746/kse.2018.14.10

Among current academic and research challenges and educational practices concerning modern didactics, a new research area connected with the category of children's rights is emerging. Looking for sources and points of penetration of this category into didactic thought, we must indicate in the first place the common phenomenon of normativisation of various spheres of social life, including space related to human education. Positive law is beginning to determine the spheres of social life that have been legally indifferent until now. The inflation of law, which is particularly visible in the sphere of education law, the complexity of legal provisions and the vagueness of standards derived from them for educational practice often leads to the situation of "normative loss" felt among teachers and pedagogues. The sense of absence in the field of cognitive components and practical skills of using the knowledge of law as a basis of orientation for pedagogical and didactic activities being undertaken is a characteristic feature of many entities of the education system in Poland. Consequently, the teacher and the pedagogue, often having insufficient declarative knowledge regarding the areas of their pedagogical competences and normative obligations, undertakes activities incompatible with the legal norm or fails to fulfil procedural obligations set out in positive law. In this way, also in the area of educational responsibility of their pupils, he runs the risk of bearing negative pedagogical and legal consequences.

My experiences regarding co-operation with teachers within the scope of training courses, workshops and legal supervisions clearly illustrates similar situations. By failing to secure himself in the legal sense and to fulfil his rights and obligations in an extremely normativised educational reality, the teacher becomes exposed to consequences, including penal ones, resulting from legal provisions, but he is not able to protect the rights of his pupils appropriately in this difficult situation. The characteristics and course of processes of normative socialisation of the child clearly indicate that in the phase of secondary socialisation it is mainly the teacher and the level of his legal awareness and normative competences translating into didactic-educational situations is the basic channel of the law learning process. Here, it is worth quoting the words of Professor J. Utrat-Milecki, who emphasised that "children learn the law through experience. They learn equality by seeing how their form mistress treats them in the classroom, not on the basis of the dogmatic analysis of legal provisions. The same goes for the right to express opinions and respect others' dignity. We teach children to a larger extent with our own example than by dictating norms and writing standards on tables, which does not mean that the latter is not valuable" (Utrat-Milecki 2012, p. 140).

The following paper is a message from my own research conducted in the field of didactic aspects of the problems of children's rights and legal-normative compe-

tences of teachers and pedagogues. As a part of this research, I made an attempt to describe didactic aspects of processes of teaching and learning human rights/children's rights in schools of higher education aimed at ordering the system of general knowledge about a specific part of educational reality: teaching future teachers and pedagogues about children's rights.<sup>1</sup>

## **The category of children's rights – towards didactic reflection**

Being aware of the normative context of educational reality, we can derive specific conclusions and postulates for didactic practice and theory. Children's rights are becoming a didactic challenge when the analysis covers the provisions of educational law and international law concerning the subject of teaching human rights and children's rights in schools. This analysis illustrates a certain paradox: the issues of protection, promotion and education with regard to children's rights should be present in the Polish education system.<sup>2</sup> In this context, one of the primary tasks of school is to convey knowledge about human rights, children's rights and pupils' rights. The direct performance of these tasks fulfils, e.g., the right to information, which is one of children's fundamental rights in the education system. The right to information about human rights to which the child is entitled is a special type of this right (Kozak 2014, p. 48).

Among primary legal acts, it is necessary to mention, starting from the Constitution, the Act on the Education System and Implementing Regulations, documents in the field of international law, i.e.: Article 42 of the Convention on the Rights of the Child, Recommendations of the Council of Europe regarding the European Strategy for Children, and numerous Recommendations of the Committee of Ministers of the Council of Europe regarding teaching on human rights (cf. Kuztal 2018, pp. 158-168). A specific analysis of the above legal provisions helps to put forward the thesis about the need for the professional preparation of teachers and pedagogues not only with regard to children's rights/human rights, but also their didactic implications for educational practice<sup>3</sup>.

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<sup>1</sup> Research has been published in: M. Kozak, *Edukacja na rzecz praw dziecka w szkole wyższej. Zarys dydaktyki szczegółowej* [Education on children's rights at a school of higher education. An outline of specific didactics], Impuls, Kraków 2014.

<sup>2</sup> On the initiative of the Council of Europe, issues of human rights have been included in compulsory education programmes in individual Member States for more than 27 years.

<sup>3</sup> For a detailed analysis of national and international legislation with regard to education on children's rights in schools, see: *Ibidem*, pp. 47-54.

The teacher should not only show, respect and promote the idea of human rights in his work – the provisions of law also impose the obligation of professional teaching with regard to children's rights upon him. Teaching in the field of human rights must have its specific methodology, which is very different from specific subject didactics. However, detailed analyses of legal provisions concerning the education of teachers and pedagogues do not contain any guidelines in aspects of knowledge, skills or personality components in the area of educational aspects of children's rights as well as didactic assumptions. Moreover, the analysis of programme offers of schools of higher education conducting the professional preparation of teachers and pedagogues clearly shows that this subject area is undertaken very rarely (cf. op.cit.). Research projects being run in this area help us to put forward the thesis that students of pedagogical and teaching fields do not participate in processes of education on children's rights in the school of higher education, which, after all, should be propedeutical for their activities regarding education about children's rights undertaken in schools. The complete fulfilment of children's right to education is possible only when, during his professional training, the teacher receives professional preparation also in the area concerning children's rights and human rights and the detailed methodology of teaching on these rights at school.

The surveys conducted by the Education Information Network in Europe (Eurydice) clearly indicate that, although educational subjects regarding human rights are included in official curricula, they are an element of the teacher education process only in selected states (*Eurydice, Citizenship education at school in Europe*, 2005). It is difficult not to ask at this point: if a teacher/pedagogue was not educated on children's rights in processes of his own educational experiences and pedagogical preparation, how can he later undertake challenges related to education within this scope and the protection of rights of his pupils in his professional work? Where should he seek didactic knowledge in the field of education on human rights since these contents are not included in the process of education of future teachers and pedagogues?

It is worth stressing that the problem of teaching about human rights at school can become an element of the system of professional improvement of teachers and pedagogues. We can also refer to a few publications addressed to teachers in this respect that are available as a part of the European literature of the subject (*Eurydice, Citizenship education at school in Europe*, 2005). A detailed analysis of these publications indicates their specific feature that can be defined after Professor Klus-Stańska as the "narrow methodicalness of the teacher's thought" (Klus-Stańska 2011, p. 153). It manifests itself in the instrumental treatment of the

above issues in the aspect of the apparent ease of applying ready models and conceptuses for educational practice, without any broader reflection in the aspect of personality components connected with the idea of teaching on human rights and the development of practical skills regarding the protection of children's rights. There seems to be an assumption that concrete contents of education on children's rights can be easily applied to educational practice and the teacher is prepared "beforehand" for their substantive and didactic analyses, that standards regarding children's rights are internalised by him and grasped as a whole and constitute the teacher's personal experience. In other words, it is assumed that the teacher/pedagogue was the subject of education on children's rights during his professional preparation or improvement. Unfortunately, this assumption is not always reflected in practice.

### **Education on children's rights in schools of higher education – understanding of concepts**

At this point, describing the new term: **education on children's rights** and entering it into pedagogical language seems to be necessary and justified for at least three reasons in the course of analyses being undertaken. For the clarity of reasoning, it is important:

- to specify that pupils – participants of the school education system – are the **subject** for which educational activities are to be undertaken
- to clarify the **specific didactic dimension** of these activities
- to indicate a narrow **group of recipients** – persons directly engaged in child upbringing and education processes who are obliged in the light of positive law to respect and protect children's rights with particular care, but also to conduct education on these rights for their pupils (Kozak 2014, p. 31 et al.) – i.e., teachers and pedagogues.

Therefore, I suggest that **education on children's rights** should be understood "as formal and informal educational processes addressed to pedagogues, teachers and persons working with children that are aimed at preparing them to undertake actions regarding the protection and promotion of rights of their pupils in their professional practice, as well as for professional teaching in the field of children's rights and human rights in schools" (*Ibidem*).

The understanding of *education on children's rights* as a specific aspect of the process of educating teachers and pedagogues with regard to children's rights and the didactics of these rights shows the role and the tasks faced by teachers in con-

nection with the normative conception of the child's right to education on human rights. If we could not ascribe the subjective right to education (which is detailed in education on human rights at school) on the part of the child, there would be no obligation for the teacher to protect this right also in the sphere of didactic professionalism. Thus, the role and tasks of the pedagogue and teacher in this aspect could remain legally indifferent (*Ibidem*).

### Clarification of the place of education on children's rights in didactic reflection

However, since the requirement of professional teaching in the field of children's rights is set for the teacher, it is necessary to clarify the specific **didactics of education on children's rights**. I introduced this concept in my research and I understand it as an element of academic didactics, which I define after S. Palka as "the science of teaching and intellectual upbringing at academic schools of higher education; practising it helps to build theoretical knowledge within the above scope and to develop attitudes of practical activity at academic schools of higher education" (Palka 2007, p. 32). In this way, we can clarify the research field of this pedagogical subdiscipline, which is marked by processes of teaching and intellectual upbringing with regard to human rights, particularly children's rights. Didactic reflection will be organised by issues of goals, the content of education and upbringing, methods, measures and organisational forms, as well as the evaluation of the education process with regard to children's rights in schools of higher education.

Reflection in the field of teaching and intellectual upbringing with regard to children's rights can be treated as one of specific didactics/methodologies within the scope of academic didactics. Searching for the place of the didactics of *education on children's rights*, I locate it as the narrowest category in relation to general didactics and university didactics. Cz. Kupisiewicz treats the didactics of the school of higher education as one of the specific didactics/methodologies<sup>4</sup> within the scope of general didactics, depending on the adopted criterion of division (it can be a level of education or the theory of education of individual teaching subjects) (Kupisiewicz 2012, p. 30). In Cz. Kupisiewicz's view, specific didactics, "called also subjective didactics or methodologies of individual subjects, are the-

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<sup>4</sup> The term "specific didactics" or "methodology of the subject" is used interchangeably after Cz. Kupisiewicz, see: Cz. Kupisiewicz, *Dydaktyka. Podręcznik akademicki [Didactics. An academic handbook]*, 13<sup>th</sup> issue amended, IMPULS, Kraków 2012, p. 29

ories of teaching and learning of these subjects at primary, secondary or higher education school (*Ibidem*, p. 29). I consciously resign from defining this area as the *methodology of teaching on children's rights* in connection with the instrumental implementative tradition of this concept (cf. Klus-Stańska 2010 and 2011). This area of pedagogical reflection, clarified and included within the scope of specific didactics, has a chance to influence the change of thinking about the relationship between didactics and reflection on processes of educating teachers and pedagogues in the field of children's rights, not only to be used for applying activities for instrumental purposes.

The relationship about which I write can be illustrated on the following chart:

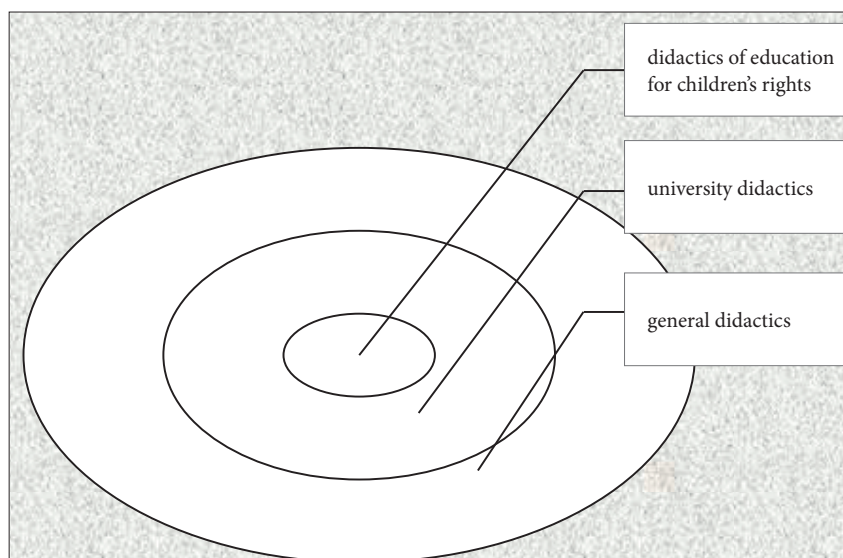


Figure 1. *The place of the didactics of education on children's rights in the context of general didactics and university didactics.*

Source: after: M. Kozak, *Edukacja na rzecz praw dziecka w szkole wyższej. Zarys dydaktyki szczegółowej* [Education on children's rights at a higher education school. An outline of specific didactics], op.cit., p. 78.

Introducing the term *didactics of education on children's rights* in the above analyses, I understand it as the **specific theory of teaching and learning of children's rights and human rights at a higher education school educating teachers and pedagogues** (Kozak 2014, p. 78). The adoption of such an interpretation of specific didactics is possible with the inclusion of the criterion of the academic discipline.

## Conclusion

This paper presents an outline of the research aimed at establishing a theoretical basis for the detailed view of a certain reflection area of university pedagogy: the category of *education on children's rights* in a higher education school educating pedagogues and teachers, which is described thoroughly in the book publication. The presented view is presumably one of the possible perspectives of understanding this area of pedagogical reality, which is connected with the subject of teaching on children's rights at school, in the didactic sphere. It is worth indicating that the created didactic project is a record of my searches and challenges connected with the reflective didactic practice with regard to educational aspects of the subject of children's rights. It is a certain kind of proposal that can spawn one's own reflective practice within this scope. In light of the provisions of educational law and international law, the treatment and understanding of children's rights as a tool in the didactic process within the scope of education or professional training of teachers and pedagogues becomes a challenge for the modern didactic reflection and the practice of education at a higher education school preparing candidates for teachers and pedagogues for the professional performance of their educational and didactic tasks.

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