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## Children's Rights and Wrongs:Lessons from Strasbourg

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Author(s): [Marie Parker-Jenkins](#) (submitting/presenting)  
 Conference: ECER 2010  
 Network: [25. Research on Children's Rights in Education](#)  
 Format: Paper

### Programme Planner

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### Session Information

#### **25 SES 08, Violence and Conflicting Rights**

Paper Session

Time: 2010-08-26  
17:15-18:45  
 Room: AUDITORIUM IV, Päärakennus / Main Building  
 Chair: Victoria Coppock

### Contribution

#### Children's Rights and Wrongs:Lessons from Strasbourg

Abstract This paper draws on my research of the European Convention of Human Rights with reference to education policy and practice. A brief historical perspective on the concept of children's rights is provided and the advocacy of a number of human rights for children. Legal principles are then explored which have direct relevance to schools and which are contained in the European Convention on Human Rights (1947). This document has been particularly useful in promoting children's rights, and discussion is framed around two stipulations, namely: "no person shall be denied the right to education" (Article 3), and in the provision of education and teaching, the state shall respect "parents' religious and philosophical convictions" (Article 2 of the First Protocol). These legal entitlements have application to recent issues in schools, specifically, the wearing of the "hijab" by Muslim girls, and the exclusion of boys due to the length of their hair. Also of importance is concern over the increase in violence in the classroom, and the extent of the "right to education" for those pupils who exhibit behaviour which compromises the right of staff and pupils to work in a safe environment. As such, "children's rights and wrongs" form the basis of discussion in the final section of the paper and the dilemma faced by school managers when presented with situations concerning "rights in conflict".\*

#### Method

Legal transcript analysis from Strasbourg, historical and legal documentation of the advocacy of human rights for children and the analysis of controversial issues common to many countries.

#### Expected Outcomes

The "right to education" is not without its limits, and aspects of school life, eg. school dress and student behaviour have been raised and litigated in Strasbourg which help demonstrate that rights are not absolute and there are occasions when "rights are in conflict" and the rights of the collective may take primacy over the rights of the individual.

#### References

PARKER-JENKINS, M (1995, 2002, 1999, 2005) THE EUROPEAN CONVENTION ON HUMAN RIGHTS RECENT LITIGATION IN UK, TURKEY, BULGARIA , IRELAND etc. CHILDREN'S RIGHTS LITERATURE, EG. WRINGE, HOLT, FARSON,

WIGGINS, RODHAM etc.

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