



# Independent Commission on Public Education

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## The Right to Education and A Safe School Environment

The right to education can only be met when students feel safe and able to express themselves in school. Human rights guarantee that school policies protect the child's right to human dignity and create an environment in which children can learn and develop to their fullest potential, without discrimination. These rights are protected in the Universal Declaration of Human Rights, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights.<sup>1</sup>

### Safety and Security Are Guaranteed When Schools Have the Resources They Need

Aggressive disciplinary measures are a response to the consequences, not the root causes of unsafe schools. When schools suffer from gross inequity, unwelcoming and degrading environments, overcrowding and understaffing, safety is compromised. The International Covenant on Civil and Political Rights guarantees that every person, including every child, "has the right to liberty and security of person."<sup>2</sup> When schools use forceful disciplinary procedures, they violate rather than enhance the rights of children. Appropriate policies to improve security, along with the resources and political will necessary to provide quality education, give schools the ability to function effectively.

*"States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity." - Articles 28 (2), Convention on the Rights of the Child*

*"Schools should foster a humane atmosphere and allow children to develop according to their evolving capacities." - UN Committee on the Rights of the Child, General Comment 1, Para. 12.*

### A Teacher Next to Every Student, Not A Cop Next to Every Student

Equitable resources, non-discrimination, appropriate counseling and quality services create a secure, child-friendly and effective learning environment. Yet many public schools in the U.S. have chosen to approach the problems facing our schools with the use of armed police officers, arbitrary and invasive searches, jail-like detention facilities on school grounds, and random drug tests, particularly impacting low income students and students of color.

In early 2004, when New York City Mayor Michael Bloomberg announced that armed police officers would be assigned to twelve of the city's public schools, he said, "If I have to put a police officer next to every kid, we'll do it." Unfortunately, he did not pledge to put a teacher next to every student in those twelve schools, which are among the most crowded and under-resourced schools in the city. We have seen the effects of policing in schools in other cities across the country. In Goose Creek, SC, for example, school officials and law enforcement arranged an early morning commando-style raid in 2003. Police with guns drawn ordered Stratford High School students to lie down in the hallways while they searched for but did not find any drugs. Aggressive disciplinary practices like these fail to address the underlying social and economic problems that hinder successful education, and contribute to a climate of fear.

<sup>1</sup> The US was a primary drafter of the Universal Declaration of Human Rights and has signed but not ratified the Convention on the Rights of the Child (only the US and Somalia have not ratified this treaty) and the International Covenant on Economic, Social and Cultural Rights. As a signatory, the US cannot violate the "object and purpose" of the covenants (see Vienna Convention on the Law of Treaties, Article 18).

<sup>2</sup> International Covenant on Civil and Political Rights (ICCPR), Article 9 (the US has signed and ratified the ICCPR and is therefore legal bound to uphold the rights contained in the covenant).

## What Must Be Done to Protect Human Rights in Schools?

<p><b><i>More Staff and Adequate Standards</i></b></p>	<p>Human rights mandate that governments establish adequate standards for “institutions, services and facilities [including schools] responsible for the care or protection of children...particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.”<sup>3</sup> Resources to hire teachers and other staff should not be distributed disparately across schools serving different racial or socio-economic conditions.</p>
<p><b><i>Protection from Harsh or Degrading Punishment</i></b></p>	<p>Human rights mandate that school discipline must be “administered in a manner consistent with the child’s human dignity”<sup>4</sup> and without discrimination. Children should not be “subjected to harsh or degrading correction or punishment measures...in schools.”<sup>5</sup> The arrest or detention of a child should be used as a last resort and “in a manner which takes into account the needs of persons of his or her age.”<sup>6</sup></p>
<p><b><i>Promote Emotional Support and Well-Being</i></b></p>	<p>Human rights mandate that school systems should “devote particular attention to the... provision of positive emotional support to young persons and the avoidance of psychological maltreatment.”<sup>7</sup> Schools should take “a holistic approach to education which ensures that the educational opportunities made available reflect an appropriate balance between... the physical, mental, spiritual, and emotional aspects of education.”<sup>8</sup></p>
<p><b><i>Promote non-violence, acceptance, and equality</i></b></p>	<p>Human rights mandate that schools should promote non-violence. “Schools should foster a humane atmosphere and allow children to develop according to their evolving capacities.”<sup>9</sup> “The school environment itself must reflect the freedom and the spirit of understanding, peace, tolerance, equality of the sexes and friendship among all people.”<sup>10</sup></p>

### The Role of Government

Under a human rights framework, governments are obliged to:

- Promote and enforce legislation that implements the right to education, including the creation of safe and friendly school environments where children are able to learn and develop.
- Guarantee equity and non-discrimination in the use of disciplinary policies and practices.
- Monitor the use of disciplinary policies and safety in schools and provide effective remedies when rights are violated.
- Ensure the effective participation of students, parents and civil society in developing disciplinary policy and creating a safe and friendly school environment.

4 CRC, Article 3 (3).

5 CRC, Article 28 (2).

6 United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), GA Res. 45/112 (1990), Para. 21(h).

7 CRC, Article 37 (b).

8 Riyadh Guidelines, Para. 21 (g).

9 UN Committee on the Rights of the Child, General Comment 1, Para. 12.

10 Ibid.