

QUALITY OF GENERAL EDUCATION AND CHILD'S RIGHTS: THE CONCEPTION AND THE TOPIC

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Abstract

Human rights and quality of general education has got political shades as well as educational. Political aspects of the human rights can be analyzed while discussing what has the priority when the conflict among social, economical, cultural and human is just interests occurs. While forming society's value system, which is based on the human rights, and legislative (that is the exact requirement for the countries, which already are or strive to become the members of the EU/ EC) importance of qualitative education is given prominence. However, the rights do not exist of themselves. Firstly, the society has to know about them. So human, and especially children's, rights have to be presented to the society and the triad of the Past- Present- Future, which is encoded in these rights, has to be revealed. The secret of this formula is that pupils have to know about the past if they want to create the future because it is the reason of the present. It is very important to be able to work here and now and to use all the possibilities when you create the future. Efficiency of implementation of the education quality and children's rights can not be dissociated from schoolteachers' competency, strategic thinking ability, preparation and provided help.

Key words: *qualitative general education (QGE), children's rights, procedural approach, human stock.*

Introduction

In the Convention of Child's Rights (CCR) (28, 29 articles) child's right to education is declared. The content of this right is revealed with reference to explanation of the concepts of *education* and *goals of education*.

Education – *every child has got the right to education and, it is obligation of the state to make sure that primary education is compulsory and free, different forms of general education are available to a child and higher education is achieved according to the level of child's aptitude. Discipline at school has to be matched with child's rights and dignity. In order to accomplish this right, the state has to co-operate with states – members (and not only).*

The goals of education – *the main goal of the education system is to guarantee and reveal child's talent, personality, mental and physical abilities and competency. Teaching and educating the child has to help him to prepare for the active life of the adult in free society and to educate respect to parents, cultural identity, language and values, and also to the traditions of other cultural traditions and the system of values¹.*

1 The Convention of Child's Rights. (2000). Vilnius: The National Committee of UNICEF, pg.18- 19.

In the presumptive concepts of this right's underlying field the strong and the weak activity spheres declared according the law are partly shown. At first it may seem, that everything here is as a matter of course and we can find everything in each school providing general education in Lithuanian Republic but as Lithuanian folklore says, "*Deeper to the forest there are more trees*".

The documents of international and national level, which declaratively guarantee the progress of economical, social and education system, is nothing more than expression of attitudes of the interested society groups. In education politics of Lithuanian Republic nowadays more attention is being shown to the quality of education. As M. Vilkonienė said (2007, p. 14), "Qualitative education is not only the main prerequisite of constant personality development but also the prerequisite of the society wealth". The quality of education in LR is regulated by most of the documents. In the Convention of Child's Rights (1989, 29 article) it is stated that: "States – Participants make an agreement that child education's goal has to be: a) to educate child's personality as thoroughly as possible <...>." In the Education Law of LR² (2003, 37 article) these regulations are stated and they show that: "The supplier of education is responsible for education quality. The state guarantees quality of formal and, partially of informal, education. According the competence, the state, the founder of school and the supplier of education form educational programs and guarantee their quality. Physical and juridical persons can initiate the refinement of the quality of the educational program if they apply to the institutions which create education programs". In article 46, it is said that "A pupil has a right to get high quality education."

But neither in this nor in any other document such concepts as *quality* (education quality or agreement about its indicators), *accessibility*, *effectiveness*, *real demand*, *conditions* (conditions to learn) are exactly determined. Without these concepts we cannot exactly declare the guarantees of the state and to define priority while increasing the principles of education availability, evaluation and integrity, and also the expression of the principled regulations which function in the sphere of child's, and human's on the whole, rights. Following this partially theoretical assumption, we can form such a **problematical question**: Doesn't expression and realization of child's right to get qualitative (thorough) general education pass with the declarative principles of the documents, which regulate education in LR? The research **object** – the realization aspects of child's right to get qualitative general education. The research **aim** – to reveal some of child's right to get qualitative general education realization aspects.

The goals:

- To reveal the conceptual relation between child's rights and general education quality on the basis of the analysis of the scientific information sources.
- To do the analysis of the contents of the documents, which regulate Lithuanian education and child's rights in the aspect of realization of child's right to get qualitative general education.

Methodology of Research

The topic, Child's rights and qualitative general education, is very wide and it joins different aspects of this problem. While doing this research we have been following the theories of quality administration and the human capital. The right to education, in this case, is named in a very wide meaning (in the meaning of procedural side) and it involves child's education and teaching in the family, preschool education, general education which lasts for the whole life and accumulation of knowledge and skills (Schultz, 1998).

The main methods of the research are: 1) analysis of the contents of the international and national level documents, which regulate child's right to education, 2) analysis of scientific information sources, 3) comparative and systemic analyses done following some of the aspects of QGE implementation.

Results of Research

The relation and topic of general education quality and child's rights

Though different conceptions of what general education quality is exist, there is no exactly determined conception of general education quality. Facts, which prove existence of misrepresentation of child's rights and general education quality conceptions are obvious, as the example proving this fact, problematical spheres of general education named in the account of the probative outer audit of school activity quality (2007) can be given. Paradoxical is that hospitality of the environment, school safety, psychological and social help and sense of school identity and pride are stronger sides of school activity, but in fact, all these sides are the aspects of social sphere. Though it is strange to say that, but influence of evaluation to the pupils, evaluation methods and their forms, effectiveness of education process to the pupils who have some special needs, the use of information obtained while evaluating the pupils are the spheres, which have to be improved. It is obvious, that the schools of Lithuania stay in the background, though it has to warrant child's right to teaching and learning. The same remarks can be found in the work account of the year 2007 given by the vice- head of Kretinga school board L. Dieliautaite. It is also seen in the accounts of NGO³, which are purveyed to the commission of UNO every five years.

The Government of Lithuanian Republic in the account of the year 2004 emphasized that in the near future the underlying expansion trends remind attempts to increase employment and to strengthen intellectual potential of the country. In the regulation of the National education strategy 2003 - 2012 year, which include all the levels of education, it is stressed that while developing Lithuanian education system these works should be done by the year 2012: 1) all the children, especially these who live in the welfare recipient families, should have the conditions to prepare for school and to start attending it; 2) the interest-bearing part of the pupils who are already fifteen but still don't reach minimal level of literacy in reading, writing, mathematics, natural and social science should decrease in half; 3) the number of youth and adults who take part in the activity of nongovernmental and social organizations should increase at least twice.

In 2004 the government of Lithuanian Republic passed a new program of implementation of teachers' work payment in order to improve teaching quality. It was started to implement in 2005 but no essential changes are seen yet. In order to find the answers at least to some of these difficult questions, we should thoroughly look at the contents of the documents, which regulate LR education and child's rights (look at table 1). After the thorough analysis of the contents of these documents, we can educe the difficulties, which are caused by the existing contradictions. Quality of general education suffers from these contradictions.

View of the documents regulating the right to education content. The most important implementation aspect of the CCR is to guarantee that all the documents of the national level are proper according all the regulations and principles of the Convention. The regulations of the Convention of Child's Rights are formulated following the other international documents⁴, such as the General Declaration of Human Rights, the Pact of International Civic and Political Rights and the Pact of International Economic, Social and Cultural Rights, main principles. There were also considered a few other declarations and conventions, e.g. The Convention of Hague and the regulations and orders of the United Nations concerning teenagers' jurisdiction; the general rules of the rendering Equal opportunities to the disabled; the regulations of the International Labour Organization and so on⁴. The CCR is the main agreement, which was ratified almost by the whole world⁵. The states, which take part in the Convention, implement the right to education "gradually" and "make the equal opportunities", some of the countries regulate the particular child's right to education in their own Constitutions or education laws (this practice is applied in our country as well). The definition of "education" involves not only education at school

3 NGO – non-governmental organization.

4 UN guide to CCR implementation. (2002). Vilnius: Efrata, p. 277- 288

5 Only two countries of the world- the USA and Somalia- didn't ratify this UN document, only signed it („Save the Children“ press-release 2004.11. 09).

Table 1. The contents of the international and national level documents which regulate child’s right to education.

| The international level document | The national level document |
|---|---|
| THE CONTENT OF AN ARTICLE | THE CONTENT OF AN ARTICLE |
| <p data-bbox="151 470 215 840" style="writing-mode: vertical-rl; transform: rotate(180deg);">Universal Declaration of Human Rights (1948)</p> <p data-bbox="231 470 638 1097">Article 26 – Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children.</p> | <p data-bbox="638 470 702 851" style="writing-mode: vertical-rl; transform: rotate(180deg);">Constitution Of the Republic of Lithuania (1992)</p> <p data-bbox="718 470 1300 1097">Article 40, 41, 42 – State and municipal educational and teaching institutions shall be secular. At the request of parents, they shall provide religious instruction. Non-state educational and teaching institutions may be established according to the procedure established by law. Institutions of higher education shall be granted autonomy. The State shall supervise the activities of educational and teaching institutions. Education shall be compulsory for persons under the age of 16. Education at State and municipal secondary and vocational schools and post-secondary schools shall be free of charge. Higher education shall be accessible to everyone according to the individual abilities of each person. Citizens who demonstrate good academic progress shall be guaranteed education at state institutions of higher education free of charge. Culture, science, research and teaching shall be unrestricted. The State shall support culture and science, and shall ensure protection of monuments of Lithuania’s history and art as well as of other cultural monuments and treasures. The law shall safeguard and protect the spiritual and material interests of authors relating to scientific, technical, cultural, and artistic work.</p> |
| <p data-bbox="151 1108 215 1411" style="writing-mode: vertical-rl; transform: rotate(180deg);">The Convention of Child’s rights (1989)</p> <p data-bbox="231 1108 638 2016">Article 28 – The states - members acknowledge child’s right to learn. On purposes to implement this right and to make equal opportunities, they: a) institute free and compulsory primary education; b) stimulate to improve different forms of general and professional secondary education, heed that it was available to all the children and provide such means as establishing free education with financial support if there is a need; c) make sure that educational, professional and orienting information and material is available to all the children; d) arrange the means which stimulate children to attend school and decreasing the number of children who leave school. The states- members arrange all the suggested means to keep order at schools by the methods which reflect respect to child’s dignity accordingly to the requirements of this Convention. The states- members stimulate and develop international cooperation while solving education problems. They especially aim for contributing to liquidation of obscurantism and illiteracy in the whole world; to make permit to have the use of the science and technology knowledge and the modern teaching methods. In this case, much attention should be paid to the needs of the developing countries.</p> | <p data-bbox="638 1108 702 1288" style="writing-mode: vertical-rl; transform: rotate(180deg);">LR Education Law (2003)</p> <p data-bbox="718 1108 1300 1545">Almost the third of the law articles (23 of 75) are directly concerned with general education, while the other ones, where are some other education levels and links mentioned, makes a very little part of that what is thoroughly discussed in these articles considering general education (e.g. 37, 48, 66, etc.) Article 37 Education quality Education provider is responsible for education quality. The state guarantees quality of formal and partially informal education. The ministry and its commissioned institutions are responsible for education quality. With reference to the conclusions of the education quality researches, they make sure that the programs of formal education are updated, the new programs are introduced and the programs of different level interact and pertain.</p> <p data-bbox="638 1556 702 1982" style="writing-mode: vertical-rl; transform: rotate(180deg);">Republic of Lithuania law on fundamentals of protection of the rights of the child (1996)</p> <p data-bbox="718 1556 1300 2016">Chapter V – Child And The School Article 34, 35, 36 <...> The child shall have the right to an education, which would develop his general cultural knowledge, intellect, abilities, views, moral and social responsibility, and would create conditions for development of his personality. Every child must be assured the opportunities of learning to respect his parents, educators, teachers, other people, his native language, the state language and culture and other languages and cultures and nature, of preparing for an independent existence and work and of becoming a useful member of society <... >.</p> |

(though, according the e- point of the article No. 28 touching the children who leave school, and the second part of the article No.29 where the private “ education institutions“ are mentioned, it should be so). In article 28 “professional education“, “abolition of illiteracy“ and “possibility to use the knowledge of science and technology“ are mentioned; wide educational goals are described in the article 29 but neither in the Convention of Child’s Right nor in the Law of fundamental Child’s Right Protection (1996) and LR education law anything about the contents of the national general education program is said, the same situation is with the explanation of the concepts of versatility and quality.

Analyzing the articles of The Constitution (passed in the referendum of the Lithuanian Republic citizens in October 25, 1992) which regulate person’s right to education (40, 41, 42) we can not “miss“ the essence of the constitutional law because it is the basic part of the state law standards. It includes the main juridical, political and social **values** of the state and its citizens in general (e.g. man’s, child’s, family’s, language, work, surrounding and so on); **the principles** (e.g. independence, democracy), **the code** - the rules of public and private behaviour (e.g. judge’s and parliamentarian’s activity rules, the particular behaviour rules created between the parents and the children, the behaviour rules between a teacher and a pupil created or already existing in their surroundings) (Dambrauskiene, G. Marcijonas, A. Monkevičius, E., and others, 2004). Thereby, the rights declared in the LR Constitution are prognostic reflection of the undivided system which regulates and consolidates fundamental political and juridical values, standards and principles of the country so that each citizen’s and societal combination relations with the national institutions and other individuals are warranted, the order of organizing, controlling and working of the main institutions of the state government is guaranteed.

The Constitutions, which hold true in most of the countries, meet different requirements of the Convention and guarantee all the citizens, including the children, their particular rights and liberties. But actually it is not true as children can not claim these rights like the adults because the national documents as often as not contradict the above- mentioned rights, e.g. the children of compulsory school age have no locomotion freedom, the law prohibits the children to compact financially, children don’t have the vote and so on. The Constitution institutes special safety nets for the children because of their physical, economical and emotional dependence on the adults, whereas the future of the state depends upon the children, i.e. the quality of future human capital, the state should be concerned about giving the children special constitutional rights. So, insufficient coordination is one of the main faults (UN guide to implementation of the Convention of Child’s Rights, 2002).

A new edit of the LR Education law (2003) aimed at highlighting the main regulations, which would be in character with the main objectives of Lisbon education strategy. It was expected that after passing the new Education law these changes would be obvious: *education access ability, quality and controlling would become more effective and democratic; compatibility of the different education elements would be warranted.*

Passing this law aimed at regulation not of the institutional structure of the education system but at flexible and qualitative educational process. Thus, according this law the education system of LR is open, reasoned upon interaction among different institutions, making conditions to each individual to study for the whole life and aims at qualitative results rationally using available resources. However, endless reform of the education system speaks for itself.

These misunderstandings exist for one obvious reason: the conception of qualitative general education common to all interested society groups is not formed (in this conception there should be reflected clear contents of qualitative general education, education quality, separate links of the education system quality indicators and thorough education and training concepts. As long as there are no undivided conception and particularity, and ambiguity remains in the documents of the most important level, all the rest (it doesn’t matter, good or bad things they are) will not have juridical force, and the rights will remain just written on the paper, not functioning and, finally, declared not for us and our children. Decentralization of decreeing and politics is one more very important fact because decentralization menaces the implementation of child’s rights.

Procedural viewpoint to qualitative general education in the aspect of child’s rights security

Nowadays procedural viewpoint fixates in private business and public sector. It is grounded on clear perception of the education tendencies of manage mental thinking and responsibility for

efficiency of the management systems and their viability in the future (Kaziliunas, 2006). Thus, trawling for possible ways to solve this situation, it is not enough just to survey the contents of the documents regulating particular rights and fields of the education system. It is necessary to name these social arenas⁶ which directly influence interaction between general education quality and causality of child's rights (Figure 1).

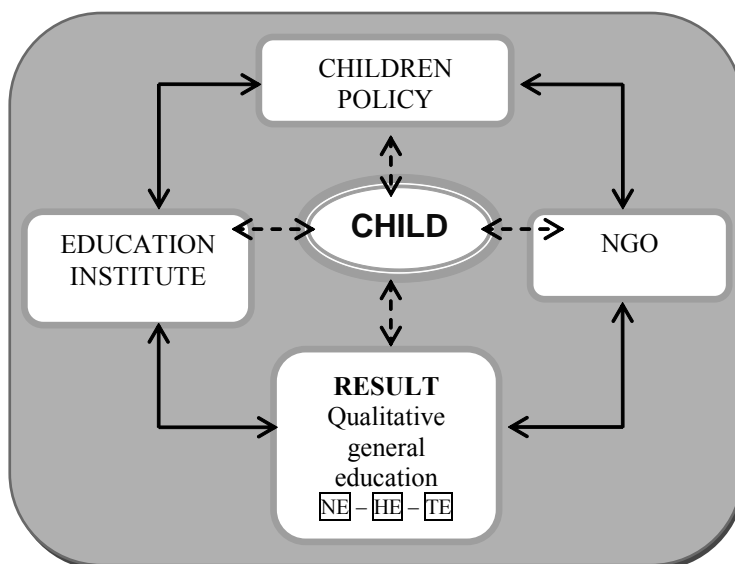


Figure 1. Socium influencing Natural education (NE), Humanitarian education (HE) and Technological education (TE) quality realization aspects in the regard of particular child's right.

Analyzing this problematic situation it is best to follow the theory of the human capital, which analyses the problems of quality formation (Schultz, 1998). Quality formation is nothing else but cognition of procedural viewpoint. The core of the human capital theory consists of: knowledge, skills and other person's faculties which increase his production and income, e.g., the more qualitative education a person acquires and the higher his professional readiness is the easier he acclimatizes to the needs of volatile informational society (Bagdanavicius, 2002). Following the theory of human capital, education is named as the way of improving individual's quality which gives more abilities and potential for effective self-realization (Bronislovas, Sakalas, Savaneviciene, 2006). On the ground of this viewpoint, all results (without reference to good or bad they are) are achievable when a particular process goes on. However, if the process is not properly controlled, in this case, the result is caused by accidental but not by exact planning (Kaziliunas, 2006). After we had got to know the interaction of the social arenas we did the analysis of interaction between general education quality and child's rights causative links (2 pict.) which lets to look at prehistory of this situation more deeply.

The international context

Nowadays children gain more important political, social and economical standing in the whole EU. They are perceived as a separate society segment where each member wants his opinion to be appreciable and significant in the state life. Today not only in Lithuania but also in the whole EU there is not united concept of education quality. Consideration from the state as well as from each its citizen is necessary to every child without reference to his social standing, sex or skin complexion.

⁶ Arena [lat. Arena – sand] – activity sphere. Bendoriene, A., Bogusiene, V., Dageyte, E. (2005). According Dencik L. (2005), social surroundings which represents different in their specificity spheres of social learning e.g., family - the arena of private social life; and N G (non-familial ward institution) – the arena of public social life.

Only respecting children's opinion, protecting them and stimulating initiative we can forward child's right to gain qualitative general education in Lithuania and the EU (Onufrijenko, 2007).

Child right's to gain QGE security should be implemented following four main principles laid in the UN Declaration of Child's Rights. The outlook of warranting child's rights is being formed according these four principles:

- Nondiscrimination (*article 2*);
- Child's interests at first (*article 3*);
- The right to live and develop (*article 6*);
- The right to express one's own opinion (*article 12*).

After prioritizing the child and his status in society, we can hope for radical changes not only in protracted LR education reform but also in the forming of QGE concept in the EU level.

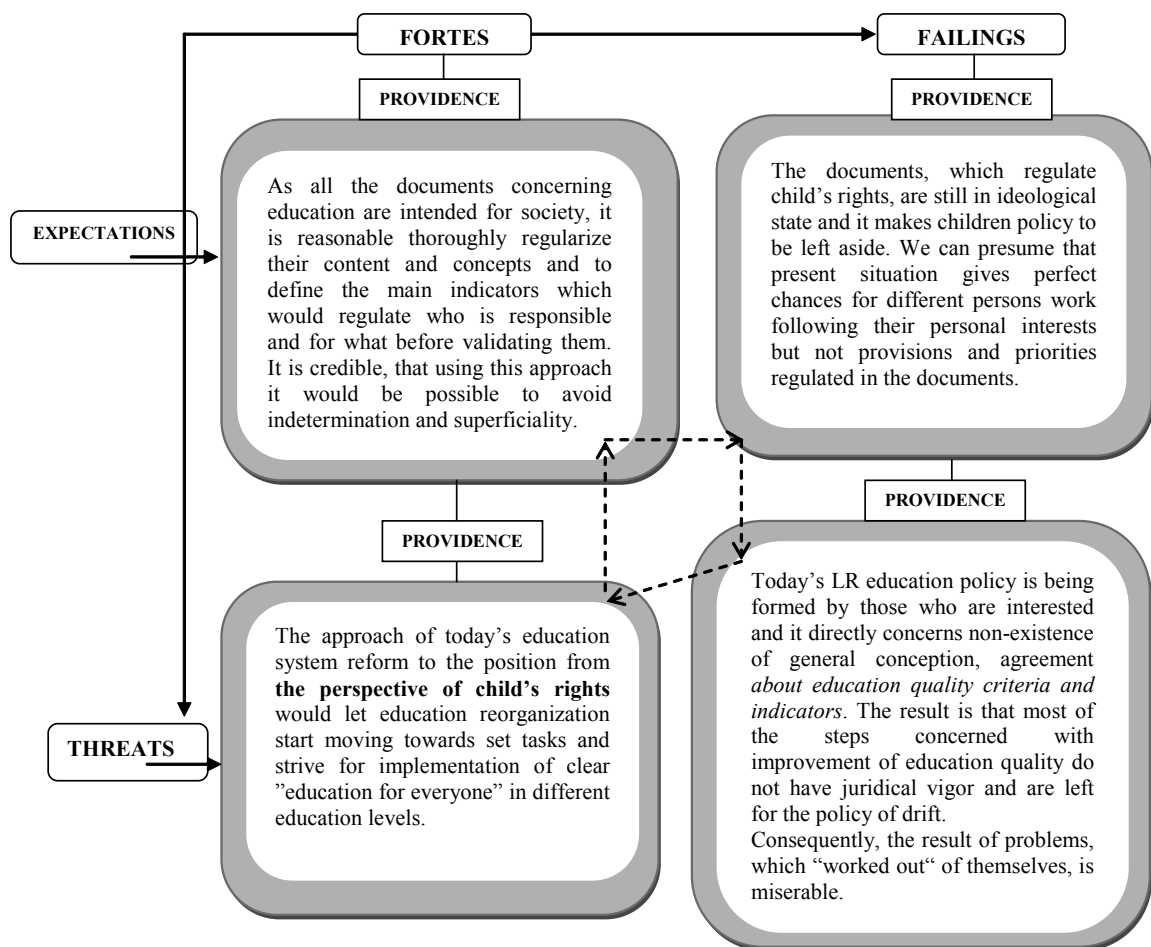


Figure 2. The analysis of general education quality and child's rights causative links.

Summarizing the analysis of general education quality and child's rights causative links such problems can be marked:

- *The problem of legislation value* – the assessors often don't know the main principles of human rights.
- *Faulty forming of the strategies exist* – it is obvious that in the constitution of most of the working groups, which prepare, evaluate and render correctives to the pieces of legislation and sub-legitimate acts, dominate the representatives of authorities, i.e., the persons jug-handled interested. It determines enactment of the legislation useful not for the society but for the interested persons.

Conclusions

In the laws, which regulate warranting of general education quality the conception of education, quality is not determinate. That's why the main goal of education quality and its implementation becomes questionable if there is no clear vision of education quality.

It is presumable that implementing the model of procedural thinking into the LR education system, would present us with adequate possibility to institute the clear criteria of general education quality, evaluation leverage, the standard of achievements and, mainly, the contents of the education programmer thoroughly reasoning the essence of each theme and subtheme.

General education quality is described by these aspects: 1) harmony between education goals and meeting economical needs; 2) harmony between education goals and children and their parents' expectation; 3) reliable (up to standard) evaluation of pupils' achievements; 4) reconstruction of schoolteachers' training system which would make opening for transformation of modern teacher's role.

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