

Violations of the Educational Rights of Disadvantaged Youth in the Global Age

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Abstract

In the postmodern age, the ubiquitous processes of globalization have exacerbated violations of the basic human right to an education among underprivileged youth around the world. Researchers and policymakers have not given serious consideration to the criticality of context when addressing wide differences in academic performance between mainstream and disenfranchised youth in the United States and other nations. Cultural capital, habitus (Bourdieu, 1977), and other contextual mitigating factors (CMFs) (Gallard M., et al., 2013) act as important mitigating cultural, economic, and political contextual factors affecting the learning of students, and leading to educational inequities. Yet, educational policymakers and stakeholders have failed to be explicit about the influence of such CMFs on global differences in educational delivery, as well as data on educational achievement and performance within and across countries. Further, such failures of recognition have led directly to violations of educational rights promulgated in the United Nations' Convention of the Rights of the Child (CRC). Only by making CMFs explicit and understand their impact on all education reform efforts can decision-makers help disadvantaged youth to attain an equitable education and find their place in the global age.

Keywords: Contextual mitigating factors, educational rights, cultural capital, educational inequities.

In this age of globalization, educational researchers and policymakers have failed to consider the criticality of context when addressing educational inequities in the lives of disadvantagedⁱ youth in the United States and around the world. This failure represents a direct violation of the basic human right to education of children and adolescents.ⁱⁱ We recognize that some may view this position as extreme. After all, with the United Nations adoption of the Convention of the Rights of the Child in

1989, institutional recognition of the rights of young people reached an unprecedented level.ⁱⁱⁱ Yet, despite the efforts of school systems, educational reform movements, national foundations, philanthropies, the United Nations (UN), and non-governmental organizations, young people around the world continue to be deprived of their right to an education. Further, contextual mitigating factors (CMFs) such as persistent poverty, classism, racism, sexism, and differential access to social and economic resources continue to impede educational attainment for all and in particular young people around the globe. In fact, it is our contention that underprivileged youth are prevented from advancing academically, socially, and economically precisely because decision-makers have not addressed CMFs as the fundamental causes of educational inequality. Among the most potent of these factors are poverty and malnutrition, health issues, gender inequity, the physical conditions of schools, the quality of teachers, and the lack of pedagogical resources required for a quality world-class education.

Our perspectives as international educators have informed our efforts to improve teaching and learning throughout the world. Our theoretical positions have been shaped by our experiences: in one case, extensive work on globalizing curricula and pedagogy in teacher education programs and schools in the United States and Russia; in the other, years of professional engagement with national education policymakers at the ministerial level and with teachers in numerous countries, including the United States.

Defining Globalization

For billions of individuals around the world education is vital to advancement. Yet, for many young people the ubiquitous process of globalization has exacerbated flagrant violations of the basic right to education for millions of disadvantaged students around the world. For purposes of this discussion, we use Stiglitz' (2003) description of globalization:

...the closer integration of the countries and peoples of the world which has been brought about by the enormous reduction of costs in transportation and communication, and the breaking down of artificial barriers to the flows of goods, services, capital, knowledge and (to a lesser extent), people across borders (p. 9).

In the turn toward globalization some may see the promise of boundless economic opportunities for all and the eradication of poverty and misery within the arena of a massive global culture. In reality, however, globalization has generated enormous detrimental consequences such as continued illiteracy, gender inequity, economic exploitation, racism, classism, and environmental damage (Benería, 2003). These negative impacts, while often overlooked, have restricted the ability of non-governmental organizations to improve educational, social, and economic opportunities for citizens of developing countries. Although the UN, for example, has made considerable progress in reducing disease, poverty, social injustice, hunger, and gender inequality in the world and has promoted universal education, improved maternal and child health, increased HIV/AIDS prevention, fomented environmental sustainability, and encouraged the development of global partnerships, its improvements point to a discouraging context for the education of disadvantaged youth. For example:

- About 805 million people were estimated to be chronically undernourished in 2012–14. (UN Food and Agriculture Organization, <http://www.fao.org/publications/sofi/en/>)
- The majority of the hungry live in developing countries, where over one in eight are chronically undernourished. (UN Food and Agriculture Organization, <http://www.fao.org/publications/sofi/en/>)
- The top 1 percent of the world's richest individuals earns as much as the poorest 57 percent. (Food 4 Africa, n.d., para. 1)

- Two-thirds of the world's population lives on less than \$2 a day. (Food 4 Africa, n.d., para. 1)
- More than 2.4 billion people do not have proper sanitation facilities. (Food 4 Africa, n.d., para. 1)
- Of the 6.9 billion people in the world today, at least 1.2 billion do not have access to safe drinking water. (Food 4 Africa, n.d., para. 1)
- Two-thirds of the world's 876 million illiterate persons are women. (Food 4 Africa, n.d., para. 1)
- Over twenty thousand children in the world die monthly from preventable causes. (United Nations Children's Fund, 2010)

Article 24 of the *Convention of the Rights of the Child* (CRC) stands in stark contrast to these statistics, as it guarantees access to the highest attainable standards of health, including preventative health care services; provision of adequate and nutritious food; clean drinking water; reduced infant and child mortality; and protection from environmental pollution. In light of these guarantees, statistics such as those above highlight the basic violations of human rights in the lives of disenfranchised youth. We believe that educational researchers and policymakers who aspire to improve the academic performance and increase educational opportunity for disadvantaged youth fail to comprehend the fundamental and decisive role of such violations.

Stiglitz (2003) noted that the promise of poverty reduction had shifted into an acceptance of "a growing divide between the haves and the have-nots [that] has left increasing numbers in the Third World in dire poverty" (p. 5). Since most of us expect education to provide students with the necessary knowledge, skills, and dispositions to compete within highly competitive global market systems, several urgent questions arise from Stiglitz' observation. For example, how can young people care about being participating citizens if the democratic processes in their country are compromised by powerful elites? How can disadvantaged youth throughout the world care about academic achievement when they live in environments that do not encourage learning? How can adolescents care about literacy when they are hungry? How can we provide educational opportunity for all when the majority of the world's population lives in extreme poverty and despair?

The Larger Context

We assert that in this age of globalization the single most critical variable for achieving educational equity is an understanding of the myriad of CMFs preventing its realization. A holistic examination of global economic forces makes it clear that factors like social injustices and the unequal distribution of resources represent gross violations of decency because they define the context within which profound educational inequities exist. We believe that unless policymakers, citizens of developed countries, and government leaders intentionally expose and repair such mitigating factors, the potential of education to improve the human condition will remain severely limited. Thus if decision makers are to cultivate educational equity, they must address the inextricable link between inequity in education manifested in local, regional, and global injustice both of which are critical CMFs to acknowledge and whose influence must be diminished if not eradicated.

A critical factor in this discourse is the reality that all educational decisions in all subject areas in schools are context-driven, that is, mitigated by complex systems of influences from within and beyond the social landscapes. Such influences lead to visible and invisible tensions between what educators may seek to accomplish and the reality within which it must be accomplished. Yet it is necessary to address such tensions if we are to find effective, equitable solutions that help to purge poverty and social equity as a means to expanding educational equity. In fact, we view the process of education in its current forms of actualization as an effort to globalize hegemonic practices

precisely because efforts to equalize and make equitable educational opportunity in this global age ignore the world's socio-cultural-economic contexts.

The glaring lack of attention to context in educational research misleads educators and policy makers resulting in policy that is void of the general inter/intra dependent nature of contexts. Not only do CMFs interact across and within all systems, but also a CMF such as poverty can be a system itself as well as be part of larger systems. We refer to contextual systems as holons, a term coined by Koestler (1967) to refer to "any stable biological or social sub-whole which displays rule-governed behavior and or Gestalt-constancy" (p. 341).

The Convention on the Rights of the Child

The concept of human rights is an integral part to the notion of a universal, morally-principled world order representing the values embedded in a "combination of worldwide religious practices, cultural traditions, philosophical constructions of universal, natural rights, and western philosophy" (Landorf, 2009, p. 48). A global declaration of human rights calls for all members of civil societies to share particular standards of behavior, based on the belief that certain undeniable moral truths exist and apply to all human beings everywhere. In today's interdependent and rapidly changing world, the concept of human rights has become common in the language of contemporary global political dialogue, representing to many the moral foundation for regulating the political world order and achieving social justice for all members of humankind. Thus, human rights extend from a moral universalism that forms the basis for rules and norms of interaction among people in society. Just as importantly, this moral universalism forms the ground upon which freedom can take hold in the world (Landorf, 2009).

Unfortunately, despite a growing consciousness about the imperative of human rights throughout the world, the rights of disenfranchised and underserved students are being violated. By accident of birth, minority newborns routinely become the underprivileged children of the world, prevented from reaching their potential by inequitable education systems. Such children could receive an equitable education, of course, but only if CMFs such as those which are part of the power elite of researchers, policymakers, businesspeople, and educators take courageous and principled action to make contextual factors explicit and synchronize educational reform with broader reform efforts.

The problem of educational inequality based on race, class, sexism and ameliorative efforts in isolation from their CMFs is not new, of course. An awareness of the need to extend particular care to the rights of children dates back to the Geneva Declaration of the Rights of the Child approved by the League of Nations in 1924 (UN Documents, 1924). Later global agreements addressing the rights of children include the Universal Declaration of Human Rights of 1948, the Declaration of the Rights of the Child of 1959, the International Covenant on Civil and Political Rights of 1966 (in particular in Articles 23 and 24), and the International Covenant on Economic, Social and Cultural Rights of 1966 (in particular Article 10), all adopted by the United Nations General Assembly. The most recent is the seminal human rights treaty outlining the civil, cultural, economic, social, and political rights of minors (those under age eighteen) around the world, the 1989 Convention on the Rights of the Child (CRC) designed by the United Nations with the intention of addressing the problems facing disadvantaged youth. To date, this implicit acknowledgement of educational and other inequalities suffered by the world's children has been signed by all member states of the United Nations with the exception of Somalia, the United States, and the new nation of South Sudan. Concerns about the welfare and rights of youth also are addressed in other statutes and relevant instruments of specialized agencies and international organizations seeking to secure the welfare of children and the conditions in which they "can fully assume its responsibilities within the community" (UCR Preamble 1989, p. 1).

The 54 articles of the CRC direct signatory states “to develop and undertake all actions and policies” (<http://www.unicef.org/crc/> n.d.) that serves the best interests of the child. This stance is radically different from the common law of many countries in the world, where children are considered to be possessions and can be treated as chattel in family disputes. Article 2 (UNESCO, 1989) clearly stipulates that signatory states should respect and ensure the rights of each child within their jurisdiction:

...without discrimination of any kind, irrespective of the child’s...race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other states...to take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members. (para. 2)

Moreover, the CRC states that children must be afforded special care in the “full and harmonious development of their personality...in an atmosphere of happiness, love and understanding” (UNESCO, 1989, para.1). Within this directive lies the essence of our call for educational justice as a basic human right of all children. Articles 28, 29, 30, and 31 specify, among other things, the need for primary education, compulsory, and available free to all...development of different forms of secondary education including general and vocational education...available and accessible to every child...financial assistance in case of need; higher education accessible to all on the basis of capacity by every appropriate means... measures to encourage regular attendance at schools and the reduction of drop-out rates. (UNESCO, 1989, para.8)

In particular, Article 29 concerns a child’s right to sound psychological and social development such that educational efforts are directed to the development of the

child's personality, talents, and mental and physical abilities to their fullest potential...a respect for [their] human rights and fundamental freedoms... [for] their own cultural identity, language and values; for the national values of the country in which the child is living; the country from which he or she may originate; and for civilizations different from his or her own (UNESCO, 1989, para. 9).

Article 30 speaks directly to the conditions of minority children, and addresses the critical concept of inclusion, which has been the focus of heated discussion in educational and policy-making circles in the U.S., particularly with regard to the eligibility of non-native English speakers to be placed in mainstream classrooms, stating:

In those states in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right in the community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language (UNESCO, 1989, para. 9).

Finally, Article 31 is aimed at ensuring that a child’s creativity and potentialities in the arts are maximized to the fullest. It requests that states

respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic activity (UNESCO, 1989, para. 9).

Thus, the CRC represents a powerful humanistic document by which to support the basic human right to equal educational opportunity for youth around the globe. We strongly believe that the fulfillment of this ideal has the potential to eradicate the discriminatory status of underprivileged children in their societies and to protect them from economic, social, cultural and political exploitation.

The Role and Function of Education in Today's World

What then should be the role of schooling and, by implication, the function of education in a capitalist society (Bowles & Gintis, 2002)? If education means to socialize students to become competent citizens and skilled workers in a highly competitive global economy, three questions arise. First, is there a predetermined, universal set of cultural indicators that hegemonic forces use as filters to limit the potential range of a student's participation in a globalized world? Second, does the function of education as determined by policymakers and educators throughout the world include these same filters, and if so, are the filters enacted implicitly or explicitly in school settings? Thirdly, are all educational opportunities equal and equitable? Regardless of how one chooses to answer these questions, our argument throughout this discourse is that CMFs shape human conditions, vary from one place to another, and must be made explicit in the attainment of global literacy. Is it unreasonable to expect that power brokers and policymakers should explicitly address the CMFs that impact educational opportunity at local, national, and worldwide levels? For those hegemonic stakeholders interested in maintaining economic and political control, the answer may be yes. Nevertheless, as history shows, power can be transitory and human rights can be upheld.

Carnoy and Levin (1985) observed: "On the whole, members of racial minorities and low-income groups are less likely to do well in school, and they are also less likely to do well in the job market" (p. 1). Although Carnoy and Levin are referring to the United States, we believe that a systematic discrepancy between those who succeed and those who fail is a worldwide phenomenon because gatekeepers, representing a CMF, control the equitable distribution of resources which include formal educational experiences.

Thoughts to Consider

A cursory review of educational conditions around the world reveals that many countries have failed to provide education to young people "without discrimination irrespective of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status" (UNESCO, 1989, para.2), violating Article 2 of the CRC. Nor have political and educational leaders extended to disadvantaged children the special care necessary for their development. Despite the challenges faced by children raised in complex, poor, struggling households that lack access to educational opportunities, those in a position to do so have not seen fit to provide "the maximum extent of available resources" (UNESCO, 1989, para. 2) such children require.

Many disadvantaged children around the world have not seen their nations follow through, for example, on the basic assurance in the CRC of the "production and dissemination of children's books" (UNESCO, 1989, para. 2). The execution of such a fundamental goal is a requirement if the world's youth are to meet national standards, satisfy their intellectual curiosity, maximize their inherent creativity, and gain the skills needed to create a decent life. Because educational researchers and policymakers have ignored the complexity of contexts when making explicit the reasons for underachievement by minority populations, their work has failed to come close to attaining educational justice for all children.

Further, we strongly believe, that education as a global phenomenon can never be successful as long as CMFs such as Western-style inquiry learning stands as the reigning pedagogical tool of educators around the world. In addition, global literacy for all can never be achieved as long as some individuals can take full advantage of their cultural, economic, and social capital and others cannot. In the United States today, for example, educational policymakers and educators increasingly emphasize the inclusion of disadvantaged and underserved students in mathematics and science

classes to the neglect of social science education (Pace, 2008). In fact, social science education has played a secondary role in K-12 schooling since the stirrings of the accountability movement and standardized testing in the 1990s (Hutton & Burstein, 2008). In our view, greater attention must be paid to the CMFs that lead to some students being overwhelmingly represented in the sciences and others not, and why many minorities are underrepresented in the social sciences. By raising the questions necessary to make explicit how and why students are sifted into particular types of classrooms, we can take a step in the direction of more equitable educational opportunity for all children.

Concluding Remarks

We are convinced that from a theoretical perspective, we need to keep in mind that making explicit the interconnectedness of education and influencing CMFs is critical. Yet, the picture that many researchers paint and that policymakers use for decision-making lacks insight into the specific ways that a CMF such as inequity, manifests itself and influences pedagogical acts in teaching and learning. The inability or lack of willingness to make explicit the multiple cultural, economic, and political mitigating factors embedded in educational data, teaching methods, or any policy formulated is the greatest obstacle to a deep understanding of how inequity manifests itself in societies and classrooms around the world in this age of globalization. Unless the criticality of context and socio-historical legacies are an integral part of educational discourse, any effort to understand the impact of past, present and future education and development efforts are merely hollow.

In summary, we strongly believe that the failure of countries to provide their minority youth with equal access to education is a gross violation of their basic human rights. The failure of educators and policymakers to make contextual issues explicit punishes disadvantaged children who, by accident of birth, do not possess the cultural capital of their more privileged peers. Without correct habitus, these disenfranchised children will remain severely disadvantaged as they seek to find their place in the global age.

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ⁱ The terms underprivileged, disadvantaged, disenfranchised, and minority are used interchangeably in the text.

ⁱⁱ The terms students, children, adolescents, and youth are used interchangeably in text.

ⁱⁱⁱ In 2000, the United Nations adopted two additional protocols for the protection of children. The [First Optional Protocol](#) restricts the involvement of children in military conflicts; the [Second Optional Protocol](#) prohibits the sale of children, child prostitution, and [child pornography](#). Both protocols have been ratified by 140 of 193 UN member nations.