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Review: The Education Rights of Students: International Perspectives on Demystifying the Legal Issues edited by Charles J. Russo, Douglas J. Stewart and Jan De Groof

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**The Education Rights of Students: International Perspectives on Demystifying the Legal Issues** edited by Charles J. Russo, Douglas J. Stewart and Jan De Groof. Lanham, MN: Rowman & Littlefield Education, 2007, 262 pp. ISBN-10: 1578865093.

Do children have rights? This simple question may raise philosophical and moral inquiries in a globalized world when human rights issues are closely watched, especially when it comes to vulnerable groups such as minors or children with disabilities. If one answers “yes” to this question, one must then ask what kind of rights do students/children have around the world? Are they enforced? Are they respected? Contributors to the *Educational Rights of Students: International Perspectives on Demystifying the Legal Issues*, who are leading education law experts, try to answer these and other questions regarding the rights of children in a straightforward, non-legalistic manner.

In the introduction, Charles J. Russo, Douglas J. Stewart, and Jan De Groof give a brief historical perspective on the children’s rights movement and admit that it is difficult to define “rights” and “students” because the terms are social constructs that are shaped by both geography and time. The editors equate “students” with “children” and tend to use the terms interchangeably, but what they mean is children under the age of 18. They divide children’s rights into protection or welfare rights and participation or liberty rights. Protection rights include food, a safe environment, and access to health care and education, while participation rights concern those rights enjoyed by adults, such as political, free speech and free association rights. There is disagreement as to whether children are competent to fully enjoy participation rights.

The editors point to the 1979 United Nations Convention on the Rights of the Child as the international standard for children rights. They then narrow the focus to students, pointing out that at least 30 of the Convention’s 54 Articles have a bearing on students in schools. They describe 7 themes from the Convention that are examined in the book: the right to an education, freedom of speech, religious freedom, student discipline, privacy rights, the right to a secure and safe learning environment, and children with special needs.

The book discusses the rights of children in selected countries and continents such as Europe, Asia, Australia and New Zealand, the Russian Federation, the United States and South Africa. Each chapter is organized independently and gives a glimpse into the laws for children that are embedded in the social organization and historical precedents of each country. For example, before discussing children’s rights, Stewart presents an overview of the common law originated in Great Britain, the dual system of schools, and human rights to provide a context for concepts of morality and justice in Australia. His discussion includes the rights of children with special needs. He illustrates Australia’s

approach through a court case that ruled against a non-government school that denied enrollment to a special needs student because it was unable to accept the costs of accommodating her disability. Based on anti-discrimination legislation, Stewart points out that in Australia education is a right not a privilege and “children [with special needs] must be able to access education on a basis similar to children without such needs” (pp. 13-14) even if schools have to undergo hardships in order to meet the requirements of this vulnerable category of children.

In order to allow for comparison of issues across countries, the editors have compiled an appendix titled “Educational and Social Issues by Nation.” One might expect the issues to be identical to the 7 themes from the United Nations Convention. However, there are 11, some of which are from the Convention themes, while others seem to be based on the discussion in the preceding chapters. Nevertheless, the Appendix allows the reader to compare countries by issue, in spite of the differences in the organization of the individual chapters.

The book covers countries from areas that have a greater concentration of developed countries. Thus, the focus is on industrialized countries at the expense of developing countries. Notably missing are countries in Central and South America, Northern and sub-Saharan Africa, and the Middle East. Because of this geographical limitation, several questions remain unanswered. To what extent are student rights acknowledged in developing countries? If they are not, at what point in a country’s development are these rights recognized? Are some rights recognized before others? Are educational rights of students related to aspects of economic or political development? Can developed countries contribute to the educational rights of students in developing countries? How?

The book discusses the educational rights of children in developed countries. It does not offer suggestions as to which rights are important and how those rights should be protected. It also offers no recommendations regarding how developing countries can build on the experience of developed countries in dealing with issues of students’ rights.

In spite of these gaps, *The Educational Rights of Students* is an interesting study dealing with education law, which is a relatively new field and still in the process of developing. In an age of globalization, members of the educational community in all countries, both developed and developing, face comparable issues, including the rights of children. In dealing with these issues, government and education leaders can do well to draw upon the experience of other countries to capitalize on their successes and to avoid their failures. This book shows how much progress has been made in law and child advocacy since the 1980s and 1990s and also how much there is still to do. *The Educational Rights of Students* is a valuable resource for learning about the rights of children in 13 countries. It raises awareness of children’s rights and emerging issues such as changes in

demographics due to immigration and refugees (see the case of Netherlands) that provoke political debate and raise legal matters; only when one is aware of rights can one strive for them. The book should be of interest to leaders in government and education, social scientists, human rights activists, legal scholars, global studies scholars or anybody interested in child advocacy and human rights.

### **Reviewer**

Ligia Toutant is a doctoral candidate in Social Sciences and Comparative Education at the University of California, Los Angeles. Her research interests are spread over three disciplines: comparative and international education, sociology, and human communication. She is also interested in various theories of globalization that affect education, major markets and emerging trends. Most recently she has been named a teaching fellow at UCLA as part of Collegium of University Teaching Fellows (CUTF) program for creating a class titled “Children in the Streets, Education and Globalization.” This book review is a result of preparing to teach that class.