



WHEN SCHOOLS VIOLATE RIGHTS: A RIGHTS-BASED CRITIQUE OF CONTEMPORARY SCHOOLING AND EDUCATIONAL GOVERNANCE

Dr. Chinedu Emmanuel Udoka

Department of Educational Management

Ignatius Ajuru University of Education, Port Harcourt, Rivers State, Nigeria

Email: chinedu.udoka@iaue.edu.ng; +2348036240157

ABSTRACT

Schools are widely regarded as institutions established to promote learning, safeguard children, and prepare young people for responsible citizenship. However, emerging scholarship suggests that educational institutions may also become environments in which learners' fundamental rights are compromised through governance failures, institutional practices, and organizational cultures. This position paper critically examines the conditions under which schools become sites of human rights violations and argues that such violations are often rooted in systemic deficiencies rather than isolated acts of individual misconduct. Drawing on rights-based education, educational governance, and critical educational theories, the paper synthesizes the perspectives of Foucault's theory of disciplinary power, Freire's critical pedagogy, Illich's critique of institutional schooling, Dewey's democratic education, Giroux's theory of transformative education, Nussbaum's Capabilities Approach, Sen's Capability Approach, and Tomasevski's Right-to-Education Framework. These perspectives are integrated with international human rights instruments, particularly the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the United Nations Convention on the Rights of the Child, to develop a comprehensive analytical framework for examining learners' rights within formal schooling. Using Nigeria's public secondary school system as the principal contextual illustration, the paper argues that persistent challenges such as corporal punishment, psychological abuse, exclusion of student voice, discrimination, unsafe school environments, and inadequate compliance with educational laws represent governance failures with significant human rights implications. Building on existing scholarship, the paper proposes the Educational Rights Compliance Framework (ERCF) as an original conceptual model explaining how educational governance, legal compliance, institutional culture, and professional practice interact to influence the protection or violation of learners' rights. The framework positions educational law compliance not merely as an administrative obligation but as a governance mechanism through which schools fulfil their human rights responsibilities. The paper concludes that effective educational governance should be evaluated not only by academic performance and administrative efficiency but also by the extent to which schools respect, protect, and fulfil learners' rights to dignity, participation, equality, safety, and holistic development. It recommends a shift from compliance-driven administration toward rights-based educational governance that integrates legal accountability, democratic leadership, learner participation, and institutional safeguarding into everyday school practice. The paper contributes to educational management scholarship by providing a novel conceptual perspective that links educational law compliance with human rights protection and offers a foundation for future empirical investigations into rights-based school governance.



Keywords: educational governance; educational law compliance; human rights in education; rights-based schooling; student rights; school leadership; educational management; Nigeria.

Introduction

Education is universally recognized as both a fundamental human right and a powerful instrument for advancing individual development, social justice, democratic participation, and sustainable national development. International legal instruments, including the Universal Declaration of Human Rights (United Nations, 1948), the International Covenant on Economic, Social and Cultural Rights (United Nations, 1966), and the United Nations Convention on the Rights of the Child (United Nations, 1989), affirm that every child is entitled not only to access education but also to receive it within an environment that respects human dignity, equality, participation, safety, and freedom from all forms of violence. Consequently, schools are expected to function as protective institutions that nurture learners intellectually, socially, emotionally, and morally while safeguarding their fundamental rights.

Despite these expectations, growing international evidence suggests that schools may also become environments in which learners' rights are compromised through governance failures, institutional cultures, disciplinary practices, and unequal power relations. Reports from international organizations and empirical studies have documented persistent concerns relating to corporal punishment, bullying, psychological abuse, discrimination, sexual harassment, exclusion of learners from decision-making, unsafe school environments, and inadequate safeguarding mechanisms (UNESCO, 2019; UNICEF, 2021). Although these practices differ across educational contexts, they collectively challenge the assumption that schools are inherently rights-protective institutions. Rather, they indicate that the realization of learners' rights depends substantially on how schools are governed, managed, and held accountable.

Within Nigeria, these concerns remain particularly significant. Although the Constitution of the Federal Republic of Nigeria, the Child Rights Act (2003), the National Policy on Education, and other regulatory frameworks establish legal and policy obligations for protecting learners, implementation has remained inconsistent. Empirical evidence indicates that challenges relating to school safety, infrastructural deficiencies, corporal punishment, weak accountability systems, and uneven compliance with educational regulations continue to affect the quality of educational administration (Udoka, 2025). These realities suggest that many educational challenges commonly interpreted as administrative or managerial deficiencies may equally be understood as issues of human rights protection requiring a governance-oriented response.

Existing scholarship has contributed substantially to understanding children's rights, school discipline, educational law, school violence, safeguarding, and educational leadership. Critical educational theorists, including Foucault (1977), Freire (1970), Illich (1971), Dewey (1916), Giroux (1983), and Apple (2004), have demonstrated that schools are not politically or socially neutral institutions but are spaces where authority, knowledge, power, and culture interact to shape learners' experiences. Similarly, human rights scholars such as Tomasevski (2001), Sen (1999), and Nussbaum (2011) have broadened understanding of education by emphasizing dignity, participation, capabilities, and the realization of human freedoms. Nevertheless, these bodies of



literature have largely developed along parallel trajectories. Educational management scholarship has concentrated primarily on school effectiveness, leadership, policy implementation, and organizational performance, whereas human rights scholarship has focused predominantly on legal protections, child welfare, and access to education. Consequently, relatively limited attention has been devoted to explaining how educational governance itself influences the protection or violation of learners' rights within schools.

This conceptual separation represents an important gap in the literature. While numerous studies have examined isolated manifestations of rights violations, such as corporal punishment, bullying, discrimination, or unsafe learning environments, fewer studies have conceptualized these issues as interconnected outcomes of educational governance and institutional compliance. Moreover, existing discussions rarely integrate educational law compliance, school leadership, institutional culture, accountability, and human rights into a unified analytical framework capable of explaining why schools either protect or undermine learners' rights. Addressing this gap is essential for repositioning learner protection as a core indicator of effective educational administration rather than as a peripheral welfare concern.

Against this background, this position paper argues that schools should be understood not only as institutions responsible for delivering education but also as governance systems with legal, ethical, and professional obligations to respect, protect, promote, and fulfil learners' rights. The paper contends that persistent failures in educational governance—including inadequate legal compliance, weak accountability, exclusionary institutional cultures, and inappropriate professional practices—create conditions under which schools may become sites of human rights violations. Rather than attributing rights violations solely to individual misconduct, the paper advances the view that many such violations are systemic and therefore require systemic governance responses.

To advance this argument, the paper proposes the Educational Rights Compliance Framework (ERCF) as a new conceptual model for educational management scholarship. The ERCF explains how educational governance, legal compliance, institutional culture, leadership practices, and professional accountability interact to influence the extent to which schools protect or violate learners' rights. By integrating insights from critical educational theory, rights-based education, educational law, and governance studies, the framework offers a comprehensive lens for understanding learner protection within formal schooling.

The paper therefore contributes to the literature in three important ways. First, it reconceptualizes human rights protection as a central responsibility of educational governance rather than a peripheral child welfare issue. Second, it bridges the conceptual divide between educational management and human rights scholarship by integrating legal compliance, leadership, institutional culture, and learner protection into a single analytical perspective. Third, it proposes the Educational Rights Compliance Framework (ERCF) as an original conceptual contribution that provides a foundation for future empirical investigations into rights-based educational governance, educational leadership, and school effectiveness, particularly within Nigeria and other developing educational contexts.



Conceptualizing Human Rights in Education

Human Rights

Human rights are inherent, universal, indivisible, and inalienable entitlements that belong to every individual by virtue of being human, irrespective of nationality, race, gender, religion, social status, or any other distinguishing characteristic. These rights are founded on the principles of human dignity, equality, freedom, justice, and non-discrimination and are recognized in international legal instruments such as the *Universal Declaration of Human Rights* (United Nations [UN], 1948), the *International Covenant on Civil and Political Rights* (UN, 1966a), and the *International Covenant on Economic, Social and Cultural Rights* (UN, 1966b). Together, these instruments establish that governments and public institutions have a legal and moral obligation to respect, protect, and fulfil the rights of all persons.

Within educational settings, human rights extend beyond legal guarantees to encompass the everyday experiences of learners. Schools are therefore expected to uphold learners' rights to dignity, equality, participation, safety, privacy, freedom of expression, protection from violence, and equitable access to educational opportunities. This perspective reflects the understanding that education is both a human right in itself and a means through which other human rights are realized (UNESCO, 2021). Consequently, educational institutions should be evaluated not only by their academic performance but also by the extent to which they protect and promote the fundamental rights of learners.

Human rights are commonly classified into civil and political rights, economic, social and cultural rights, and collective or solidarity rights (Donnelly, 2013). Education occupies a unique position because it serves simultaneously as an economic, social, cultural, and developmental right while enabling individuals to exercise other rights effectively. This multidimensional nature places significant responsibilities on educational institutions and those who govern them.

The Right to Education

The right to education is internationally recognized as one of the most fundamental human rights. Article 26 of the *Universal Declaration of Human Rights* (UN, 1948) proclaims that everyone has the right to education and that education shall promote the full development of the human personality and strengthen respect for human rights and fundamental freedoms. This commitment was reinforced by Article 13 of the *International Covenant on Economic, Social and Cultural Rights* (UN, 1966b), which obligates States to ensure that education is available, accessible, acceptable, and progressively free.

The most comprehensive protection of children's educational rights is provided by the *United Nations Convention on the Rights of the Child* (UN, 1989). Articles 28 and 29 recognize not only children's entitlement to education but also establish that education should develop the child's personality, talents, mental and physical abilities to their fullest potential while preparing them for responsible life in a free and democratic society. These provisions demonstrate that educational quality should not be measured solely by enrolment or examination performance but also by the extent to which schools respect children's dignity and support their holistic development.



Tomasevski (2001), the first United Nations Special Rapporteur on the Right to Education, advanced this understanding through the influential 4-A Framework, which argues that education must be Available, Accessible, Acceptable, and Adaptable. The framework has become one of the most widely accepted conceptual models for assessing compliance with the right to education and emphasizes that educational institutions must provide learning environments that are safe, inclusive, and respectful of learners' rights.

Rights in Education

While the right to education focuses primarily on access to schooling, the concept of rights in education shifts attention to the quality of learners' experiences within educational institutions. This distinction has become increasingly important in contemporary educational research because access alone does not guarantee that learners' rights are respected after enrolment.

Rights in education encompass learners' rights to protection from physical and psychological violence, freedom from discrimination, participation in decisions affecting their education, privacy, equitable treatment, due process in disciplinary procedures, inclusive learning environments, and respect for their dignity (UN, 1989; UNESCO, 2021). Consequently, schools may satisfy enrolment targets while simultaneously failing to protect learners' rights through inappropriate disciplinary practices, unsafe learning environments, exclusionary institutional cultures, or ineffective safeguarding mechanisms.

This perspective broadens the evaluation of educational effectiveness by recognizing that educational success should be assessed not only through academic achievement but also through learners' well-being, safety, participation, and human dignity. It therefore shifts the focus of educational management from administrative efficiency alone to institutional responsibility for protecting children's rights.

Rights-Based Education

Rights-based education represents an educational philosophy and governance approach that integrates international human rights principles into educational policy, leadership, curriculum, teaching, assessment, and school management. Rather than treating learners as passive recipients of educational services, rights-based education recognizes children as active rights holders and schools as duty bearers responsible for respecting, protecting, and fulfilling those rights (UNICEF, 2007).

A rights-based approach is guided by the principles of participation, accountability, non-discrimination, empowerment, and legality. These principles require educational leaders to ensure that learners participate meaningfully in school life, that disciplinary measures respect human dignity, that educational opportunities are equitable, and that institutional decisions comply with national and international legal standards. Critical educational theorists reinforce these principles from complementary perspectives. Freire (1970) argues that education should liberate rather than oppress learners by promoting dialogue, critical consciousness, and participation. Dewey (1916) similarly contends that democratic participation is central to meaningful education, while Giroux (1983) emphasizes that schools should serve as democratic public spaces capable of advancing



social justice and active citizenship. Together, these perspectives provide a strong philosophical foundation for rights-based educational practice.

Educational Governance

Educational governance refers to the structures, policies, leadership processes, institutional relationships, and accountability mechanisms through which educational institutions are directed, regulated, and evaluated. It extends beyond school administration to encompass the interactions among governments, school leaders, teachers, learners, parents, communities, and regulatory agencies in shaping educational policy and practice (OECD, 2019).

Within a human rights perspective, educational governance determines whether legal commitments are translated into everyday institutional practice. Governance influences how schools develop disciplinary policies, protect learners from abuse, respond to complaints, ensure inclusive participation, manage school safety, and uphold accountability. Consequently, failures in governance may create conditions under which learners' rights are systematically compromised despite the existence of comprehensive legal protections.

This paper therefore argues that human rights protection should be conceptualized as a governance responsibility rather than merely a legal obligation. Effective educational governance requires institutional systems capable of embedding respect for learners' rights into leadership practices, professional conduct, school culture, and organizational accountability. Building upon this proposition, the next section examines how critical educational theories explain the relationship between schooling, power, authority, and human rights, providing the theoretical foundation for the proposed Educational Rights Compliance Framework (ERCF).

Schools as Institutions of Power: Theoretical Perspectives

Schools are often perceived as neutral institutions dedicated to teaching, learning, and character formation. However, critical educational scholarship has consistently challenged this assumption, arguing that schools are social institutions in which power is produced, exercised, negotiated, and reproduced. Educational policies, leadership practices, curriculum, assessment, discipline, and institutional culture are not merely administrative mechanisms; they also shape relationships between authority and learners, influencing whose voices are heard, whose interests are protected, and whose rights are realized. Understanding schools as institutions of power provides an important theoretical foundation for examining how governance structures may either safeguard or compromise learners' human rights.

Michel Foucault: Schools as Disciplinary Institutions

Michel Foucault's theory of disciplinary power provides one of the most influential explanations of how modern institutions regulate human behaviour. In *Discipline and Punish*, Foucault (1977) argued that institutions such as schools, prisons, hospitals, and military organizations exercise power through surveillance, normalization, examination, and hierarchical observation. Rather than relying primarily on physical coercion, disciplinary institutions shape behaviour by encouraging individuals to internalize institutional expectations and regulate themselves.



Within schools, disciplinary power is evident in attendance registers, timetables, classroom routines, examinations, grading systems, behavioural codes, and surveillance practices. While these mechanisms contribute to order and organizational effectiveness, they also create unequal power relationships between educators and learners. When exercised without accountability or respect for children's rights, disciplinary practices may lead to humiliation, excessive punishment, suppression of learner participation, or the normalization of authoritarian practices. Foucault's analysis therefore demonstrates that power within schools is not inherently oppressive; rather, its consequences depend on how governance systems regulate its exercise.

Paulo Freire: Schools as Sites of Liberation or Oppression

Paulo Freire (1970) shifted attention from institutional discipline to the relationship between education, power, and social justice. He criticized the traditional "banking model" of education in which teachers deposit knowledge into passive learners, arguing that such an approach reproduces domination by discouraging dialogue, critical thinking, and democratic participation. In contrast, Freire proposed a dialogical model of education in which teachers and learners engage collaboratively in the construction of knowledge.

From a human rights perspective, Freire's work suggests that schools violate learners' rights not only through physical or psychological abuse but also by denying learners opportunities to participate meaningfully in decisions affecting their education. Rights-based education therefore requires pedagogical relationships founded on mutual respect, participation, and critical inquiry rather than unquestioned authority. Freire's conception of education as a practice of freedom reinforces the principle that protecting learner rights is integral to educational quality.

Ivan Illich: Institutional Schooling and Educational Freedom

Ivan Illich's critique of formal schooling extends the discussion of institutional power by questioning the assumption that learning must occur primarily within formal educational institutions. In *Deschooling Society*, Illich (1971) argued that compulsory schooling often creates dependency, reinforces social inequalities, and confers legitimacy on institutional authority rather than promoting authentic learning. He maintained that educational systems frequently privilege credentials over competence and institutional conformity over intellectual independence. Although Illich's call for deschooling remains controversial, his critique is valuable because it encourages scholars to examine whether institutional practices serve learners' interests or primarily preserve organizational structures. Within the context of this paper, Illich's work highlights the importance of ensuring that educational governance remains accountable to learners' rights rather than institutional convenience.

John Dewey: Democratic Education and Learner Participation

John Dewey (1916) approached educational power from a democratic perspective, arguing that schools should function as communities in which learners actively participate in shared inquiry, problem-solving, and decision-making. For Dewey, democracy was not merely a political system but a way of life characterized by participation, cooperation, and mutual respect. Education therefore serves as the primary means through which democratic values are cultivated.



Dewey's philosophy aligns closely with contemporary human rights principles by emphasizing learner agency, inclusion, and participation. Schools that deny students meaningful opportunities to express their views or influence decisions affecting their learning environments undermine democratic education and weaken the development of responsible citizenship. Rights-based educational governance therefore requires leadership practices that encourage dialogue, collaboration, and shared responsibility within school communities.

Henry Giroux: Schools as Democratic Public Spaces

Henry Giroux (1983) further expanded critical educational theory by conceptualizing schools as political and cultural institutions that shape citizenship, identity, and social justice. He rejected the notion of schools as neutral organizations, arguing instead that educational institutions either reproduce existing inequalities or provide opportunities for democratic transformation. Teachers, according to Giroux, should function as transformative intellectuals who empower learners to question injustice, challenge oppression, and participate actively in democratic society. Giroux's perspective broadens the understanding of educational governance by emphasizing that leadership decisions influence not only academic outcomes but also learners' experiences of equity, inclusion, participation, and justice. Consequently, school governance should be evaluated according to its contribution to democratic citizenship and the protection of learners' rights rather than solely through measures of organizational efficiency.

Michael Apple: Curriculum, Ideology, and Institutional Power

Michael Apple (2004) complements the foregoing perspectives by demonstrating that power within schools is exercised not only through discipline and governance but also through curriculum, knowledge selection, and institutional ideology. Apple argues that educational institutions often reproduce dominant political, economic, and cultural values by legitimizing particular forms of knowledge while marginalizing others. This process influences learners' perceptions of identity, authority, equity, and social participation.

Apple's analysis is particularly relevant to rights-based educational governance because it illustrates that protecting learners' rights extends beyond preventing physical harm. Educational leaders must also ensure that school policies, curricula, and institutional cultures promote inclusion, diversity, respect, and equal educational opportunities. Governance therefore encompasses both the visible administration of schools and the less visible processes through which institutional values shape learners' experiences.

Synthesis of the Theoretical Perspectives

Although Foucault, Freire, Illich, Dewey, Giroux, and Apple approach education from different philosophical traditions, they converge on one fundamental proposition: schools are institutions in which power is continuously exercised through governance, pedagogy, curriculum, institutional culture, and professional practice. Their collective scholarship demonstrates that educational institutions possess the capacity both to advance and to undermine learners' rights depending on how authority is exercised.



Building upon these theoretical perspectives, this paper argues that the protection of learners' rights should be understood as a governance responsibility rather than solely a legal or ethical obligation. Effective educational governance requires institutional systems that regulate power through accountability, legal compliance, democratic leadership, professional ethics, and learner participation. This proposition provides the theoretical foundation for the Educational Rights Compliance Framework (ERCF) developed later in this paper, which explains how governance structures influence the realization of learners' rights within schools.

Human Rights Violations in Schools: Global and Nigerian Perspectives

Global Evidence

Although schools are universally regarded as institutions for learning, protection, and social development, evidence from international organizations and scholarly research demonstrates that learners continue to experience various forms of human rights violations within educational settings. These violations range from physical and psychological violence to discrimination, exclusion, unsafe learning environments, sexual harassment, and restrictions on learner participation. Such practices undermine the realization of education as a human right and compromise the ability of schools to fulfil their developmental mandate.

School-related violence remains one of the most pervasive human rights concerns globally. UNESCO (2019) estimated that approximately one in three learners worldwide experiences bullying during their school years, while millions of children are exposed to corporal punishment, psychological abuse, or other forms of violence. The World Health Organization (WHO, 2020) similarly identified violence against children as a major public health concern, emphasizing that exposure to violence in educational settings adversely affects learners' physical health, mental well-being, academic achievement, and long-term social development.

In addition to physical violence, discrimination continues to impede the realization of educational rights. Learners may experience unequal treatment based on gender, disability, ethnicity, religion, language, socioeconomic status, migration status, or other personal characteristics. UNESCO's *Global Education Monitoring Report* (2020) observed that discriminatory practices remain a significant barrier to inclusive and equitable education, particularly for vulnerable and marginalized populations. Such practices violate internationally recognized principles of equality and non-discrimination enshrined in the Universal Declaration of Human Rights (United Nations [UN], 1948) and the Convention on the Rights of the Child (UN, 1989).

The exclusion of learners from decisions affecting their educational experiences also represents an important rights concern. Article 12 of the Convention on the Rights of the Child recognizes children's right to express their views freely in matters affecting them and requires that those views be given due weight according to the child's age and maturity (UN, 1989). Nevertheless, educational governance in many jurisdictions remains predominantly adult-centred, with limited opportunities for learners to participate meaningfully in institutional decision-making. This exclusion weakens democratic school culture and limits the realization of participatory rights.



Furthermore, the rapid expansion of digital technologies has introduced additional human rights challenges within schools. Concerns relating to cyberbullying, digital surveillance, online harassment, privacy breaches, and unequal access to digital learning resources have become increasingly prominent. UNICEF (2021) argues that educational institutions have a responsibility to ensure that children's rights are protected both in physical and digital learning environments, requiring governance systems that respond effectively to emerging technological risks. Collectively, these international findings demonstrate that human rights violations within schools extend beyond isolated incidents of misconduct. Rather, they often reflect broader institutional, cultural, and governance challenges that require comprehensive policy responses grounded in accountability, learner protection, and rights-based educational leadership.

Nigerian Evidence

Within Nigeria, considerable progress has been made in establishing legal and policy frameworks for protecting children's educational rights. The Constitution of the Federal Republic of Nigeria (1999, as amended), the Child Rights Act (2003), the Universal Basic Education Act (2004), and the National Policy on Education collectively affirm the importance of learner protection, equality, and access to quality education. Nevertheless, implementation challenges continue to affect the extent to which these legal commitments are translated into everyday school practice. Empirical studies and government reports have identified persistent concerns relating to corporal punishment, bullying, unsafe school environments, inadequate infrastructure, sexual harassment, weak safeguarding mechanisms, and inconsistent enforcement of educational regulations. While some schools have adopted learner-centred and rights-sensitive practices, others continue to rely on disciplinary approaches that may conflict with contemporary human rights standards.

School safety has become a particularly significant concern. In addition to challenges associated with deteriorating infrastructure and inadequate learning facilities, Nigeria has experienced repeated attacks on educational institutions in some regions, resulting in school closures, learner displacement, psychological trauma, and disruption of educational continuity. These circumstances have reinforced the importance of viewing learner protection as a governance responsibility requiring coordinated action by educational authorities, school leaders, communities, and government agencies.

Evidence from educational management research also suggests that legal compliance remains uneven across Nigerian secondary schools. In a study examining legal compliance in school safety and infrastructure, Udoka (2025) found generally low levels of compliance with statutory and policy requirements relating to learner safety and educational facilities in public secondary schools. The findings indicate that deficiencies in compliance are associated not only with administrative inefficiency but also with increased risks to learners' rights, safety, and well-being. These findings support the argument that educational law compliance constitutes an important mechanism for safeguarding children's rights within formal schooling.

Furthermore, reports by UNICEF and UNESCO have consistently highlighted challenges affecting inclusive education in Nigeria, particularly for girls, children with disabilities, internally displaced children, and learners from economically disadvantaged communities. Persistent inequalities in



access, participation, and educational quality continue to limit the realization of the right to education and underscore the need for governance systems capable of ensuring equitable protection for all learners.

Critical Discussion

The evidence reviewed above demonstrates that human rights violations within schools should not be understood solely as the result of individual misconduct or isolated disciplinary failures. Rather, they frequently emerge from systemic weaknesses in educational governance, institutional culture, professional practice, and accountability mechanisms. A narrow focus on individual incidents risks obscuring the organizational conditions that enable rights violations to occur or persist. This perspective aligns with the theoretical arguments advanced by Foucault, Freire, Giroux, Apple, Dewey, and Illich, each of whom recognizes that schools exercise power through institutional structures, policies, pedagogical relationships, and cultural norms. Where governance systems lack transparency, accountability, learner participation, or effective legal compliance, institutional power may be exercised in ways that undermine learners' dignity, equality, and freedom.

The evidence also highlights an important conceptual distinction between legal compliance and rights realization. The existence of constitutional provisions, educational policies, or child protection legislation does not automatically guarantee that learners experience their rights in practice. Effective protection requires governance systems capable of translating legal obligations into professional conduct, institutional culture, leadership practice, and organizational accountability. Accordingly, educational effectiveness should be evaluated not only by learner achievement or administrative efficiency but also by the extent to which schools consistently respect, protect, promote, and fulfil learners' human rights.

It is against this background that the present paper proposes the Educational Rights Compliance Framework (ERCF). The framework seeks to explain how governance structures, legal compliance, institutional culture, leadership practices, and accountability mechanisms interact to influence whether schools function as environments that protect learners' rights or become settings in which those rights are compromised. In doing so, the framework shifts the focus of educational management from compliance as a procedural requirement to compliance as a fundamental mechanism for realizing children's human rights.

Educational Law Compliance and Human Rights: A Governance Perspective

Educational institutions do not operate solely as instructional organizations; they are also legal institutions whose policies, decisions, and professional practices are regulated by constitutional provisions, statutory enactments, professional standards, and administrative policies. Consequently, the protection of learners' human rights is not merely an ethical aspiration but a legal obligation that binds governments, educational authorities, school leaders, and teachers. From this perspective, educational law compliance constitutes a critical mechanism through which schools translate national and international human rights commitments into everyday educational practice.



Educational law compliance refers to the extent to which educational institutions, administrators, and teachers adhere to constitutional provisions, education statutes, child protection laws, professional standards, and institutional policies governing the operation of schools. Compliance extends beyond avoiding legal sanctions; it encompasses the deliberate implementation of governance structures, leadership practices, and professional behaviours that protect learners' rights to safety, dignity, participation, equality, and quality education. Accordingly, effective educational governance should be assessed not only by administrative efficiency or academic performance but also by the extent to which schools consistently comply with legal obligations designed to safeguard learners.

The legal foundation for educational rights in Nigeria is established by the Constitution of the Federal Republic of Nigeria 1999 (as amended), which recognizes the responsibility of the State to direct its policy toward ensuring equal and adequate educational opportunities for all citizens. Although the constitutional provisions relating to education are largely contained within the Fundamental Objectives and Directive Principles of State Policy, they establish the normative expectation that education should promote human development, equality, and national progress.

More specific protection is provided through the Child Rights Act, 2003, which domesticated key principles of the United Nations Convention on the Rights of the Child within Nigeria. The Act recognizes the best interests of the child as the primary consideration in all actions affecting children and guarantees protection from abuse, neglect, exploitation, degrading treatment, and other forms of violence. It further affirms children's rights to survival, development, participation, and education. For educational institutions, these provisions require school leaders and teachers to ensure that disciplinary measures, administrative decisions, and school practices respect the dignity and welfare of every learner.

The National Policy on Education similarly establishes the philosophical and operational framework for Nigeria's education system. The policy emphasizes equal educational opportunities, inclusive education, learner development, national unity, value orientation, and the provision of safe and supportive learning environments. These objectives require educational administrators to develop governance systems capable of ensuring equitable access, effective learner protection, and compliance with established educational standards.

Professional responsibility is reinforced through the Teachers Registration Council of Nigeria (TRCN). The Teachers' Handbook and the Professional Standards for Nigerian Teachers require teachers to maintain professional competence, uphold ethical conduct, safeguard learners' welfare, and comply with established standards of practice. The TRCN framework makes clear that professional misconduct and breaches of ethical obligations may attract disciplinary measures, reinforcing the principle that protecting learners is an essential component of professional teaching practice rather than an optional responsibility.

Despite this comprehensive legal and regulatory framework, evidence suggests that implementation remains uneven across many Nigerian schools. Legal provisions alone do not guarantee rights protection. Weak institutional accountability, inadequate monitoring, insufficient



professional development, resource constraints, and inconsistent enforcement of educational regulations frequently limit the practical realization of learners' rights. This implementation gap illustrates the distinction between legal recognition and legal compliance. While Nigeria possesses substantial legislative protections for children, the effectiveness of those protections ultimately depends on how educational leaders translate legal obligations into institutional practice.

This implementation challenge is consistent with the findings of Udoka (2025), whose study on legal compliance in school safety and infrastructure revealed generally low levels of compliance with statutory and policy requirements in public secondary schools. The study demonstrated that deficiencies in school safety, infrastructure utilization, and adherence to legal standards were associated with weaknesses in educational administration. Importantly, the findings suggest that legal non-compliance should not be viewed merely as an administrative deficiency but as a governance failure with direct implications for learners' rights, well-being, and educational experiences. The study therefore provides empirical support for the proposition advanced in the present paper that educational law compliance is an essential mechanism for realizing human rights within schools.

Building upon this evidence, the present paper argues that educational law compliance should be reconceptualized as Educational Rights Compliance—that is, the systematic integration of legal obligations, professional ethics, institutional accountability, and rights-based leadership into the governance of schools. Under this perspective, compliance is no longer understood simply as adherence to statutory requirements but as the practical process through which educational institutions respect, protect, promote, and fulfil learners' rights.

Accordingly, educational governance should move beyond procedural compliance toward a model in which legal obligations become embedded within school culture, leadership practices, policy implementation, teacher professionalism, and institutional accountability. This proposition provides the immediate foundation for the Educational Rights Compliance Framework (ERCF) presented in the next section, which explains how governance structures influence the protection and realization of learners' human rights within educational institutions.

The Educational Rights Compliance Framework (ERCF): A Proposed Conceptual Model for Rights-Based Educational Governance

Introducing the Educational Rights Compliance Framework (ERCF)

The preceding sections have demonstrated that the realization of learners' rights cannot be adequately explained by legal provisions alone. International human rights instruments establish normative standards, while critical educational theories explain how power operates within schools. Likewise, evidence from Nigeria and other educational contexts suggests that violations of learners' rights frequently arise not only from individual misconduct but also from weaknesses in governance, institutional culture, leadership, and accountability. Existing scholarship, however, has not sufficiently integrated these dimensions into a governance-oriented conceptual model that explains how schools translate legal obligations into everyday educational practice.



To address this conceptual gap, this paper proposes the Educational Rights Compliance Framework (ERCF). The ERCF is a governance-oriented conceptual framework that explains how educational institutions protect or undermine learners' rights through the interaction of legal compliance, institutional leadership, organizational culture, professional practice, and accountability. The framework extends existing discussions of educational law compliance by arguing that compliance should not be understood merely as adherence to statutory requirements but as the practical realization of learners' human rights within educational institutions.

The ERCF is informed by four complementary bodies of scholarship. First, it draws upon international human rights law, particularly the Universal Declaration of Human Rights (United Nations, 1948), the International Covenant on Economic, Social and Cultural Rights (United Nations, 1966), and the Convention on the Rights of the Child (United Nations, 1989), which establish the normative obligations of educational institutions. Second, it incorporates critical educational theories that explain how institutional power influences learners' experiences (Foucault, 1977; Freire, 1970; Giroux, 1983; Apple, 2004). Third, it builds upon rights-based education and capability approaches, emphasizing learner dignity, participation, equity, and human flourishing (Sen, 1999; Nussbaum, 2011; Tomasevski, 2001). Finally, it extends educational management scholarship by positioning educational law compliance as a governance mechanism through which schools fulfil their human rights responsibilities.

The Core Proposition of the ERCF

The central proposition of the Educational Rights Compliance Framework is that:

The extent to which schools protect or violate learners' human rights depends on the degree to which educational governance integrates legal compliance, ethical leadership, institutional culture, professional practice, and accountability into everyday school administration.

This proposition shifts the focus of educational management from administrative efficiency alone to the broader question of how governance structures influence learners lived educational experiences.

Components of the ERCF

The framework comprises five interrelated dimensions.

1. Educational Law Compliance

Educational law compliance forms the normative foundation of the framework. It encompasses adherence to constitutional provisions, education laws, child protection legislation, professional standards, judicial decisions, and institutional policies governing educational practice. Compliance establishes the legal obligations that define acceptable educational conduct and provides the minimum standards for protecting learners' rights.

2. Rights-Based Educational Leadership

The second dimension recognizes school leadership as the primary mechanism through which legal obligations are translated into institutional practice. Rights-based leaders establish policies, allocate resources, model ethical behaviour, strengthen safeguarding systems, encourage learner participation, and ensure that administrative decisions uphold dignity, equity, and inclusion. Leadership therefore functions as the operational bridge between educational law and educational practice.



3. Institutional Culture and Professional Practice

The third dimension focuses on the everyday organizational environment in which education occurs. Institutional culture encompasses shared values, beliefs, traditions, expectations, and professional norms that shape interactions between teachers, learners, administrators, and communities. Professional practice includes classroom management, disciplinary procedures, assessment practices, communication, learner support, and safeguarding. Positive institutional cultures reinforce learners' rights, whereas exclusionary or authoritarian cultures may normalize practices that undermine dignity, participation, and equality.

4. Learners' Human Rights Realization

The fourth dimension represents the practical realization of internationally recognized learner rights within schools. These include the rights to dignity, participation, equality, safety, protection from violence, freedom from discrimination, privacy, inclusion, and quality education. The framework argues that rights realization constitutes the principal indicator of effective educational governance because it reflects the extent to which schools fulfil their legal and ethical responsibilities.

5. Educational Outcomes

The final dimension recognizes that rights protection contributes directly to educational effectiveness. Schools that consistently protect learners' rights are more likely to promote academic engagement, psychological well-being, school connectedness, inclusive participation, democratic citizenship, trust, and sustainable educational improvement. Conversely, persistent rights violations undermine educational quality by weakening learner motivation, increasing absenteeism, reducing trust in school leadership, and limiting opportunities for holistic development.

Dynamic Relationships within the Framework

The Educational Rights Compliance Framework conceptualizes these five dimensions as mutually reinforcing rather than sequential. Educational law compliance provides the normative foundation upon which leadership operates. Leadership influences institutional culture and professional practice, while organizational culture shapes whether learners experience their rights in practice. The realization of learners' rights, in turn, contributes to improved educational outcomes that reinforce institutional legitimacy and public confidence. Conversely, weaknesses at any point within the framework may undermine the entire governance process. Inadequate legal compliance, ineffective leadership, exclusionary institutional cultures, or weak accountability mechanisms increase the likelihood that learners' rights will be compromised despite the existence of comprehensive legal protections. The framework therefore emphasizes that educational governance should be understood as an integrated system in which legal, organizational, and professional dimensions interact continuously.

Implications of the ERCF

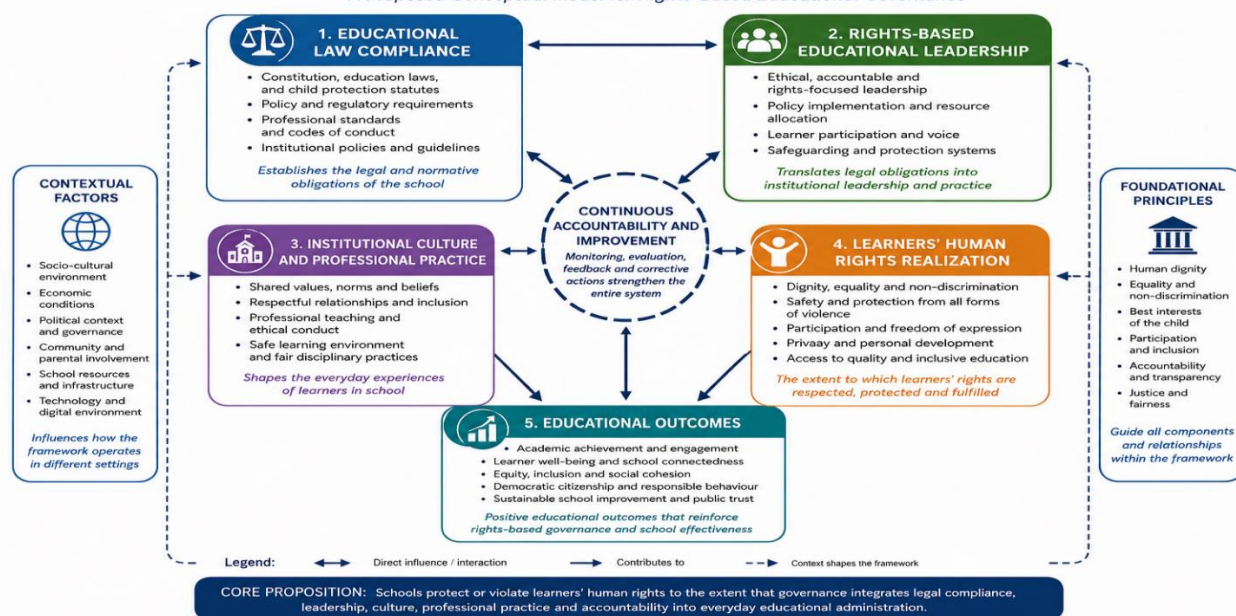
The Educational Rights Compliance Framework has several implications for educational management scholarship and practice. Conceptually, it bridges educational law, human rights, educational leadership, and governance by providing a unified perspective for understanding learner protection within schools. Methodologically, it offers a basis for developing measurable indicators of educational rights compliance that can be tested through future empirical research.

Practically, it encourages school leaders, policymakers, and regulatory agencies to evaluate educational effectiveness not only through academic outcomes but also through the extent to which schools consistently respect, protect, promote, and fulfil learners' rights.

Accordingly, the ERCF represents a proposed conceptual model for rights-based educational governance. Rather than replacing existing theories, it synthesizes insights from educational law, critical pedagogy, human rights scholarship, and educational management into an integrated framework capable of informing future research, policy development, leadership practice, and institutional reform.

Figure 1: The Educational Rights Compliance Framework (ERCF)

A Proposed Conceptual Model for Rights-Based Educational Governance



Implications for Educational Governance

The Educational Rights Compliance Framework (ERCF) proposed in this paper has significant implications for educational governance, educational leadership, policy development, professional practice, and future research. By repositioning learner rights as a central indicator of effective school governance, the framework challenges traditional conceptions of educational administration that prioritize organizational efficiency and academic performance while paying comparatively less attention to learners' lived experiences. The ERCF argues that educational governance should be evaluated not only by institutional outputs but also by the extent to which schools consistently respect, protect, promote, and fulfil the human rights of learners.

Implications for Educational Leadership

The framework redefines the role of school leaders by positioning principals and other educational administrators as rights custodians rather than solely instructional or administrative managers. School leaders are expected to create institutional environments that safeguard learner dignity,



ensure equitable treatment, promote participation, and enforce compliance with legal and professional standards. Rights-based leadership therefore requires administrators to integrate human rights principles into school policies, disciplinary systems, teacher supervision, learner welfare, and stakeholder engagement. Leadership effectiveness should consequently be assessed not only through examination results or administrative performance but also through demonstrable compliance with child protection standards and learners' rights.

Implications for Educational Policy

The findings of this paper suggest that educational policies should explicitly incorporate rights-based governance principles into school management frameworks. Existing policies often emphasize access, enrolment, infrastructure, curriculum implementation, and quality assurance but devote comparatively limited attention to systematic monitoring of learners' rights within schools. Ministries of Education, education boards, inspectorate services, and quality assurance agencies should therefore develop measurable indicators for assessing educational rights compliance alongside conventional school effectiveness indicators. Such indicators may include learner participation, safeguarding practices, anti-discrimination measures, inclusive education, school safety, complaint resolution mechanisms, and adherence to child protection legislation.

Implications for Educational Law Compliance

One of the principal contributions of the ERCF is its reconceptualization of educational law compliance as a governance mechanism for protecting human rights. Compliance should no longer be understood merely as satisfying statutory or administrative requirements but as ensuring that legal obligations are translated into everyday educational practice. School inspections, administrative audits, and institutional evaluations should therefore assess not only procedural compliance but also the extent to which governance practices uphold learners' rights to dignity, equality, participation, privacy, protection from violence, and safe learning environments.

This perspective extends the argument advanced by Udoka (2025), which demonstrated that legal compliance contributes to safer and more effective school administration. The present paper broadens this proposition by arguing that educational law compliance also constitutes an essential mechanism for realizing learners' human rights.

Implications for Teacher Professionalism

Teachers occupy a central position within rights-based educational governance because they directly influence learners' daily experiences. Consequently, teacher education programmes should strengthen preparation in educational law, child rights, professional ethics, inclusive education, safeguarding, and democratic classroom management. Continuous professional development should emphasize positive discipline, learner participation, restorative approaches to conflict resolution, and culturally responsive pedagogy. Professional accountability systems should reinforce these competencies through ethical standards, mentoring, supervision, and performance evaluation.

Implications for Learner Participation

The ERCF emphasizes that learners are not passive recipients of educational services but active rights holders whose perspectives contribute to school improvement. Educational governance



should therefore create meaningful opportunities for learner participation in school councils, disciplinary review processes, policy discussions, and institutional decision-making consistent with Article 12 of the United Nations Convention on the Rights of the Child (United Nations, 1989). Such participation strengthens democratic school culture, enhances institutional accountability, and improves the legitimacy of administrative decisions.

Implications for School Accountability

The framework further suggests that accountability within educational institutions should extend beyond financial management and academic achievement to include rights accountability. School governing bodies, inspectorate services, parent associations, and regulatory agencies should establish transparent mechanisms through which allegations of discrimination, violence, abuse, exclusion, or other rights violations are reported, investigated, and resolved. Institutional accountability systems should encourage continuous improvement rather than punitive compliance, thereby fostering organizational cultures that prioritize learner protection and ethical educational practice.

Implications for Future Research

The Educational Rights Compliance Framework provides a foundation for future empirical investigation. Researchers may operationalize the framework by developing validated instruments to measure educational rights compliance and examine its relationship with school leadership, institutional culture, learner well-being, academic achievement, school climate, and organizational effectiveness. Comparative studies across educational levels, school types, and national contexts would further refine the framework and test its applicability beyond Nigeria. Longitudinal research may also examine how sustained improvements in educational rights compliance influence learner outcomes and institutional performance over time.

Towards Rights-Based Educational Governance

Ultimately, the ERCF calls for a paradigm shift in educational management. Schools should no longer be evaluated solely as organizations that deliver instruction but as public institutions entrusted with protecting the dignity, rights, and holistic development of every learner. Rights-based educational governance therefore requires the integration of legal compliance, ethical leadership, democratic participation, professional accountability, inclusive institutional cultures, and continuous safeguarding into everyday school administration. By repositioning learner protection at the centre of governance, educational institutions become better equipped to fulfil both their educational mandate and their human rights obligations in increasingly diverse and complex societies.



7.1 Synthesis of Governance Implications of the Educational Rights Compliance Framework (ERCF)

To facilitate translation of the ERCF into practical actions, Table 1 summarizes the key governance implications associated with each dimension of the framework, the core actions required of educational leaders and stakeholders, and the expected outcomes for learners, schools, and the education system.

Table 1

Synthesis of Governance Implications of the Educational Rights Compliance Framework (ERCF)

ERCF Dimension	Purpose	Key Governance Implications (What Leaders and Institutions Should Do)	Key Stakeholders Involved	Expected Outcomes
 1. Educational Law Compliance	Establish the legal and normative foundation for protecting learners' rights in schools.	- Strengthen adherence to the Constitution, Child Rights Act, National Policy on Education, and other relevant laws. - Conduct regular compliance audits and legal reviews. - Ensure policies and procedures align with child protection and education laws. - Enforce consequences for non-compliance.	- Ministry of Education - School administrators - Legal and regulatory bodies - School governing bodies	- Increased legal compliance - Reduced rights violations - Stronger institutional accountability - Enhanced protection of learners' rights
 2. Rights-Based Educational Leadership	Translate legal obligations into ethical leadership and effective school management.	- Build leaders' capacity in rights-based and ethical leadership. - Embed human rights principles in decision-making, policies, and daily practices. - Promote transparency, fairness, and inclusion in leadership. - Strengthen systems for learner participation and voice.	- School leaders (principals, heads of department) - Education authorities - Leadership development institutions	- Ethical and accountable leadership - Inclusive and participatory school governance - Policies that protect and promote learner rights
 3. Institutional Culture and Professional Practice	Create a school environment and professional culture that upholds dignity, equity and respect.	- Promote inclusive, non-discriminatory and supportive cultures. - Institutionalize positive discipline and restorative practices. - Strengthen teacher professionalism and ethical conduct. - Ensure safe, child-friendly and supportive learning environments.	- Teachers - School leaders - Students - Parents and communities	- Positive school climate - Reduced violence and discrimination - Strong professional ethics - Enhanced learner well-being
 4. Learners' Human Rights Realization	Ensure that learners experience and enjoy their rights in practice within schools.	- Put in place safeguarding and child protection systems. - Ensure access to participation, information, privacy and inclusive education. - Establish accessible grievance and redress mechanisms. - Monitor and address all forms of rights violations.	- Students - Teachers - School leaders - Child protection units - Parents/guardians	- Respect for dignity, equality and participation - Effective protection from abuse and discrimination - Greater trust in schools
 5. Educational Outcomes	Achieve holistic educational outcomes that reflect both academic excellence and rights protection.	- Use balanced indicators that include rights-based measures of school effectiveness. - Integrate well-being, engagement and civic outcomes into evaluation systems. - Promote continuous improvement driven by data and feedback.	- Education planners - School leaders - Researchers - Communities	- Improved academic achievement - Enhanced learner well-being and engagement - Strong school reputation - Sustainable educational improvement

Note. The five dimensions are interdependent and interact dynamically. Strength in one dimension reinforces others, while weaknesses in any dimension can compromise the entire system.

Conclusion

This position paper has argued that schools should be understood not only as institutions for the delivery of education but also as governance systems with legal, ethical, and professional responsibilities to respect, protect, promote, and fulfil learners' human rights. While international and national legal instruments provide comprehensive protection for children's educational rights, the evidence reviewed in this paper demonstrates that the existence of legal provisions alone does not guarantee their realization within schools. Persistent challenges such as corporal punishment, discrimination, bullying, psychological abuse, exclusion from decision-making, unsafe learning environments, and weak institutional accountability indicate that many violations of learners' rights are rooted in governance failures rather than isolated acts of individual misconduct.

Drawing on critical educational theories, rights-based education, educational law, and educational management scholarship, the paper has demonstrated that schools are institutions in which power is exercised through leadership, policy implementation, organizational culture, professional practice, and accountability systems. Consequently, educational governance must be evaluated not only by academic achievement or administrative efficiency but also by the extent to which schools create learning environments that uphold dignity, equality, participation, inclusion, safety, and justice.

The principal contribution of this paper is the introduction of the Educational Rights Compliance Framework (ERCF) as a proposed conceptual model for understanding the relationship between educational governance and the realization of learners' rights. The framework integrates educational law compliance, rights-based educational leadership, institutional culture, professional practice, accountability, and learner outcomes into a unified analytical perspective. By positioning educational law compliance as a mechanism for advancing human rights rather than merely satisfying statutory obligations, the ERCF broadens contemporary discussions of educational



governance and provides a coherent framework for future scholarly inquiry and policy development.

The study further contributes to educational management literature by bridging the conceptual divide between educational law, educational governance, and human rights scholarship. In doing so, it advances the concept of Educational Rights Compliance, which emphasizes that compliance should be measured not simply by adherence to legal and administrative procedures but by the extent to which schools consistently translate legal obligations into educational practices that protect learners' dignity, participation, equality, safety, and holistic development. This reconceptualization offers a new perspective for evaluating school effectiveness and leadership in both developed and developing educational contexts.

Although this paper is conceptual in nature, the proposed framework provides a foundation for future empirical investigation. Subsequent studies should develop and validate instruments for measuring Educational Rights Compliance and examine its relationship with school leadership, organizational culture, learner well-being, academic achievement, teacher professionalism, school climate, and institutional effectiveness across diverse educational contexts. Comparative and longitudinal studies would also strengthen understanding of how rights-based governance contributes to sustainable educational improvement.

For educational policymakers, school leaders, regulatory agencies, teacher education institutions, and researchers, the implications are clear. Schools should no longer be assessed solely by enrolment rates, examination performance, or administrative efficiency. They should equally be evaluated by their capacity to protect learners' rights, promote democratic participation, ensure equitable treatment, and create safe, inclusive, and respectful learning environments. Achieving these goals requires a deliberate shift from compliance-driven administration to rights-based educational governance, where legal accountability, ethical leadership, institutional transparency, and learner-centred practice become defining characteristics of effective schools.

Ultimately, the future of educational governance depends not only on improving educational access and quality but also on ensuring that every learner experiences school as a place where rights are respected, voices are heard, dignity is protected, and human potential is nurtured. By placing human rights at the centre of educational governance, the Educational Rights Compliance Framework offers a timely and practical pathway for strengthening school leadership, institutional accountability, and the realization of education as both a fundamental human right and a public good.

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