THE RIGHT TO EDUCATION IN HUMAN RIGHTS GOVERNANCE AND POLITICS: REPORTING AND MONITORING INTERCULTURAL EDUCATION

Eva Gamarnikow

E asier said than done' was the title adopted for a conference celebrating twenty years of the Convention on the Rights of the Child (CRC, 1989)[1], held at the Institute of Education in June 2009. The snappy title reminds us only too clearly that one of the continuing critiques of human rights is that they represent a rhetorical wish-list of good ideas, fine in theory, but more difficult to achieve in practice. The aim of this paper is to investigate one dimension of human rights, namely governance, which is intended to ensure that saying is turned into doing. More specifically, this paper is concerned with analysing the reports produced by national governments in conformity with the accountability procedures adopted by the UN generally, and the Committee on the Rights of the Child specifically, to promote compliance with treaty obligations: submission of periodic reports by each nation state, for scrutiny by the Committee, which provide detailed descriptions of national policies for and achievements and challenges in enacting the children' rights.

This critical investigation of reports of national policy enactment in the arena of children's human rights focuses on Article 29 (1) (c) of the CRC:

> The education of the child shall be directed to: (…)

> "C. The development of respect for the child's (…) 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".

The assumption underlying the argument of the paper is that, whatever its short-comings (Gamarnikow, 2011), this sub-section of Article 29 is fundamentally concerned with a re-orientation of the aims, ethos and content of education from its traditional focus on, and promotion of, national identity and the imagined community of the nation state, to embrace a recognition of the growing multi-cultural pluralism of contemporary nation states. Article 29 (1) (c) is thus concerned with intercultural education.

Intercultural education is a contested concept. At one end of a long and complex continuum lies a maximalist definition, such as Gundara's (2000) argument that intercultural education engages critically with all forms of social power and powerlessness, in that culture represents the lived reality of all social relations. Thus all social relations which are constituted in and through power dynamics, be they 'race'/ethnicity or gender or class or sexuality, can be addressed, re-formed and challenged in school curricula and practices. This radical notion of intercultural education goes way beyond the minimalist conception which tends to locate the problematic of culture in minority ethnic populations only. Here intercultural education becomes a response to multicultural diversity in previously (putatively) mono-cultural nation states and education systems (Gill, Mayor, and Blair, 1992; Mullard, 1982; Tomlinson, 2008). While radical interculturalism challenges power relations, the concerns of the minimalist position are those of social order, for example, balancing national social cohesion and cultural rights of minorities (see, for example UK policy on social cohesion (Commission on Integration and Cohesion, 2007).

In this paper I adopt an agnostic position in relation to definitions of and approaches to intercultural education. For pragmatic reasons I cast the net widely to include any changes enacted by national governments to address the education of groups identified as educationally different on grounds of 'race', ethnicity or nationality. My concern is to explore and analyse what European countries say they are doing

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[1] In this paper I will adopt the abbreviation CRC 1989 to denote the Convention on the Rights of the Child, and CRC to talk about the Committee on the Rights of the Child.

in the field of education in order to comply with Article 29 (1) (c), to map the policy discourses, rather than to engage in evaluating theoretical understanding and conceptual clarity. Adopting this empirically open, if conceptually imprecise, view of intercultural education opens up the space to locate the argument of the paper in an engagement with human rights discourse, governance and practices. While anti-racist activists and social movements pursue far broader agendas, my concern here is to explore how different countries describe their understanding and enactment of Article 29 (1) (c) in national education policies and the ways in which these enactments are reported for the purposes of monitoring of national education policies with respect to the CRC minima agreed and ratified by virtually all the world's countries.

1. HUMAN RIGHTS GOVERNANCE: UNIVERSALITY OR NATIONAL SOVEREIGNTY?

Implementation weaknesses are a common critique of human rights (Gearon, 2003; Hegarty and Leonard, 1999). There are two main reasons for implementation difficulties. The first is the tension between the universality of human rights and their enactment by national governments within national boundaries, in the context of historically and culturally specific societies. Thus while human rights take the form of abstract general principles, nation states are specific territorial and social sites, with their own narratives concerning culture, tradition and history as well as problematic issues or 'challenges'. Application of abstract general principles is thus always context-specific (Bobbio, 1996; Cassese, 1990;Klug, 2000).

A second reason for the tensions between human rights universalism and national/cultural specificity is inherent in the human rights system itself, in that nation states are the parties to human rights treaties, not individual rights subjects (Douzinas, 2007). Enacting human rights is, therefore, always a site for national sovereignty, as exemplified in political, legal, administrative histories, traditions, customs and practices. It is certainly the case that international human rights have displaced a more absolutist form of political and legal national sovereignty. This has been replaced by a complex notion of sovereignty of the nation state *qua* State party, the legal subject agreeing to abide by and enact international human rights treaties, within an international community of other, equally sovereign nation states, represented by the UN system.

Within this complex system of individual State parties within a community of States parties, absolute national sovereignty has been replaced by the hegemony of national cultures, whereby enactment of the international is finessed by means of the culturally sensitive and legally appropriate national: international human rights are to be implemented in ways consistent with the culture, values and practices of individual nation states. This form of 'subsidiarity', whereby the manner of policy implementation is devolved to the lowest level, in the nation, reflects the strong tensions between the universality of human rights and national cultural rights. I have argued elsewhere (Gamarnikow, 2011) that the human rights regime shifts the site of sovereignty from the political nation state to the cultural rights of the nation. Thus national sovereignty is reconfigured, not lost, and is clearly in tension with the universality of human rights.

Another weakness in the implementation system derives from the human rights regime structured by competing sovereignties, namely, the difficulties of rolling out an effective system of ensuring nation state compliance with treaty obligations. While nation states may sign human rights treaties that do not mean that they will enact them – 'easier said than done'. If international human rights treaties, like the

CRC, are to be more than wish-lists, then the sovereignty of the international community has to override national/cultural sovereignty and place it under its normalizing governmental gaze.

This gaze is embedded in the forms of governance adopted by the UN to promote compliance with human rights treaties ratified by nation states. One of these forms of governance is a system of monitoring whereby each State party is legally required, under the terms of the treaty, to submit periodic country reports on developments in enacting the human rights treaties ratified. These reports are discussed by the relevant committee and recommendations are made about 'what is to be done'.

This form of governance resembles the procedures prevalent in audit cultures of managerialism, performativity and surveillance (Lewis, Gewirtz, and Clarke, 2000; Thrupp and Willmott, 2003). Each country report has to follow a specific template, linked to the human rights treaty in question, in which the government outlines the progress it has made in enacting the principles of the treaty, as well as areas for future work/improvement. In the UK we call these types of reports 'critical self-assessment documents', a key technology of current governmentality, whereby the audited institution is obliged to demonstrate and fully document its procedural conformity and dispositional compliance with policy directives and its achievements in relation to internally and externally imposed targets and goals.

The monitoring procedures deployed by the Committee on the Rights of the Child are outlined in official guidelines (CRC, 1991, 1994, 2005a, 2005b). These stipulate that States parties are obligated, under article 44 of the CRC 1989, to submit an initial report within two years of acceding to the treaty, and then to submit subsequent periodic reports every five years. The reports have to contain information on:

"The measures they [States parties] have adopted which give effect to the rights recognised therein and on the progress of the enjoyment of those rights (…) Reports (…) shall indicate factors and difficulties, if any, affecting fulfilment of the obligations under the Convention (…) [and] shall contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned" (CRC, 1991).

The guidelines provide headings and sub-headings, and identify the type of information required under each heading. In reporting on education (articles 28 and 29) the initial report has to provide with the following:

"Education, leisure and cultural activities

21. Under this section States parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures in force; the institutional infrastructure for implementing policy in this area, particularly monitoring strategies and mechanisms; and factors and difficulties encountered and progress achieved in implementing the relevant provisions (…) in respect of:

a) Education, including vocational training and guidance (art. 28);

b) Aims of education (art. 29).2" (CRC, 1991).

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[2] The CRC 1989 education articles:

Article 28

1. States Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equality of opportunity, they shall, in particular:

In the most recent guidelines for periodic (ie second and subsequent) reports States parties are advised to provide information on "follow-up [action taken in the light of recommendations arising from the previous report], comprehensive national programmes - monitoring, resource allocation, statistical data, challenges to implementation". The presentation should "provide a basis for constructive dialogue" and "strike a balance in describing the formal legal situation and the situation in practice"; in other words, the report should be comprehensive, comprehensible and truthful. Moreover, States parties are advised that the process of preparing a periodic report should not be a simple, civil service paper exercise, but should be carried out within the parameters of democratic institutions and practices: "the process should be one that encourages and facilitates popular participation and public scrutiny of government policies" (CRC, 2005b). And the inducement – the opportunity for critical reflection!

> "Preparing a report for submission (…) offers an important occasion for conducting a comprehensive review of the various measures undertaken to harmonise nation law and policy with the Convention and to monitor progress."

The new guidelines for education are significant for the purposes of this paper in that they provide a bit more detail on what periodic reports should say about article 29. States parties are directed to "follow (…) general comment No 1 (2001) on the aims of education", a lengthy contribution by a panel of experts on ways of interpreting the abstract principles enunciated in article 29 (CRC, 2001).

While the system of submitting periodic reports to scrutiny may appear to constitute an effective system, it has a serious weakness which arises from the competing sovereignties of the national and international system of politics and governance. In this sense, it is wholly reliant upon the goodwill and commitment of States parties and on the existence of effective national systems of administration to produce reports and to produce them on time.

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a)   Make primary education compulsory and available free to all

b)   Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible ... and take appropriate measures such as the introduction of free education and ... financial assistance

c)   Make higher education accessible to all on the basis of capacity

d)   Make educational and vocational info and guidance available and accessible to all children

e)   Take measures to encourage regular attendance at schools and the reduction of drop-out rates

2.   States Parties shall take all appropriate measures to ensure that school discipline is ... consistent with the child's dignity

3.   States Parties shall promote and encourage international co-operation in ... education, ... to contribute to the elimination of ignorance and illiteracy

Article 29

1.   The education of the child shall be directed to:

a)   The development of the child's personality, talents and mental and physical abilities to their fullest potential

b)   The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the UN

c)   The development of respect for the child's parents, his or her 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 civilisations different from his or her own

d)   The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin

e)   The development of respect for the natural environment

2.   No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions (observing above principles and subject to minimum standards)

The sanctions available to enforce submission of reports are limited. There is, in the first instance, gentle political persuasion: "the reporting process entails ongoing reaffirmation by States parties of their commitment to respect and ensure observance of the rights set forth in the Convention" (CRC, 1991). There is the guilt-tripping reminder of legal obligations: "the convention makes reporting in time an obligation in itself" (CRC, 1994). There is persistent nagging: "the Committee issues regular reminders to States parties" (CRC, 1994). There is the (ubiquitous) offer of support: "States parties encountering difficulties in preparing the reports may request technical assistance from OHCHR or UNICEF" (CRC, 2003).

If, after all this, a State party still does not submit, non-submission is made public:

> "Records are kept on the submission of reports specifying which ones are overdue" (CRC, 1994).

> "At each session, the Secretary-General shall notify the Committee of all cases of non-submission of reports (…) In such cases, the Committee shall transmit to the State party concerned (…) a reminder concerning the submission of such a report (…) and undertake any other efforts is a spirit of dialogue between the State concerned and the Committee. If, even after the reminder and other efforts (…) the State party does not submit the required report (…), the Committee shall consider the situation as it deems necessary and shall include a reference to this effect in its report to the General Assembly" (CRC, 2005a).

The final sanction, "in case of persistent non-reporting", is discussing the situation of children's rights in the country concerned "on the basis on available information" (CRC, 1994), with the State party being informed about this and invited to attend.

In other words, the CRC has very little leverage in persuading recalcitrant and unwilling States parties to produce reports. In 2002, for instance, the Committee agreed to send a letter "to all States parties whose initial reports were due in 1992 and 1993", is ten years late. In 2003 "similar letters went sent to 3 States parties who had not submitted initial reports due in 1994" with the threat that the "situation in those countries would be considered by the Committee in one year in absence of a report" (CRC, 2003).

Thus the only real sanctions available are moral, to do with a country's reputation as a legitimate member of the international community of States parties. These are not very effective, even in Europe, as I will show below.

2. METODOLOGY

Periodic reports are texts which document the public face of government policy and practice in the different arenas of children's rights. They present a national confessional narrative (Foucault, 1979) in that they are texts constructed for scrutiny by a disciplinary power: they are the site for national governments to identify what they perceive to be their enactment of children's human rights, to present these enactments (or progress towards) in as favourable a light as possible, and to point to issues which they view as contextualising or constraining enactment. Periodic reports are therefore texts which articulate national policy discourses and describe practices (Ball, 2006). In that sense they are amenable to critical policy analysis to excavate the discursive forms structuring national thinking about human rights enactment.

Following the guidelines discussed in the previous section, State party reports include mandatory sections on articles 28 and 29. The sections concerned with article 28 outline the country's progress in developing

education systems and access to the systems, whereas the sections concerned with article 29 focus on the aims of education.

The methods adopted for the analysis which follows was to assemble all the most recent periodic reports produced by European national governments, forty three in total[3]. All the documents are available on the website of the Committee on the Rights of the Child, one of the sites on the web pages of the UN Office of the High Commissioner for Human Rights (www.ohchr.org).

I decided to focus exclusively on the last report produced by each State party, on the grounds that this would be the most recent statement of policy activity in the field of intercultural education. (In tables 1-3 below the reports analysed are shaded in grey). From each country report I extracted the text produced under 'aims of education', is article 29. The rationale underpinning this strategy was that intercultural education would be discussed under this heading, whereas the narrative under article 28 would focus more on issues of access and the education system as a whole. I searched the extracted texts using seven categories of key words: intercultural education, multicultural education; migrants, immigrants, minority/ies; citizenship, citizenship/civic education; integration, cohesion; diversity, tolerance; racism, discrimination, xenophobia; projects, initiatives, programmes. Highlighting these in different colours produced (occasionally quite startling) visual representations of narratives and discourses, and facilitated the analysis.

Two *caveats* are important here in relation to my reading of the periodic reports. Firstly, I regard these texts as specific, contextual representations of policy, rather than as categorical statements about what is happening on the ground, in schools and classrooms or the educational system as a whole. My approach is to understand and make sense of the policy discourses which frame national government thinking about intercultural education as an object of policy enactment, not to evaluate either the policies or to see how government claims measure up to actual enactment. Secondly, as mentioned earlier, as critical self-assessment documents produced by sovereign nations for external scrutiny, periodic reports contain narratives produced for the public domain. For example, problems (or challenges in bureaucratese) will be identified if there is no choice (such as the Czech Republic (2000) writing about the accusation of discrimination against Roma children by placing them in special schools, made by the Committee on the Elimination of All Forms of Racial Discrimination) or in the context of steps taken to rectify, improve, and generally move in the direction of enactment. The basic assumption underlying the analysis is that the narratives produced are possibly more positive than they would be if they had been compiled by critical social researchers. Progressive enactment is the message.

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[3]The countries include: Albania, Andorra, Austria, Belgium, Bosnia I Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, UK

3. REPORTS SURVEYED: SUBMISSION AND NON-SUBMISSION

A simple mapping of the reports produced by European States parties since ratification shows clearly the problem of non-submission of reports. Only one country out of the forty three surveyed, the Netherlands, produced the required number of reports on time.

As regards the number of reports produced, only one country, Sweden, produced four, in 1992, 1998, 2002 and 2008. However, two of these reports were delayed by one year: the 1998 report was due in 1997, and the 2008 report was due in 2007.

The next group of countries, seven in total, is those which produced three reports. Some identified the third report as including the third and fourth.

TABLE 1. STATES PARTIES SUBMITTING THREE REPORTS

Country	Ratification date	1st due	1st sub.	2nd due	2nd sub.	3rd due	3rd sub.	# o/s or 3&4
Denmark	1991	1993	1993	1998	1998	2003	2003	1
Finland	1991	1993	1994	1998	1998	2003	2003	1
France	1990	1992	1993	1997	2002	2002	2007	3&4*
Netherlands	1995	1997	1997	2002	2002	2007	2007	-
Norway	1991	1992	1993	1998	1998	2003	2003	1
Romania	1990	1992	1993	1997	2000	2007	2007	3&4*
UK	1991	1994	1994	1998	1999	2003	2007	3&4*

Note: indicates that third report was presented as a combined third and fourth.

In the European area, the majority of States parties, twenty two out of forty three, submitted two reports. All but one of these States parties, Liechtenstein, has two reports outstanding.

TABLE 2. STATES PARTIES SUBMITTING TWO REPORTS

Country	Ratification date	1st due	1st sub.	2nd due	2nd sub.	1st/2nd delay
Austria	1992	1994	1996	1999	2002	2/3
Belgium	1991	1994	1994	1999	1999	-/-
Bulgaria	1991	1993	1995	1998	2007	2/9
Croatia	1992	1993	1994	1998	2002	¼
Cyprus	1991	1993	1994	1998	2000	½
Czech Rep	1993	1994	1996	1999	2000	1/1
Germany	1992	1994	1994	1999	2001	-/2
Hungary	1991	1993	1996	1998	2004	3/5
Iceland *	1992	1993	1994	1999	2000	1/1
Ireland	1992	1994	1996	1999	2005	2/6
Italy	1991	1993	1994	1998	2000	½
Latvia	1992	1994	1998	1999	2004	4/5
Liechtenstein	1995	1998	1998	2003	2005	-/2
Lithuania	1992	1994	1998	1999	2004	4/5
Luxembourg	1990	1996	1996	2001	2002	-/1
Poland	1991	1993	1994	1998	1999	1/1
Portugal	1990	1992	1994	1997	1998	2/1
Rep Moldova	1993	1995	2001	2005	2007	6/2
Slovakia	1993	1994	1998	1999	2006	4/7
Slovenia	1992	1993	1995	1998	2001	2/3
Spain	1990	1993	1993	1999	1999	-/-
Ukraine	1991	1993	1994	1998	1999	1/1

Note: A substantial minority of governments, twelve altogether, submitted one report only, the initial report, with no subsequent periodic reports.

TABLE 3. STATES PARTIES SUBMITTING ONLY ONE (INITIAL) REPORT

Country	ratification date	1st due	1st submitted	Years delay	# reports o/s
Albania	1992	1994	2003	9	3
Andorra	1996	2000	2000	-	1
Bos&Herz	1993	1999	2004	5	1
Estonia	1991	1993	2001	8	3
Greece	1993	1995	2000	5	3
Holy See	1990	1992	1994	2	3
Macedonia	1993	1993	1997	4	3
Malta	1990	1992	1997	5	3
Monaco	1993	1995	1999	4	3
San Marino	1991	1993	2002	9	3
Serbia	2001	2003	2007	4	1
Switzerland	1997	1999	2001	2	1

Note: Montenegro, which ratified the CRC in 2006, had not submitted the initial report at the time of writing.

In the absence of information about the reasons for non-submission of periodic reports by the States parties concerned, one can only speculate that timely submission of periodic reports is not high on government agendas. Another interpretation, following the line of argument of the Committee, could be that non-submission is *de facto* evidence of lack of "ongoing reaffirmation by States parties of their commitment to respect and ensure observance of the rights set forth in the Convention" (CRC, 1991). Whatever the reasons, and this would be an interesting research project, States parties' compliance with this particular legal obligation in the arena of children's human rights is somewhat flexible.

This high rate of non-submission exemplifies the weakness of the governance procedures for monitoring treaty enactment (discussed earlier), namely lack of any real sanctions aside from those exerted by membership of, and moral reputation within, the international community of nations. If complying with obligations arising from ratified human rights treaties, including the CRC 1989, is not high on the agenda of individual nations, as evidenced by non-submission, then there is less likely to be pressure from the (collectively guilty) community of nations. All of this raises again the issue of competing sovereignties, to which I shall return later.

4. INTERCULTURAL EDUCATION STATE PARTY NARRATIVES

As I will show in this section, intercultural education, even in its most minimal definition, is not a site of robust and energetic policy activity in Europe as a whole. It is, however, a site of diversity of approaches and meanings.

Only a small number of country reports talk about intercultural, multicultural or even cross-cultural education. At one end of the spectrum are those countries which view intercultural education as an entitlement of all students.

753. "The recommendation ["Intercultural Education and Social Education in Schools"] starts from a common intercultural general and social education for all pupils and is aimed both at members of the majority and the minorities. Intercultural social education (…) should promote the development of attitudes and behaviour among all pupils that are based on the ethical principle of humanity and the principles of freedom and responsibility, solidarity and international understanding, democracy and tolerance (…) Intercultural skills can only be formed if a school climate is created that is characterized by

social relations and attitudes of mutual respect and that offers pupils the opportunity for personal and emotional experiences" (Germany, 2001).

349. "Another basic assumption of Dutch education policy is that children grow up in a multicultural society. Education therefore promotes active citizenship and social integration, ensuring children have knowledge and experience of the different backgrounds and cultures of their peers" (Netherlands, 2007).

554. "To reflect the linguistic and cultural diversity in Austrian schools, the educational principle of "intercultural learning" was embodied in the curricula of compulsory general schools and academic secondary schools in the early nineties" (Austria, 2002).

Some countries in this group also focus on redesigning the curriculum and teaching materials.

450. "Through a recently established research project, the Ministry of Education and Research wishes to examine how the multicultural perspective has been presented in textbooks and teaching aids … to foster sound attitudes, (…) mutual respect and tolerance and efforts to combat racism and discrimination" (Norway, 2003).

353. "Geography teaching, too, devotes considerable attention to intercultural issues. Primary schools are required to teach children about different religions and belief systems. Intercultural education in many schools also covers subjects such as peace and international cooperation" (Netherlands, 2007).

A second group of countries regard intercultural education as a dual strategy: educational management of non-nationals and educational enrichment for nationals.

220. "Life in the class group enables children of different linguistic and cultural origins to communicate, play and work together and thus to develop attitudes of mutual understanding and respect…the nursery school encourages interaction between cultures by incorporating into the educational projects elements of the culture of the countries of origin, such as fairy tales, songs, festivals, ways of living, eating and building, etc. The appreciation of the native culture has a positive effect on the development of the child's personality and promotes the scholastic and social integration of immigrant children" (Luxembourg, 2002).

1254. "(c) Developing communication and respect among all pupils, irrespective of their cultural, linguistic and ethnic origin, capitalizing on the potential for enrichment offered by the various cultures and developing those areas relating to the maintenance and dissemination of minority groups' own languages and cultures" (Spain 1999).

A third group of countries tends to place the main emphasis on intercultural education as a strategy to manage problems arising from the growing multiculturalism of nation states.

342. "Given the increased multiculturalism of the European Union, the free movement of working people, the repatriation and return of Greeks from abroad, and the fact that during recent years Greece has become an immigrant-receiving country, the Greek State has established the legislative framework… for: (a) the establishment of cross-cultural sections and classes; (b) the conversion of existing State schools into cross-cultural schools; and (c) the establishment..of State or private cross-cultural schools" (Greece, 2000).

596. "d) Promotion of multicultural education to handle cultural differences at school and in the classroom." (Belgium, 1999, French community).

The fourth group of countries sees it as primarily an issue concerning the Roma population, and relations between Roma and non-Roma nationals. In other words, intercultural education is viewed as a strategy for managing intra-nation diversity.

297. "The (…) project… - Support for the Integrated Education of the Roma - has the objective of facilitating the transition of Roma children from primary to secondary school, introducing multicultural education at Slovak secondary schools (…).

298. Education serves as a means of preventing, and coming to terms with, negative attitudes and prejudices on the part of certain elements of majority society. Such negative attitudes towards the Roma minority are an important factor, contributing to the currently unsatisfactory situation of that minority. The material and methods applied when teaching children from a young age are among the most effective means of attaining the aim of integration. The material and the methods of teaching should focus on two important components: human rights education, and education reflecting the principles of multiculturalism" (Slovakia, 2006).

The fifth group of countries regards intercultural education as simply part of a larger basket of general human rights values which are taught. Here intercultural education is simply *commatised* (presented as one item in a long list) and not directly.

414. "The subjects included in the discipline 'Individual and social development ', especially human rights and the rights of the child, respect for the environment, education for peace and tolerance, sexual education and the promotion of health and inter-cultural education, are generally dealt with in an interdisciplinary manner at school" (Portugal, 1998).

477. "The school is responsibly fostering the following values: sincere and open relationships with family and relatives, support and assistance to them, respect of human dignity, tolerance of differences – physical, religious, social and cultural differences of people, love for one's country, resoluteness to defend its freedom and independence, to contribute with own work to its advancement, respect to native traditions, religion, cultural heritage, ethnocultural identity, willingness to protect and develop these values, respect and openness to diversified European and global ethnocultural traditions, positive attitude towards multicultural dialogue, international cooperation, respect to national traditions, principles and institutes, willingness to foster, improve, disseminate and protect them; integrity, sense of duty, responsibility for assumed obligations, responsible attitude towards global problems contributing to their resolution with personal initiative" (Lithuania, 2004).

171. "Promotion of respect for and awareness of cultural and national values in children is one of the basic principles of Italian school curricula of all types and levels (…) Education aimed at respect for civilizations different from the child's own and at peace and international understanding is part of school curricula and has been emphasized in recent years under the overall theme, "intercultural education" (Italy, 2000).

690. "The inclusive school prevents and combats discrimination: it is one that respects, values and accommodates diversity across all 9 grounds in the equality legislation (i.e. gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community)" (Ireland, 2005).

429. "*Education and upbringing to respect for human rights*. Teaching at all levels (…) [includes] respect for human rights, knowledge of and respect for different cultures, promotion of multiculturalism and tolerance" (Finland, 2003).

The sixth and last group of State party responses focuses on intercultural education as learning about the foreign other, outside the nation's territory, frequently in the context of celebration of national identity.

387. "The main function of the general education school is to help develop a person who (…) who defines him or herself as a member of the nation, as a citizen and as a person sharing responsibility for the future of Europe and the world, who respects him or herself and other people, respects the culture of the nation and other peoples' culture; loves his or her homeland" (Estonia, 2001).

122. "The general education of pupils is based in the following principles:

- Fundamental human rights.

- Rights of the child.

- Traditions of the Bulgarian culture and education.

- World cultural achievements" (Bulgaria, 2007).

310. "The aim of teaching and child-rearing is to develop in young people a sense of responsibility, a love of their country, a respect for the Polish cultural heritage and, at the same time, openness to the cultural values of Europe and the world" (Poland, 1999).

In conclusion, there does not seem to be a common policy discourse on intercultural education in the European region. What brings intercultural education into existence is either the wider, indirect frame of human rights education, or the direct presence of foreign, non-national populations, or both. Thinking about this in the context of text production for the purposes of governance, the diversity of State party responses would seem to signify a significant level of State party autonomy in defining the object, intercultural education, of enactment and reporting.

5. INTEGRATION, SOCIAL COHESION AND CITIZENSHIP: HUMAN RIGHTS OR THE NATION?

One dimension of the problematic of intercultural education which is evident in State party reports is that of integration and cohesion. These are complex social concepts (Green, Preston, and Janmat, 2006). What they share, in the context of the reports, is identifying the primacy of the 'normal' national community. This is not surprising. Critiques of integration as a strategy in education, for instance in disability studies and inclusive education (Armstrong, F., Armstrong, D., and Barton, 2000; Barton, 2001), draw attention to the power relations embedded in the practices of integration. In order for integration to occur, differentiated change is required: minor adjustments in powerful institutional practices and systems, and major adaptations by those being integrated.

Social cohesion is also about power, that of the community in relation to the individual. Social cohesion traditionally refers to normative consensus or collective embracing of specific community values. In current policy (especially in the wake of 9/11 and subsequent terrorist attacks) the focus is on creating social solidarity around national values, frequently expressed as universal human rights values (Dean, 2007; Douzinas, 2007). This gives rise to the implication that the presence of non-nationals threatens this normative consensus by the importation of different, foreign, potentially dangerous values.

Thus, in the first instance, integration is an unequal balancing act. It is about developing the capacity for functioning in society, adaptation by foreigners. While there may be recognition of, and respect for, minority cultures, integration demands entry into cultural domain of the national by non-nationals. As discussed earlier, in the international arena of human rights, national sovereignty is transformed into the cultural hegemony of the national (Gamarnikow, 2011). In the case of many States parties, therefore, the process of integration into the national culture becomes a prescription for entry into 'normal' education through national language acquisition.

337. "In order to meet language needs and the smooth integration of the children of repatriated Greeks and Greeks from abroad, the State has established and now operates reception classes, special tutorial departments and special schools" (Greece, 2000).

664. "Recognizing cultural diversity in metropolitan France, by, among other means, valuing regional languages and, conversely, through intensive and specific tuition in the French language in order to guarantee the complete integration of pupils in these groups into the normal curriculum" (France, 2007).

470. "Schools are committed to providing support for foreign children attending compulsory education schools and who find language difficulties in integrating into school (…) Moreover, the regional administration (…) promotes special Italian language and culture courses to encourage integration" (Italy, 2000).

213. "As regards the language aspect, the integration of a large number of immigrant children faces Luxembourg with a particularly serious challenge. Familiarisation with Luxembourg's language and culture is a priority considering the need for successful integration firstly into school and then into society. Luxembourgish should not become a factor that leads to exclusion or even discrimination but should play a unifying role" (Luxembourg, 2002).

In the context of the hegemonic position of the culture of the nation, which is constructed as playing a "unifying role", non-national minorities are perceived to be in need of a variety of additional compensatory education initiatives in order to integrate socially and achieve in education.

1251. "Compensatory activities conducted in schools are intended to assist in the integration in school and society of disadvantaged pupils from ethnic and/or cultural minorities, experiencing difficulties affecting their access to the education system, attendance and advancement".

1252. "These activities also extend to those immigrant students who, either because of language difficulties or because they are lagging behind academically, need educational support to assist in their integration in school" (Spain, 1999).

276. "To provide a coherent integration effort the Government set up a working group on Improved Integration 2003 (…) The initiative was aimed at ensuring, firstly, a coherent and open democratic society, secondly, that children and young people with another ethnic background than Danish can cope in the education system and, thirdly, that more immigrants become employed" (Denmark, 2003).

In this context of the unequal relationship between the national and non-national, respect for non-nationals and non-national cultures appears as a means to promote integration, not an end in itself. This represents a form of undermining of universal human rights values, and a foregrounding of national imperatives.

214. "The integration of children of foreign origin will be most successful if the relations with the families are based on respect and understanding. Appreciation of the mother culture has a positive effect on the development of the child's personality and promotes the academic and social integration of immigrant children" (Luxembourg, 2002).

In countries where the largest minorities are the Roma, people who are, in fact, national citizens, the policy focus is still on integration into *ordinary classrooms*. Here, as in the case of States parties concerned with integration of non-nationals, embedded normality or ordinariness does not include changing the exclusionary classroom or school, but integrating the child.

238. "To integrate Roma schoolchildren into ordinary classrooms" (Slovenia, 2001).

297. "Support to the Roma Minority in the Educational Field:

Further Integration of the Roma Children in the Educational Field and Improved Living Conditions.

Creating conditions for the integration of children from a socially disadvantaged environment into the standard education system" (Slovakia, 2006).

466. "It is an important task for public education to try and close the gap. One of the most important ways to achieve social integration of the Roma population is schooling" (Hungary, 2004).

105. "Raising the level of education of Roma children is a prerequisite for their integration in Bulgarian society".

106. "A comprehensive Concept for education integration of children and pupils belonging to ethnic minorities has been elaborated in the area of education. It has a special focus on Roma children" (Bulgaria, 2007).

Aside from integrative role of the embedded normality of national education systems, citizenship education is also invoked as having an integrative function. Citizenship, in this context, exemplifies the tensions between the universality of human rights and the communitarianism of the nation and its cultural forms and practices. Thus the role of citizenship education is both to teach (human rights values to) nationals to respect non-nationals, and also, contradictorily, to transmit shared (national) values to non-nationals.

349. "Another basic assumption of Dutch education policy is that children grow up in a multicultural society. Education therefore promotes active citizenship and social integration, ensuring children have knowledge and experience of the different backgrounds and cultures of their peers".

359. "The attainment targets for citizenship and social cohesion are designed to ensure that more people from all parts of society learn to participate. They make clear to all schools what citizenship is about. Since schools help form the basis for good citizenship, it is important that they think about how to teach it".

360. "Active citizenship and social integration also involve combating discrimination, and require that freedom to shape one's own identity, as well as freedom of religion and belief, and freedom of expression, are guaranteed".

361. "Citizenship (…) calls for the social function of education, and the importance of cohesion and shared values, to be underlined" (Netherlands, 2007).

Integration and social cohesion as aims of education are clearly troubling from the perspective of universal human rights in that they prioritise the nation state as the object of identity and affiliation. Integration, cohesion and citizenship are expressions of national sovereignty enacted through education.

6. PROJECTS, INITIATIVES, PROGRAMS AND OTHER INTERCULTURAL EPHEMERA

In the latest version of the guidelines (2005b) issued to States parties concerning the content of periodic reports, the Committee on the Rights of the Child advised drawing on *General Comment no. 1* (CRC, 2001) on the aims of education when reporting on national policy enactments of article 29. One key critical point raised in *General Comment no. 1* concerns the issue of sustainability and embeddedness of measures adopted to enact article 29.

"The aims and values reflected in this article are stated in quite general terms and their implications are potentially very wide ranging. This seems to have led many States parties to assume that it is unnecessary, or even inappropriate, to ensure that the relevant principles are reflected in legislation or in administrative directives. This assumption is unwarranted. In the absence of any specific formal endorsement in national law or policy, it seems unlikely that the relevant principles are or will be used to genuinely inform educational policies (...). The effective promotion of article 29 (1) requires the fundamental reworking of curricula to include the various aims of education and the systematic revision of textbooks and other

teaching materials and technologies, as well as school policies. Approaches which do no more than seek to superimpose the aims and values of the article on the existing system without encouraging any deeper changes are clearly inadequate" (CRC, 2001: 17-19).

Relating this to the enactment of intercultural/multicultural education would suggest a deep embedding of systemic adaptations to normalise intercultural education. It would mean beginning to challenge the boundaries between national education and intercultural education, between the "ordinary" and "normal" national and the "exceptional" non-national intercultural.

The periodic reports provide very little evidence of normalising intercultural education. In fact, very many measures adopted by national governments are fundamentally exceptional, reflected the discursive practices of "projects" and "initiatives". Half of the European reports listed a whole range of special, exceptional and short-lived projects and initiatives. Here is a selection:

"International schools project 'School Without Racism,' a participation project by young people for young people which is coordinated in Austria by the association Asylum Coordination and the working group Youth Against Violence" (Austria, 2002).

"UNESCO project 'Education for Peace and Human Rights' brochure 'Basic international documents in the field of human rights education' sent to all educational facilities" (Croatia, 2002).

"Programs for education in human rights: project Education on Citizenship; Education on the culture of human relationships in a multi-ethnic environment; the Democratic School programme; Human relationships and the contemporary school" (Czech Republic, 2000).

"Integration initiatives: children and young people with another ethnic background than Danish can cope in the education system; more immigrants become employed" (Denmark, 2003).

"Education to respect for human rights: events and projects to combat racism and intolerance in schools" (Finland, 2003).

"Projects to combat racism, anti-Semitism, violence and right-wing extremism" (Germany, 2001).

"Initiative 'intercultural dialogue week' [to] raise awareness of the positive value of relationships in multicultural societies (the world as an interdependent human society; European integration; national societies dealing with the presence of minorities and immigrants)" (Italy, 2000).

"Educational projects for interaction between cultures focusing on elements of the culture of the countries of origin, such as fairy tales, songs, festivals, ways of living, eating and building, etc." (Luxembourg, 2002).

"Education for Democratic Citizenship project" (Netherlands, 2007).

"Project 'Parents with a Minority Language Background - A Resource in Pupils' Schooling', part of Plan of Action to Combat Racism and Discrimination (2002-2006)" (Norway, 2003).

"Action Plans for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance, cooperating NGOs, the Slovak National Centre for Human Rights, and other entities in this area" (Slovakia, 2006).

"Initiatives intended to improve educational access and attendance by certain disadvantaged persons and groups" (Spain, 1999).

"Initiative *Rights respecting schools*" (UK, 2007).

Intercultural education appears to be dominated by projects and initiatives, by non-normal exceptionalism. In the critical words of the *General Comment*, intercultural education policies seem to

"do no more than seek to superimpose the aims and values of the article on the existing system without encouraging any deeper changes [and] are clearly inadequate" (CRC, 2001, p. 19).

Analysis of the ways in which the European periodic reports construct intercultural education in the context of national education systems has identified a number of key tensions. Foremost among these is the problematic positioning of the nation, as a complex unity of participation in human rights universalism through the medium of national sovereignty expressed in cultural forms. As education is concerned with cultural transmission, it is the site of production of national cultural subjects. Intercultural education, which disturbs, and thus potentially undermines, national cultural integrity, is thus transformed in enactments of article 29 into educational management of the cultural diversity of non-nationals. It is an educational response which oscillates (somewhat incoherently) between human rights universalism of respect and equal cultural rights and national concerns about integration and social cohesion.

General Comment No. 1 is itself ambiguous on this point. It regards article 29 (1) (c) as concerned with "An enhanced sense of identity and affiliation" (CRC, 2001:1)

The issue for intercultural education within national education, however, is managing multiple and/or competing identities and affiliations, the national and the non-national. No single country reported enhancing non-national identity and affiliation at the expense of the national. The discourses of intercultural education, citizenship and integration/social cohesion establish fairly clear priorities concerning national identity and nation-state affiliation. Non-national minority identities and affiliations are, at best, recognised and respected, and the national remains the embedded, enduring norm. Paradoxically, perhaps, the overarching national identities and affiliations are frequently invoked in universal human rights terms, such as democracy, respect for diversity and so on. The narratives of the periodic reports thus identify the enlightened national, as infused with human rights values, which provides the space for the non-national.

Intercultural education, therefore, occupies a problematic location in national education systems. What brings it into being is the presence of foreign, non-national populations, a specific policy response to manage the non-national, the exceptional, the non-embedded, the disturbing. It is not surprising that intercultural education policies frequently take non-routinised, ephemeral forms, as in the proliferation of exceptional and fragmented initiatives and projects.

The construction of the non-national in national education systems as an exception draws attention to the continuing survival and flourishing of national sovereignty within the human rights regime. Sovereignty is expressed *inter alia* in the capacity to invoke normality and its opposite, the exception (Dean 2007; Douzinas, 2007). In so far as intercultural education is identified in periodic reports as the exception in national education contexts, national sovereignty is, paradoxically, re-asserted at the centre of the human rights system of governance to monitor compliance with universal human rights.

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