Theoretical framework

The theoretical framework of the research is based on three key ideas:

The rights-based approach

The human rights-based approach (HRBA) means moving from recognition of the needs that government must fulfil to recognition of the rights imposing precise legal obligations on States.

This approach allows strengthening the capacities of both governments who must fulfil their obligations and commitments and individuals who must mobilize to exercise their rights.

This means that rights holders are able to know their rights and the means to enforce them, which requires a «number of strategies, primarily information, advocacy, capacity building, networking of parents, peer support and technical assistance» (UNESCO, 2007).

The education system raises important expectations and works with competing priorities that can sometimes lead to tensions. «These tensions are recognized by international human rights law, which defines the right of parents to educate their children according to their personal convictions» (UNESCO, 2007).

The parents’ educational rights recognized in international instruments

The rights of parents in relation to the education of their children are recognized by various international instruments, among which the following:

Universal Declaration of Human Rights (1948):

«Everyone has the right to education [...]. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. [...] Parents have a prior right to choose the kind of education that shall be given to their children.» (article 26).

International Covenant on Economic, Social and Cultural Rights(1966):

«Member States undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by public authorities, provided that they satisfy the minimum standards laid down or approved by the State, and to ensure the religious and moral education of their children in conformity with their own convictions » (article 13).

International Covenant on Civil and Political Rights (1966):

«Member States undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure that the religious and moral education of their children is in conformity with their own convictions» (article 18.4).
Charter of Fundamental Rights of the European Union (2000):

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«Everyone has the right to education and access to vocational and continuing training. This right includes the possibility to receive free compulsory education. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and rights» (article 14).


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«No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions» (article 2).

These rights are also expressly recognized by other international bodies:


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«The right to academic freedom implies the obligation of Member States to enable the practical exercise of this right, even in economic terms, and to grant [private centres] public subsidies needed to carry out their mission and to comply with their obligations under the same conditions enjoyed by the public centres without discrimination as to the entities holding, parents, students or staff. However, this does not prevent from asking schools created by private initiative a particular contribution that reflects their own risk and tends to ensure their independence» (paragraph I, section 9).

European Court of Human Rights:

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«It is in the discharge of a natural duty towards their children - parents being primarily responsible for the “education and teaching” of their children- that parents may require the State to respect their religious and philosophical convictions. Their right thus corresponds to a responsibility closely linked to the enjoyment and the exercise of the right to education» (Case Folgerø and Others v. Norway, Judgement of June 29, 2007, Ap. No. 15472/02, par. 84.e).

From this it follows that one can speak of access to education regardless of academic freedom. Among other reasons, because academic freedom is an essential means of ensuring the pluralism of a democratic society.

The policies of parental involvement

It is important that parents can give their opinion and support any action aimed at improving standards and education services both through parents’ associations and participation bodies. "This participation not only allows the input of energy and practical skills, but also increases its ownership of the educational establishment, and this leads to a commitment to effective education of children" (UNESCO, 2007). Therefore, parents' associations and civil society organizations have an
The implementation of this cooperation is impossible without a firm and clear desire on the part of schools. It requires, among other things, to "organize regular meetings with parents of students to share with them the objectives of the school and curriculum being taught, and to update them on the progress of their son or daughter, in order to enable a better understanding of their education. [...] The schools can also encourage parents to assist in the classroom and help the school in general and also to become members of school boards" (UNESCO, 2007).

In most cases, interaction with teachers and school authorities need to support parents through different mechanisms of formation and/or information.

Therefore, it is appropriate to promote pluralism and autonomy in educational systems. Each student is rooted in a culture, history, value system and a specific life plan. "Each student has different needs. Each class is a place of diversity (...)" (European Commission, 2008).

In conclusion, to incorporate a holistic approach and review the roles of the parties involved in education is necessary to meet the new challenges of education.

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