

**Olívia CARVALHO, Ana BORGES, Sónia GALINHA**

*The rights of the child: knowledge and compliance*

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# Secção I

## Investigação Científica\*

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## Os direitos da criança: conhecimento e cumprimento

### The rights of the child: knowledge and compliance

Olívia CARVALHO<sup>1</sup>

Ana BORGES<sup>2</sup>

Sónia GALINHA<sup>3</sup>

**RESUMO:** A Convenção sobre os Direitos da Criança - CDC - adotada pela Assembleia Geral das Nações Unidas - ONU - a 20 de novembro de 1989 e ratificada por Portugal a 21 de setembro de 1990 constituiu o marco mais importante de toda a história na proteção da infância e na promoção dos seus direitos. Torna-se, pois, fundamental, que todos os intervenientes, no âmbito político, da sociedade civil, em geral e, sobretudo, quem tem responsabilidade direta na educação das crianças, tudo façam para que estes direitos sejam garantidos. Também as próprias crianças os devem conhecer para saber quando os mesmos estão, ou não, a ser respeitados. Com este estudo pretendemos saber, se as crianças têm conhecimento da CDC e se os seus direitos são cumpridos. Participaram no estudo 123 adolescentes, alunos do 7.º ao 12.º ano de escolaridade de três zonas do País: Norte, Centro e Sul de Portugal. Como instrumento, foi aplicado o questionário “Ser Criança com Direitos – Convenção sobre os Direitos da Criança: Conhecimento e Cumprimento”. Os resultados indicam que muitas crianças continuam a ser desrespeitadas nos seus direitos.

**PALAVRAS-CHAVE:** Direitos da Criança; Convenção sobre os Direitos da Criança; Conhecimento; Cumprimento; Educação.

**ABSTRACT:** The Convention on the Rights of the Child - CRC -, adopted by the General Assembly of the United Nations – UN – on November 20, 1989, ratified by Portugal on September 21, 1990 Was a significant milestone in safeguarding and promoting children's rights throughout history. It is therefore essential that all those involved in civil society as a whole, encompassing the political sphere, and particularly entrusted with the direct responsibility of educating children, take every conceivable measures to ensure that these rights are guaranteed. The children themselves should also know when these rights are or are not being respected. This study aims to assess children's awareness of the CRC and the extent to which their rights are being fulfilled.

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<sup>1</sup> Professor, Ph.D. Psychologist, Post-Graduation in Children's Law; Post-doctoral fellow in the Human Rights Postdoctoral Programme - From Social Rights to Diffuse Rights; Psychologist, Specialist in Clinical and Health Psychology; Researcher of the Research Group entitled 'People' at the Portuguese Institute for Legal Research – IJP; Collaborating Researcher Center for Research, Development and Innovation – CIDI – IEES and at the Center for the Study of Population, Economy and Society – CEPESE. Oporto, Portugal, [olivia@upt.pt](mailto:olivia@upt.pt). ORCID: <http://orcid.org/0000-0002-6968-5277>.

<sup>2</sup> Graduated in Biology and Geology, in 2004, by the Faculty of Sciences of the University of Porto. Specialist in Special Education in 2023 by the European Institute of Higher Studies. Teacher with 19 years of experience, currently working at Escola Secundária de Felgueiras. Felgueiras, Portugal, [afoborgs@gmail.com](mailto:afoborgs@gmail.com)

<sup>3</sup> Professor with Habilitation (Aggregation) (2022). Graduated in Psychology ISPA (1996), Master in School Health, Lisbon Faculty of Medicine (2003), PhD in Psychology UBI (2007), Europsy-European Certificate in Psychology (2019) and Post Doc in Psychology UAlg (2022). Co-Founding Member of the Nucleus of Social Psychology of the Portuguese Association of Psychology (2023). Professional Career in training 1989-1996, Psychology since 1996 and Professor in Santarem Polytechnic University since 2001. ORCID ID [0000-0001-6138-9695](http://orcid.org/0000-0001-6138-9695); [sonia.galinha@ese.ipsantarem.pt](mailto:sonia.galinha@ese.ipsantarem.pt)

Furthermore, we aim to examine whether significant differences exist in the fulfilment of rights and their perception among children in the North, Center, and South of Portugal. A total of 123 teenagers ranging from 7th to 12th grade participated in this research. The students came from three different areas of the country: North, Center and South of Portugal. The survey "Being a Child with Rights - Convention on the Rights of the Child: Knowledge and Compliance" was applied as an instrument. The results indicate that many children continue to be disrespected in their rights.

**KEYWORDS:** Child Rights; Convention on the Rights of the Child; Knowledge; Compliance; Education.

## Introduction

Under the Convention on the Rights of the Child (CRC)<sup>4</sup>, children are rights holders and providing for these rights is no longer an option for State Parties, but an obligation that governments have undertaken to fulfil. Thus, the child becomes a subject of rights, at national and international levels. This has extremely relevant ethical, cultural, political and social implications, as pointed out by A. Leandro and A. Laborinho Lúcio<sup>5</sup>.

The CRC was a revolutionary document. It won over public opinion and became internationalised, although there are still countries where children live in conditions of complete disregard for their rights. Look today at what is happening in the war with Ukraine. Children are the future of society and society must guarantee their protection, provision, participation and act in the best interests of the child, as only in this way can we provide for their full and complete development in society. All these issues need to be put by today's society first, as well as all issues concerning children and their rights. Although the legal documents exist, in practice they are often not being complied with, and there are many children whose rights are not respected and of which they and their careers are unaware. The Communication from the Commission to the European Parliament states that information must be accessible to children and parents concerning their rights under international and European Union (EU) law as a prerequisite for the defence of those rights<sup>6</sup>.

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<sup>4</sup> The Convention on the Rights of the Child [viewed 20 June 2023]. Available from: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

<sup>5</sup> 2010, cited by INÁCIO, C.E.C., MONTEIRO, L.C.R. and SILVA T.A.S. *Ser criança com direitos - conhecimento e cumprimento da Convenção sobre os Direitos da Criança*. (Unpublished work). Escola Superior de Educação de Fafe. Fafe, 2021.

<sup>6</sup> CARVALHO, S., et al., *Convenção sobre os Direitos da Criança Conhecimento e Cumprimento*, Universidade Portucalense Infante D. Henrique, Porto, pp.1649-1659, 2018. Available from: <http://hdl.handle.net/11328/2504>

Due to the importance of this issue, for the functioning of society in general, but also the inclusive school in particular, we believe that the study we conducted, proves to be relevant in the context of the Rights of the Child (DC), fundamental to the inclusive school that is proposed by DL 54/2018, of July 6<sup>7</sup>. It is, therefore, important the understanding, representation and knowledge of these rights by the children themselves, which will contribute to empower them to defend and promote these rights.

According to UNICEF, 2014, Human Rights (HR)<sup>8</sup> are the ethical and legal basis for the development of this issue by countries that have ratified them through international treaties. Thus, human rights represent a legitimate basis for action, accountability and dialogue between international partners and civil society.

For all the above reasons, we propose to deepen the relationship between Human Rights, Children's Rights, Equity and Inclusive Education, with the aim of understanding where we are heading in the future, that is, hopefully a more inclusive school where education for all is a reality and not a utopia.

### **The Declaration of the Rights of the Child**

In Portugal, it was from the 90s, of the XX century that childhood, the defence of children's rights and the promotion of their wellbeing assumed greater importance, precisely because of the publication in DRC. For this reason, particular attention has been paid to situations that place children in difficult conditions, such as: child poverty, child labour, child abuse and the rights of the child<sup>9</sup>. According to the above-mentioned author, Portugal was one of the first countries to join the CRC and according to Bastos and Veiga<sup>10</sup> the same Convention is the most widely validated international human rights treaty ever, being a comprehensive instrument as it respects the value and dignity of children and aims to include their fundamental human rights as members of the society in

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<sup>7</sup>DECREE-LAW n.º 54/2018, 6 July [viewed 19 June 2023]. Available from: <https://diariodarepublica.pt/dr/detalhe/diario-republica/129-2018-115652951>

<sup>8</sup>UNICEF Annual Report, 2014 [viewed 19 June 2023]. Available from: <https://www.unicef.org/reports/unicef-annual-report-2014>

<sup>9</sup>CARVALHO, O. *Intervenção precoce centrada na família - do paradigma à prática*. Tese de Mestrado, Faculdade de Psicologia e de Ciências da Educação da Universidade do Porto. Porto, 2002.

<sup>10</sup>BASTOS, A. and VEIGA, F. *A Análise do Bem-Estar das Crianças e Jovens e os Direitos da Criança*. Ribeirão: Edições Húmus, 2017. ISBN 9789897552359.

which they live, covering all relevant areas of their lives and encompassing a multidimensional perspective.

The CRC consists of a total of 54 articles relating to all the rights of children and young people, aimed at their development, and is based on four fundamental pillars:<sup>11</sup> the right to survival (right to primary care) and development (right to education); the right to protection (right to be protected from exploitation and discrimination); the right to take decisions in their best interest (the best interest of the child must be a primary consideration in all actions and decisions concerning them); the right to participation/opinion (right to express their opinion). According to Hammarberg<sup>12</sup>, the CRC contains a set of rights that through the partnership established between UNICEF and the International Secretariat for the Defence of Children recognises the individuality and personality of each child. Taking it as a reference, the articles of the CRC are a set of rights that tend to be grouped into three categories (three Ps), namely: *Provision Rights* - related to the basic needs of the child or social rights, with regard to health, education, social assistance, housing, physical care, family life, recreation and culture, among others. From what has been exposed, the provision rights are the most consensual.

*Protection Rights* - relate to situations of discrimination, exploitation, physical and sexual abuse, injustice and conflict, where children are deprived or limited in the exercise of their rights.

*Participation Rights* - defend an image of an active childhood, with regard to the child's political and civil rights, i.e., the right to be heard and consulted, to have access to information, freedom of expression and opinion, the right to make decisions and to consider their point of view. It should also be highlighted the right to a name, identity and nationality.

### **The child as a subject of the right to education: reflections from Decree-Law 54/2018**

Education is a full human right enshrined in article 26 of the UDHR:

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<sup>11</sup> SANTOS, F. *Para uma Educação Inclusiva: Perceções de Alunos sobre o Conhecimento e o Cumprimento dos seus Direitos*. Dissertação de Mestrado, Escola Superior de Educação de Fafe. Fafe, 2022.

<sup>12</sup> The UN Convention on the Rights of the Child – and how to make it work. *Human Rights Quarterly* (12, p. 97), 1990.

'Every human being has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Professional technical education shall be accessible to all, as well as higher education, the latter based on merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. Education shall promote understanding, tolerance and friendship among all nations and racial or religious groups, and shall support the activities of the United Nations for the maintenance of peace.'

And the article 28 of the CRC establishes: 'States Parties recognize the right of the child to education, and with a view to achieving this right progressively on the basis of equal opportunity'. Education is part of the full formation of the human being. Education appears as a guideline in the life of the learner, whose goal is to guide him on his journey and equip him with tools to choose the best path. Education helps to build the personality of the individual, helping to take advantage of the possibilities that arise in this winding path of life, transforming them into effective and useful achievements for society. Thus, the school is the first social institution, with the function of providing individuals with the cognitive, technical and affective tools that are fundamental to individual progress.

According to article 3, paragraph c), of Decree-Law 54/2018: 'Inclusion, is a right of all children and pupils to access and participate, fully and effectively, in the same educational contexts'.

Currently, Special Education is framed, and to some extent redefined, in the Decree-Law 54/2018, 6 July, amended by Law 116/2019<sup>13</sup>. Compared to the previous legislation, the Decree-Law 3/2008, promotes a more comprehensive view of the school and the teaching-learning-evaluation process, as it considers diversity and the interaction of all its dimensions. Thus, it presents itself as a possibility so that any student, at any time of their schooling can enjoy measures to support learning and inclusion.

Thus, in Decree-Law 54/2018 the non-categorisation of children stands out, as well as the creation of new organisational resources. It is presented as a clearly inclusive document, which is articulated with the other guiding documents of educational action. This legislative support forces the educational community to assume an inclusive education, for educational practices that promote

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<sup>13</sup> Law n.º 116/2019, 16 September. Available from <https://dre.pt/dre/detalhe/lei/116-2019%20-124680588>



cooperative and collaborative work among students, promoting their autonomy and participation.

The great challenge for today's school is to comply with the stipulations regarding the rights of children and young people. Children and young people are part of microsystems (the family, the school, the group of friends, the community/society), developing relationships with each other that contribute to and enhance their development<sup>14</sup>.

Thus, Carvalho states<sup>15</sup> 'the family as a system is a whole, but it is also part of other systems, of wider contexts, with which it develops, such as the community or society'. In this way, the experiences in the other systems transform the school into a development context for an increasing number of children and young people. The interactions lived in these environments, the relationships that are built with the families and the practices that the school promotes to involve the parents in the education of their children become relevant.

According to the law, the guiding principles of inclusive education are<sup>16</sup>: universal educability, equity, inclusion, personalisation, flexibility (the flexible management of the *curriculum*), self-determination and parental involvement.

School is a context where violence is visible and because education is an important strategy to face it, it is necessary to invest in initiatives to prevent it. It is important that the professionals who work with children are able to guide young people's reflection on their rights and help in the process of changing the culture regarding children's and young people's rights. In addition, training teachers in child rights issues to work with their students may be a preventive measure against violence, since it will lead to respect for the rights of others and for one's own duties.

### **Breaking with the paradigm**

According to Degree-Law n.º 54/2018, 6 July

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<sup>14</sup> BRONFENBRENNER, U. and MORRIS, P. "The Ecology of Developmental Processes", in DAMON, W. (Org.), *Handbook of child psychology* (Vol. 1, pp. 993-1027), John Wiley & Sons, 1998.

<sup>15</sup> CARVALHO, O. Crescer juntos na parentalidade positiva: competências profissionais para a educação parental, in MONTEIRO, S. (Org.). *Educação de Jovens e Adultos: Ações de Consolidação da Agenda*, Cap.13. Brasil: Atena Editora, 2020, p.123.

<sup>16</sup> DECREE-LAW n.º 54/2018, 6 July [viewed 19 June 2023]. Available from: <https://diariodarepublica.pt/dr/detalhe/diario-republica/129-2018-115652951>

'It abandons systems of categorisation of learners, including the "category" of special educational needs; abandons the model of special legislation for special learners; establishes a continuum of responses for all learners; focuses on educational responses rather than categories of learners; envisages the mobilisation, in a complementary way, where necessary and appropriate, of resources from health, employment, vocational training and social security.'

According to Carvalho<sup>17</sup>, school programmes should be created to ensure excellence in the services provided to families and children, based on a qualified team for planning and consequent implementation.

At the UN Summit in 2015, the Sustainable Development Goals (SDGs) were stipulated and set out in the Agenda 'Transforming our world: 2030 Agenda for Sustainable Development'. Seventeen goals were identified, one of which is 'Ensure inclusive and equitable quality education, and promote lifelong learning opportunities for all'. A new vision for education is then adopted, which was translated into the Incheon Declaration<sup>18</sup>: '(...) a humanist vision of education and development, based on human rights and dignity; social justice; inclusion; protection; cultural, linguistic and ethnic diversity; and shared responsibility and accountability'<sup>19</sup>.

For UNESCO, Inclusion 'is the process that helps overcome barriers that limit students' presence, participation and achievement'. On the other hand, the term Equity wants the education of all students to have the same degree of importance. Equity has a very strong link with Inclusive Education and is essential to promote social justice and the creation of more developed, caring and sustainable societies. Education is seen as a fundamental human right, which serves as a basis for the realization of other rights, so other targets and indicators related to education are included in the other SDG<sup>20</sup>. Moreover, it is important to underline that the 2030 Agenda (for Sustainable Development Goals) it is based on the principles of the United Nations Charter, including respect for international law, the Universal Declaration of Human Rights, treaties and other international

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<sup>17</sup> CARVALHO, O. *De pequenino se torce o destino: o valor da intervenção precoce*. S. Mamede de Infesta: Legis Editora, 2011. ISBN: 9789898148629.

<sup>18</sup> UNESCO, Incheon Declaration. World Education Forum (2015). Republic of Korea. 2015 [viewed 19 June 2023]. Available from: <https://iite.unesco.org/publications/education-2030-incheon-declaration-framework-action-towards-inclusive-equitable-quality-education-lifelong-learning/>

<sup>19</sup> *Idem, ibidem*, p. 7.

<sup>20</sup> MARQUES, Z. *Direitos da criança e educação inclusiva: a importância da voz dos alunos*. Dissertação de Mestrado, Escola Superior de Educação de Fafe. Fafe, 2022.

instruments protecting human rights, such as the Millennium Declaration and the Declaration on the Right to Development, among many other outcomes achieved by conferences and summits under the sponsorship of the United Nations'<sup>21</sup>.

With regard to SDG 4 - Quality Education, Portugal highlighted education, training and qualification throughout life, seeking to reverse historical delays and exclusions that have a direct impact on people's well-being, economic performance, the fight against poverty, the promotion of equality and social cohesion, citizenship and the environment<sup>22</sup>. In this sense, Rebelo argues that access to 'quality education for all' involves not only 'the issue of education for sustainable consumption and its relationship with the digital world', but also that 'we must pay attention to consumer education, in a multidisciplinary and broad vision, covering the age groups from 12 years old onwards, in primary, secondary and higher education establishments'<sup>23</sup> and also warns of the social need to 'develop projects of education for sustainable consumption, as well as the tools and technologies that could contribute to the education and training of responsible consumers'<sup>24</sup>.

## Method

### Research question

The research question of the study focuses on assessing whether children are aware of the CRC and whether their rights are fulfilled, whether there are significant differences in the fulfilment or their perception of rights in the North, Centre and South of Portugal and in institutionalised children compared to non-institutionalised children.

With this intention, we carried out the present study, targeting students from four secondary school classes in the North, Centre and South of Portugal.

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<sup>21</sup> REBELO, F. and GUIMARÃES, A. P. Agenda 2030 for sustainable development and the future of adult learning in Europe. In GÓMEZ CHOVA, L., LÓPEZ MARTÍNEZ, A. and LEE, J. (Eds.), *Proceedings of EDULEARN22 Conference: 14th International Conference on Education and New Learning Technologies*, Palma, Mallorca, Spain, 4th-6th July 2022, p.7893.

<sup>22</sup> CABAÇO, L., BRÁS, H. and MOTTA, G. (Coords.). *Relatório Nacional sobre a Implementação da Agenda 2030 para o Desenvolvimento Sustentável*, por ocasião da Apresentação Nacional Voluntária no Fórum Político de Alto Nível das Nações Unidas, 2017.

<sup>23</sup> REBELO, F. O papel das novas tecnologias na educação para o consumo sustentável: tópicos para uma formação cívica e multidisciplinar do consumidor. *Revista Jurídica Portucalense*, N.º especial, Vol. III (63-80), maio de 2022, pp. 64-65. Available from: <http://hdl.handle.net/11328/4181>

<sup>24</sup> *Idem, ibidem*, p. 67.

Felgueiras (North), Lisbon (Centre) and two social solidarity institutions in Lagos (South).

### **Objectives**

We oriented the study taking into account the following objectives:

- To know the relationship between the independent variables: gender, number of household members, nationality, number of failures, being institutionalized or not, and country area;
- To know if young people/adolescents have knowledge of the CRC;
- To find out if young people/adolescents see their rights fulfilled in general.

### **Participants**

The universe of this study was made up of 7th to 12th grade students from three areas of the country: North, Centre and South.

In the northern area, the Secondary School of Felgueiras was chosen, since it was the school where one of the authors was teaching. This school is located in the district of Oporto, and includes the students who attended secondary education in the school year 2022/2023. The school is located in the sub-region of Tâmega and Sousa, about 60 km away from Oporto.

In the Central region, the Olaias School Grouping was chosen, which is located in Lisbon. This choice was due to the fact that one of the authors had access to these students as part of another study, also under the guidance of Olívia de Carvalho, and the surveys were distributed by colleague Cátia Santos. These students were between 7th and 9th grade.

In the South of the country, two support and social solidarity institutions were chosen, both belonging to CASLAS (Centro de Assistência Social Lucinda Anino dos Santos) in Lagos. Lagos is located in the district of Faro, region and sub-region of Western Algarve. It is about 90 km away from Faro. This choice was due to the fact that, as in the case of the central area, one of the authors had access to these students in the context of the same work previously mentioned, and the surveys were distributed by another colleague, Rita Branco. The students were between 7th and 12th grade, with very different ages and nationalities, given their socio-economic situation.

The data referred to a total of 123 adolescents. The average age was 16.6 years, ranging from a minimum of 13 to a maximum of 18 years. The majority were female (62.6 per cent), their father and mother were their carers (52.8 per

cent), they had siblings (79.7 per cent), lived in households with 4 or more persons (49.6 per cent) and were of Portuguese nationality (85.3 per cent), as shown in Table 1:

Table 1 - Socio-demographic characterization (n = 123)

	n	%
Age (M; DP)	16,62	1,18
Gender		
Male	46	37,4
Female	77	62,6
<i>Responsibility</i>		
Father and mother	65	52,8
Father or mother	19	15,4
Other family member	4	3,3
Host family	2	1,6
Institution	29	23,6
Others	4	3,3
Brothers		
	n	%
No	25	20,3
Yes	98	79,7
Aggregate persons		
1	7	5,7
2	23	18,7
3	32	26,0
≥ 4	61	49,6
Nationality		
Portuguese	99	85,3
Another	17	14,7

### Instrument

A survey was conducted using the questionnaire "Being a Child with Rights - Convention on the Rights of the Child: Knowledge and Compliance"<sup>25</sup>, with seventy questions, based on different types of questions, with the predominance being the use of selection questions with four options (Yes, No, Do not know, Does not apply). It is clarified that the present questionnaire is an adaptation of the questionnaire.<sup>26</sup>

Nineteen questionnaires were distributed to students in the South, 37 to those in the Centre and 67 to those in the North in the month of February 2023. The study sample consisted of all students (n=123), aged between twelve and eighteen years old, with a return rate of 100 per cent.

<sup>25</sup> Questionnaire attached to this article.

<sup>26</sup> SOUZA, A. P. L. Avaliação de um Programa de Educação em Direitos Humanos e Promoção de Participação Social para Adolescentes – Juventude em Cena, Tese de Doutorado, Universidade Federal do Rio Grande do Sul, 2012.

## Procedure

Initially, we established a good communication and relationship with the school contact persons, which allowed for easy coordination in the application of the data collection instrument. This allowed us a more effective and responsible support from the elements who collaborated in the research. With regard to the fieldwork, some visits were made to schools and institutions, to collect information and prepare the research in the school, to apply the questionnaires.

The statistical analysis involved descriptive statistical measures (absolute and relative frequencies, means and respective standard deviations) and inferential statistics. In this, Student's t-test for one sample, Student's t-test for independent samples and the Mann-Whitney test were used. Distribution normality was analysed with the Shapiro-Wilk test and homogeneity of variances with the Levene test. For sample sizes above 30, normality of distribution was accepted, according to the central limit theorem. The level of significance to reject the null hypothesis was set at  $(\alpha) \leq .05$ . Statistical analysis was performed with SPSS (Statistical Package for the Social Sciences) version 28 for Windows. We found out from the questionnaire data what the students say are their rights and how these are fulfilled in the light of the principles issued by the Convention on the Rights of the Child.

## Results

Around 26 per cent ( $n=31$ ) of respondents were in 9th grade. Just over half (59.3 per cent;  $n=73$ ) had failed at school. The most common reasons given for dropping out were demotivation (5.7 per cent).

With regard to adolescents' responses to the questionnaire on children's rights, we found that the responses with the highest frequencies of agreement were "I have had vaccinations" (92.7 per cent;  $n=114$ ), "My school has a library" (90.2 per cent;  $n=111$ ) and "Near where I live, there are places to do sports" and "I have a birth certificate" (88.6 per cent;  $n=109$ ). The answers with the highest frequencies of disagreement were "I have been pregnant" (93.9 per cent;  $n=108$ ), "I have been a mother/father" (93.2 per cent;  $n=110$ ) and "I have had problems because of my religion" (89.3 per cent;  $n=109$ ).

The perception of the degree of compliance with children's rights can be seen in the following table. In it, we indicate the minimum and maximum values, mean and respective standard deviations. The rights with the highest satisfaction

values were 'Right to a name and nationality' (91.9 per cent) and 'Right to leisure' (86.9 per cent). The rights with the lowest perceived satisfaction were "Right to special care, education and training" (47.6 per cent) and "The child should be the first to receive protection" (58.5 per cent). With the exception of "Right to adequate special care, education and training" ( $p = .389$ ) all values are significantly higher than 50 per cent.

Table 2 – Children's rights (% of compliance rate)

	Minimum	Maximun	M	SD
Protected Rights	,00	100,00	79,68	26,27
Full Development	,00	100,00	72,28	29,42
Nationality	,00	100,00	91,87	20,62
Food	,00	100,00	68,94	26,36
Medical assistance	12,5	100,00	76,26	22,69
Home	,00	100,00	68,29	34,64
Special Care	,00	100,00	47,63	30,05
Love	,00	100,00	71,96	36,55
Education	,00	100,00	64,34	23,90
Leisure	,00	100,00	86,86	24,17
Protection	,00	100,00	58,50	31,91
Cruelty	,00	128,60	73,45	20,43
Discrimination	,00	100,00	71,61	22,83

Regarding the questions related to the right to have an inclusive and equitable education, which was grouped in this table as special care and corresponds to questions 65. I have special needs (visual, auditory, motor) and 68. I have support for Special Education measures (visual, auditory, motor). These questions are framed in article 28 of the CRC, the child's right to education, which is intended to be inclusive and equitable, as argued by UNESCO<sup>27</sup>, stating that at the heart of inclusive education is the right to education enshrined in article 26 of the UDHR. In our study we found that this right has a low level of compliance, the only one below 50 per cent.

According to article 3, paragraph c), of Decree-Law 54/2018: 'Inclusion is the right of all children and students to full and effective access and participation in the same educational settings'. Inclusion appears as a process that enables the elimination of barriers that prevent students from participating and accessing the curriculum, which is not being fully met here.

<sup>27</sup> 2005 Convention on Diversity of Cultural Expressions. [viewed 19 June 2023]. Available from <https://www.unesco.org/creativity/en/2005-convention>

Facing the unpredictability of the future, it is necessary that the school acts strategically in the present so that the future can be 'the result of a choice and not the consequence of a destiny'<sup>28</sup>.

#### *Degree of compliance with rights and gender*

When comparing the perception of the degree of fulfilment of children's rights according to gender we found the following statistically significant differences<sup>29</sup>:

Table 3 - Degree of compliance and gender

	Female		Male		Sig
	M	SD	M	SD	
Protected Rights	82,91	22,77	74,28	30,78	0,103
Full Development	76,10	25,82	65,87	33,97	0,082
Nationality	94,16	18,09	88,04	24,00	0,140
Food	72,34	24,60	63,26	28,45	0,064
Medical assistance	79,96	20,95	70,07	24,34	0,019*
Home	72,30	33,95	61,60	35,12	0,098
Special Care	50,43	29,26	42,62	31,15	0,174
Love	76,19	33,60	64,86	40,41	0,096
Education	64,76	22,05	63,64	26,94	0,802
Leisure	85,94	23,42	88,41	25,55	0,585
Protection	60,71	31,04	54,78	33,32	0,320
Cruelty	73,53	16,85	73,31	25,55	0,959
Discrimination	73,51	22,38	68,37	23,47	0,232

M - Mean SD - Standard deviation

## **Discussion and Conclusions**

The Convention on the Rights of the Child reiterated the importance of children and young people being taken into consideration, giving them the possibility to act, becoming full citizens, because citizenship is only present when the diverse opinions and choices of each citizen are respected, from an inclusive education. Such understanding is in line with Costa and Couvaneiro on the UNESCO report<sup>30</sup>, when he states that it advocates that education gives each human being the ability to master their own development, making each individual actively participate in the society in which they live and contribute to its progress.

<sup>28</sup> CANÁRIO, R. *O que é a Escola? Um "olhar" sociológico*. Porto, 2005. p. 27. ISBN 978-972-0-34172-3.

<sup>29</sup> MARÓCO, J., *Análise estatística com o SPSS Statistics*. 8ª ed. Pêro Pinheiro: Editora Report Number, 2021. ISBN 9789899676374.

<sup>30</sup> Conhecimentos vs Competências - Uma dicotomia disparatada na educação. Lisboa: Editora Guerra e Paz, 2019, p. 154 [viewed 19 June 2023]. Available from: <https://unesdoc.unesco.org/ark:/48223/pf0000102819>



In the preamble to Order No. 6173/2016 of 10 May<sup>31</sup>, it is considered that the inclusive school that we want to develop inclusive education must place society's current problems at the heart of its teaching and non-teaching practices. 'Citizenship does not stop at the school walls. It is, in fact, the school's way of bringing reality inside and making students an integral, conscious and active part of what goes on beyond the walls'<sup>32</sup>.

There can be no citizenship or democracy without knowledge and skills. 'This school should not only transmit knowledge, but should be concerned with the global education of the students, in a perspective where knowing and intervening in reality intersect'<sup>33</sup>. It is fundamental that professors promote the involvement of students in the social construction of values, organizational life, climate and school culture.

Thus, this is a study that contributes positively to the problem studied, but we recognize that it has limitations. The fact that we limited ourselves to a single school in each area of the country, and in one of the areas we resorted to an institution and not a school, may slightly subvert the results and conclusions drawn therefrom. There is still a need to develop other studies, in other regions, that allow comparing results and deepening this theme. The participation of all citizens will be necessary, with knowledge of their rights and duties, so that a more humane and fair society can be built, based on the principles emanating from the Convention on the Rights of the Child. This will make today's adults, who were children, become active, responsible and inclusive agents in the society in which they live, forming transforming and solidary individuals in the future. For these ideas to take effect, it is necessary to implement effective measures in education, health and other basic services programs and for these rights to be fulfilled, they must be respected and supported by society as a whole<sup>34</sup>.

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<sup>31</sup> PORTUGAL, Presidência do Conselho de Ministros e Educação, Despacho n.º 6173/2016, de 10 de maio – desenvolve a área da Cidadania, dos Direitos Humanos e da Igualdade de Género, 2016.

<sup>32</sup> COSTA, J. and COUVANEIRO, J. *Conhecimentos vs Competências - Uma dicotomia disparatada na educação*, Lisboa: Editora Guerra e Paz, 2019. ISBN 9789897024948, ob. cit., p. 55.

<sup>33</sup> SANTOS, F. *Para uma Educação Inclusiva: Perceções de Alunos sobre o Conhecimento e o Cumprimento dos seus Direitos*. Dissertação de Mestrado. (Unpublished work). Escola Superior de Educação de Fafe. Fafe, 2022, ob. cit., p. 55.

<sup>34</sup> MARQUES, A. and TRIGO, D., *Convenção dos Direitos das Crianças*. (Unpublished work). Escola Superior de Educação de Fafe. Fafe, 2021, p. 30.

According to Carvalho and Peixoto<sup>35</sup>, on the threshold of the XXI century we still passively witness situations of social exclusion of the different person. In a society for all, each one of us is an integral part of it and everyone has the right to be included and we must all ensure that this right is fulfilled. Therefore, the education system can benefit people in need of support measures for learning and inclusion, taking into account their potential according to their specificities and not their limitations. This is how the road to autonomy and freedom for these children is covered. In this way, school inclusion can be a reality<sup>36</sup>. Thus, we cannot forget that there are still millions of children whose rights are denied for lack, for example, of essential services that guarantee their survival, health care and nutrition, as well as access to education. A significant percentage of those surveyed in this study have already felt that their rights have been withheld and it is essential to prevent this from continuing to happen. As António Machado mentions, quoted by Pires, Gonçalves and Vilhena<sup>37</sup> 'the path is made by walking', and despite what we said earlier, the evolution that has taken place and will continue to take place in relation to the promotion of children's rights is perceptible.

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<sup>35</sup> CARVALHO, O. and PEIXOTO, L. *A Escola Inclusiva: da Utopia à Realidade*. Braga: Edições APPACDM, 2000, p. 26.

<sup>36</sup> LOURENÇO, D., SOUSA, P. and CUNHA, V. *A Convenção dos Direitos das Crianças e a Lei da Inclusão*. (Unpublished work). Escola Superior de Educação de Fafe. Fafe, 2021.

<sup>37</sup> PIRES, A., GONÇALVES, R., VILHENA, S. *Perceção da criança face às suas vivências e ao cumprimento dos seus direitos*. (Unpublished work). Escola Superior de Educação de Fafe. Fafe, 2021.

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**Universidade Portucalense Cooperativa de Ensino Superior, CRL**

Rua Dr. António Bernardino de Almeida, 541 - 4200-072 Porto

Email: [upt@upt.pt](mailto:upt@upt.pt)

## ANNEX QUESTIONNAIRE

## A CHILD WITH RIGHTS

Olívia de Carvalho, Coordenadora \*

## Convention on the Rights of the Child: Knowledge and Compliance

We are conducting this questionnaire to gather information about your personal characteristics and to get to know your understanding of the Convention on the Rights of the Child and its implementation. To ensure accuracy, we kindly request you to read each question carefully. Please select only one answer for each question. Your responses will remain confidential, and your participation is highly valued. Please provide sincere answers.

Thank you for your cooperation. 😊

1. Public School  Private school

## Characterization of students

2. Gender

Female  Male  Other

3. Age \_\_\_\_\_ years

4. City \_\_\_\_\_ Country \_\_\_\_\_

5. What is your nationality?

\_\_\_\_\_

6. What grade level are you currently attending?

7th  8th  9th   
10th  11th  12th

7. Have you ever been unsuccessful?

No

Yes How many times? \_\_\_\_\_

**8. Did you abandon school already?**

No

Yes

**8.1 If yes, indicate the reason (tick one option only):**

Illness

Lack of support

Difficulty in learning

Economic difficulties

Lack of motivation

Other  What? \_\_\_\_\_

**8.2. How many times?** \_\_\_\_\_

**9. Who is responsible for you?**

Father and mother

Father or mother

Other Family person

Foster family

Institution

Other(s)  Who? \_\_\_\_\_

**10. Do You have brothers or sisters?**

No

Yes  How many? \_\_\_\_\_

**11. How many people live with you ?** \_\_\_\_\_

All questions that explicitly refer to parents are intended to mean parents or substitutes (person who performs the role of parent). In view of the statements presented, mark the option appropriate to you.

	indicate the appropriate option (if it is not suitable, it does not apply (N/A))	yes	No	i don't know	N/A
12	I work (or used to work) to help my family				
13	My work schedule does not affect attending school or studying				
14	I've been assaulted by an adult				

15	I have a birth certificate				
16	I have an identity card				
17	Whenever I needed it, someone took me to a health center or hospital				
18	I already took vaccines				
19	At school, my colleagues value my opinions				
20	At school, teachers value my opinions				
21	I have bought cigarettes				
22	My parents go through my personal belongings				
23	My school has a library				
24	My parents give me books				
25	I have had problems because of my religion.				
26	I have places to do sports nearby/locally				
27	I have my own bedroom				
28	When I had problems and asked for help from older people, they helped me.				
29	My parents listen to my opinions.				
30	My parents respect my opinions				
31	I've already bought magazines for people over 18				
32	I have visited websites (internet) for adults				
33	I eat vegetables and / or fruit daily				
34	I drink milk or yogurt daily				
35	I eat pizzas / burgers / treats two or more times a week				
36	I regularly consume soft drinks / sodas.				
37	I am often hungry				
38	I've been with people who use drugs				
39	I have always lived with my family				
40	I have bought alcoholic drinks				
41	I brush my teeth every day				
42	I regularly visit the dentist.				
43	I've had problems with the police.				
44	My parents say that going to school is very important to me.				
45	I participate in cultural activities (theater, cinema, visits to museums..)				
46	I have time for the activities that I like				
47	There were times when I felt that my family did not protect me				
48	I've bought tobacco				
49	I've had problems because of the colour of my skin				
50	When I get sick, my family takes care of me.				
51	I participate in student organizations at my school				
52	There are student organizations / unions in my school				
53	I had to leave the house, because my family could not support me				
54	There are leisure places where I live				

55	I share the room with someone I do not like				
56	I have taken drugs				
57	My parents told me about the Convention on the Rights of the Child				
58	At school, they told me about the Convention on the Rights of the Child				
59	I have felt uncomfortable when someone touched me in intimate parts of my body.				
60	My family cannot take care of me.				
61	I have drunk alcohol				
62	I've gone to the psychologist				
63	I was hospitalized and no one visited me				
64	I've gone to the pediatrician				
65	I have special needs (visual, auditory, motor, ...)				
66	I've gone to the ophthalmologist				
67	I already needed help from a lawyer but I did not have the support				
68	I have support for special education measures (visual, auditory, motor..)				
69	I am a parent				
70	I've been pregnant				

**Thank you for your cooperation.**

\*Questionnaire adapted from Souza, A. P. L. (2012), Self-report inventory on adolescent rights: Federal University of Rio Grande do Sul, RS, Brazil, by the research group composed of Olívia de Carvalho (Coordinator), André Pereira Matos, Carla Santos, Daniela Serra Castilhos, Dora Alves, Natércia Durão, Sérgio Tenreiro Tomás e Sónia de Carvalho.