

# Saint Louis University Public Law Review

---

Volume 22  
Number 2 *The Protection of Children's Rights  
Under International Law (Volume XXII, No. 2)*

---

Article 8

2003

## Protection of Children from Education in Hatred and Violence

James A.R. Nafziger  
*Willamette University College of Law*

Follow this and additional works at: <https://scholarship.law.slu.edu/plr>



Part of the [Law Commons](#)

---

### Recommended Citation

Nafziger, James A.R. (2003) "Protection of Children from Education in Hatred and Violence," *Saint Louis University Public Law Review*: Vol. 22 : No. 2 , Article 8.

Available at: <https://scholarship.law.slu.edu/plr/vol22/iss2/8>

This Children and Armed Conflict is brought to you for free and open access by Scholarship Commons. It has been accepted for inclusion in Saint Louis University Public Law Review by an authorized editor of Scholarship Commons. For more information, please contact [erika.cohn@slu.edu](mailto:erika.cohn@slu.edu), [ingah.daviscrawford@slu.edu](mailto:ingah.daviscrawford@slu.edu).

## PROTECTION OF CHILDREN FROM EDUCATION IN HATRED AND VIOLENCE

JAMES A.R. NAFZIGER\*

### I. INTRODUCTION TO THE PROBLEM

A depressing legacy of recent terrorism is the prospect of a protracted, if not endless, war against it. The intractability of the terrorist threat is all too reminiscent of the Cold War. When the Cold War ended and the United States became a superpower, it seemed unlikely that another protracted threat would soon develop at what was brashly proclaimed to be the end of history and the birth of a new world order. The laser-guided strikes and short duration of the Gulf War at the dawn of the new era helped fuel a confident expectation that prolonged conflict could be avoided. Accordingly, in the event of a crisis it should simply be a matter of getting the military job done or getting out of harm's way. It should simply be a matter of picking one or another adversary, of getting in and out of battle as quickly as possible, of going overseas and coming right back, always with an end in sight. An exit plan with timelines even became a requirement for commitment of United States troops to international peacekeeping forces. The likelihood of a sustained threat to the national security seemed almost un-American. The war against terrorism, however, has expanded our time framework and demanded greater patience. The question nevertheless remains: how can we keep that war as short as possible?

Terrorist threats are born of hatred. A recent study by the International Committee of the Red Cross (ICRC), entitled "People on War,"<sup>1</sup> determined

---

\* Thomas B. Stoel Professor of Law and Director of International Programs, Willamette University College of Law. This article is based on the author's presentation on November 1, 2002 at St. Louis University School of Law during a conference on The Protection of Children's Rights Under International Law. The author thanks Jesse O'Bryant for his research assistance.

1. See INTERNATIONAL COMMITTEE OF THE RED CROSS, THE PEOPLE ON WAR REPORT: ICRC WORLDWIDE CONSULTATION ON THE RULES OF WAR, COUNTRY REPORT PARALLEL RESEARCH PROGRAM 5 (1999). The percentage of respondents who had committed attacks on civilians is as follows, in order of their motivation or motivations: hate the other side so much (30-36%); don't care about the laws (25-26%); are determined to win at any cost (21-22%); know the other side is doing the same thing (17-22%); lose all sense during war (20-25%); are often

that the main motivation for combatant attacks on civilians is hatred of another group. It is an all-too-human emotion. Although psychologists do not agree on the causes of inter-group hatred and violence except on their complexity, they do agree that it can be taught and learned in the schools. They also agree that once learned, inter-group hatred and violence is difficult to unlearn. Children who are educated to be intolerant, to hate, or to commit acts of violence can become living time bombs. They ensure that acts of terrorism will continue. They are the ultimate weapons of mass destruction.

This essay addresses the issue of formal schooling in intolerance, hatred, and violence. Such schooling poses a serious problem, but it is not a particularly difficult one to avoid if there is a will to do so. The extent of the problem can easily be exaggerated. Most military and religious schools are not part of the problem. The vast majority of military and religious schools throughout the world do not preach intolerance, hatred, and violence. Moreover, the problem of malevolent schooling is much more susceptible to correction than more diffuse sources or inspirations of violence such as family attitudes and behavior, media violence, or the anarchy of homeless street children.

Even if we could end all malevolent schooling immediately, its legacy would remain with us for years to come. That is why we need to do something about the problem now. Several questions loom large: how, exactly, does formal education for hatred and violence shape violent personalities? What responsibilities, if any, do governments have to avoid or discourage such schooling? What normative framework does international law provide and how effective is it? What can be done to support more wholesome classroom alternatives in the impoverished countries where schools for hatred and violence flourish? In attempting to answer these questions, this essay begins where many of us began to grapple with these issues, namely, at the Twin Tower ruins in New York.

The suicide bombings of 9/11 alerted us to the Islamic Madrassah schools, primarily in Pakistan, which had trained Taliban and Al Qaeda recruits. The schools were essential to both movements: "Taliban" itself means "students." We learned that radical clerics had been indoctrinating children in these schools with a violent, intolerant interpretation of the Islamic creed of *jihad* (spiritual struggle). These clerics persuaded students that "[w]hoever wants to become close to God should fight in the *jihad*."<sup>2</sup> Child soldiering became a mass movement. Beginning in 1994, radical Madrassahs became feeder schools for the army of the Taliban Mullah Mohammed Omar in his campaign

---

under the influence of alcohol or drugs (18-19%); are told to do so (17%); don't know the laws (12-14%); are scared (12%); are too young to make judgments (6-9%); abuse of power (1%).

2. ANTHONY SHADID, LEGACY OF THE PROPHET 17 (2001).

against Afghan war lords.<sup>3</sup> The 55<sup>th</sup> Brigade in Osama bin Laden's legion of Al Qaeda also drew recruits from radical Madrassahs.<sup>4</sup>

Most of the children enrolled in the Madrassahs have had little or no choice, living as they do on the wrong side of the sharp social divide between wealth and poverty, with little or no access to public education. In Pakistan, a country with an estimated 40% literacy rate, only 2% of gross national output accrues to education, one of the lowest rates in the world.<sup>5</sup> The crowded public schools that do exist "often lack teachers, books, electricity, running water, and even roofs. A significant number are ghost schools, which exist only as budget line items"<sup>6</sup> for the benefit of corrupt bureaucrats. Elite private schools are off-limits to most of the population. It is small wonder that the Madrassahs have been so popular among the poor and refugee populations, especially when children receive food, clothing, and even payments in return for their enrollment.

Militant religious schools "thrive on a dangerous blend of militancy, sectarian politics, and obscurantism."<sup>7</sup> Students memorize not only the Koran but anti-Western rhetoric. Radical clerics interpret the Koran to promote hatred, to allow the murder of innocent civilians, and to extol martyrdom by suicide attacks. In sum, "children are taught about hate."<sup>8</sup> As many as 10 to 15 percent of these children have been foreigners who then spread this doctrine of hatred when they return to their homes in the Arabian Peninsula, Bangladesh, Burma, the other Central Asian "stans," Chechnya, Indonesia, Mongolia, Nepal, the Philippines, Russia, and other countries.<sup>9</sup>

But too sharp a focus on radical Madrassahs in Pakistan and Afghanistan would be misdirected for three reasons. First, militancy is by no means a hallmark of most Madrassahs. Of an estimated 15,000 to 45,000 Madrassahs in Pakistan,<sup>10</sup> only 10 to 15 percent are thought to be militant.<sup>11</sup> Most

---

3. See Scott Baldauf, *Inside a Taliban Terrorism Class*, CHRIST. SCI. MON., May 6, 2003, at 6; SHADID, *supra* note 2, at 298 n. 8.

4. See P.W. Singer, *Pakistan's Madrassahs: Ensuring a System of Education Not Jihad*, THE BROOKINGS INSTITUTION ANALYSIS PAPER #14, Nov. 2001, at 3.

5. See *id.* at 2.

6. *Id.* On the growth of Middle Eastern schools run by private organizations, including Hezbollah, see John Waterbury, *Hate Your Policies, Love Your Institutions*, FOR. AFFAIRS, Jan.-Feb. 2003, at 58, 64.

7. Zulfiqar Ahmed Bhutta, *Children of War: The Real Casualties of the Afghan Conflict*, 324 BRIT. MED. J. 349, 351 (2002).

8. Jessica Stern, *Preparing for a War on Terrorism*, CURRENT HIST., Nov. 2001, at 355, 356.

9. *Id.*; Singer, *supra* note 4, at 4.

10. See Singer, *supra* note 4, at 2; but see Baldauf, *supra* note 3 (estimating 15,000 Madrassahs in Pakistan today, up from fewer than 2,000 in 1979. An estimated 600,000 to 700,000 children attend Madrassahs.).

Madrassahs, on the other hand, simply do their best to offer a general education based on the Koran and *hadith* (Mohammed's teachings and actions), as they have since their medieval origin in Iran. Many teaching clerics interpret *jihad* not as an armed struggle against western values but as an evolutionary struggle for spiritual victory or simply as an internal personal struggle. In some progressive-minded Madrassahs, female teachers do not wear headscarves, and the students commit themselves to economic development rather than political destruction.<sup>12</sup>

Second, instruction in intolerance, hatred, and violence is by no means limited to the Islamic Madrassahs. In both Israel and the Palestinian Authority, for example, textbooks inculcate suspicion, intolerance, and hatred of the other nationality.<sup>13</sup> Experts have little doubt that these texts are "part of the vicious cycles of violence which characterize intractable conflicts."<sup>14</sup> In Saddam Hussein's Iraq, elementary school textbooks emphasized militarism and the struggle against Iranian, American, NATO and Zionist aggression.<sup>15</sup> In Sri Lanka, impoverished children in the midst of civil war are trained to hate enemy populations and commit suicide against them. On "Heroes' Day" the children celebrate martyrdom and violent death.<sup>16</sup> Malaysian schools

11. Stern, *supra* note 8, at 356; Singer, *supra* note 4, at 2.

12. Baldauf, *supra* note 3.

13. See Daniel Bar-Tal, *The Rocky Road toward Peace: Beliefs on Conflict in Israeli Textbooks*, 35 J. PEACE RESEARCH 723 (1998) (analyzing frequency of prejudicial references in Israeli textbooks); Mediawatch International, *Palestinian Children in Danger*, at [http://www.operationsick.com/reports/20001218\\_mediawatch.htm](http://www.operationsick.com/reports/20001218_mediawatch.htm) (detailing indoctrination of Palestinian children against Jews and Israel and extolling militant *jihad*).

14. Bar-Tal, *supra* note 13, at 727. Bar-Tal also states that "school textbooks play an important role in shaping the beliefs prevalent in a society." *Id.* at 740; see Danna Harman, *Bad Boys, or New Lessons*, CHRIST. SCI. MON., April 26, 2002, at 6. (This cycle of education played out on the West Bank, before one reporter's eyes, as follows:

On the concrete makeshift roadblocks along the way to several of the settlements, graffiti barks "death to the Arabs" and "Revenge." A school bus of Palestinian schoolgirls, all dressed in pretty uniforms was rumbling past Ariel, one of the main West Bank settlements. A small group of Israeli boys, about the same age as the girls, was standing outside on the road in front of the settlement. They all yelled when they saw the bus and gave the girls the finger. The girls did nothing, except for one, who spat out the window. Now, perhaps this is usual little-kid bad behavior. But I think it runs much deeper. It's a small sign of the education for hatred going on here.)

15. See Phebe Marr, *Word for Word/ Grade School Primers - Civics 101, Taught by Saddam Hussein: First Join the Paramilitary*, N.Y. TIMES, Apr. 20, 2003, § 4, at 7; Gail Russell Chaddock, *Next, Iraq's cultural regime change*, CHRIST. SCI. MON., Apr. 21, 2003, at 1 ("What do you get when you add three rocket-propelled grenades plus four Kalashnikov rifles? According to one primary-school textbook used in Saddam Hussein's Iraq, the mathematical answer is simple: 'Seven ways to kill the infidel enemy.'").

16. See *Reviews: Personal Views—Conscription of Children in Armed Conflict*, 322 BRIT. MED. J. 1372 (2001). See also Daya Somasundaram, *Education & Debate—Child Soldiers:*

specializing in hatred of Westerners and love of conflict apparently played a major role in the terrorist act on a night club in Bali, Indonesia.<sup>17</sup> Elsewhere, during civil war conflict especially, formal indoctrination of children in hatred and violence is almost endemic, as is the use of schools for military training and recruitment of child soldiers. Such abuse of children's educational rights has been a particularly serious problem in Angola, Botswana, Burundi, Congo-Brazzaville, the Democratic Republic of Congo, Ethiopia, Kenya, Kosovo, Kurdish territory, Liberia, Rwanda, Sierra Leone, Sudan and Uganda.<sup>18</sup> After the suicide bombings of 9/11, the United Nations Security Council specifically noted that military conscription of children under the age of fifteen is not only a simple violation of their rights under international law, but a war crime.<sup>19</sup>

Third, socialization in hatred and violence extends far beyond the classroom. Child soldiers often graduate from military camps rather than schools. The media, domestic violence, and the lifestyle of the street also are influential in shaping violent behavior.<sup>20</sup> Industrialized countries, in particular, are plagued by school shootings, playground bullying, and gang membership. Even in the peaceful haven of Sweden, for example, it is estimated that each semester 2,000 children require medical treatment for injuries dealt by their fellow students.<sup>21</sup> Informal education in violence is available everywhere and it is free to all. This essay, however, focuses on the process of formal education in hatred and violence.

## II. THE EDUCATIONAL PROCESS

Formal schooling and daily living socialize children at different ages and at different stages of differential learning, association, and identification. A

---

*Understanding the Context*, BRIT. MED. J. 1268, 1269 (2002) (finding that "[b]ecause of their age, immaturity, curiosity, and love for adventure children are susceptible to 'Pied Piper' enticement through a variety of psychological methods").

17. See Jasbant Singh, *Bali Suspects Used Malaysia as Base*, THE ASSOCIATED PRESS, Dec. 4, 2002.

18. See Krishna Lalbiharie, *When Children Go to War*, 36 CAN. BUS. & CURRENT AFF., Jan.-Feb. 2002, at 254.

19. S.C. Res. 1379 & 8a, 4423rd mtg., U.N. Doc. No. S/RES/1379 (2001).

20. See, e.g., Sobhi Tawil, *International Humanitarian Law and Basic Education*, INT'L REV. RED CROSS, No. 839, at 581 (2002). For a daunting example of social learning of violence in Colombia, see Eliza Griswold, *The 14-Year-Old Hit Man*, N.Y. TIMES MAG., April 28, 2002, at 62.

21. United Nations Children's Fund (UNICEF), *Industrialized Countries and the Right to Education*, in THE STATE OF THE WORLD'S CHILDREN (1999) (Reported violence encompasses not just the relatively isolated incidents of armed children shooting at teachers and classmates, but it also pervades everyday life. Children in the United Kingdom, for example, are frequently bullied by other children in the school yard. In the United States in 1995, 4 percent of students 12 to 19 years old reported experiencing violent victimization while in school).

leading expert has concluded that violent criminals usually have experienced four stages of socialization.<sup>22</sup> These stages involve, first, an authority figure's instruction, compulsion, or brutalization of a child to commit acts of violence; second, the child's realization of the use of violence in response to a world of danger; third, the budding criminal's personal experiment in violence or application of conditioned responses; and fourth, that person's resolution to emulate the authority figure by committing violence more generally, even without individual provocation.

Subcultures of violence reinforce a child's ethos of violence. A famous study of Sardinians socialized in the violent code of the *vendetta barbaricina* supports the subculture of violence theory.<sup>23</sup> An important conclusion of such studies is that:

[o]ur first line of defense against violent crime should be that of saving as many people as possible from beginning the experiential process which creates violent criminals. Our second line of defense should be that of saving as many people as possible who have already begun the process from completing it. Only our last line of defense should be one of saving ourselves and society from the people who have already completed the process.<sup>24</sup>

What begins the experiential process from which we are advised to save as many people as possible? What role does formal schooling play in this process?

Learning may be the product of *cultural conditioning*, as in the Sardinian and radical Madrassah examples; *social learning*, as in the home and on the street; and *cognitive development*, involving changes in the complex structure and organization of a child's information and thought processes.<sup>25</sup> The trajectory of cognitive development merits particular attention.

Jean Piaget's pathfinding studies<sup>26</sup> still provide a widely accepted framework for explaining cognition at different ages or stages of life. Piaget posited a common, irreversible, sequential transformation of children. The sequence is always the same in all children. Accordingly, children progress from a hedonistic reliance on reward and punishment as a means of satisfying their basic needs to a second stage of pleasing others, respecting authority, and

---

22. LONNIE H. ATHENS, THE CREATION OF DANGEROUS VIOLENT CRIMINALS (1992).

23. See Summary of Study by Ferracuti and Lazzari, in LONNIE ATHENS, VIOLENT CRIMINAL ACTS AND ACTORS REVISITED 21-22 (1997); see also MARVIN WOLFGANG & FRANCO FERRACUTI, THE SUBCULTURE OF VIOLENCE: TOWARD AN INTEGRATED THEORY OF CRIMINOLOGY 158 (1967).

24. Athens, *supra* note 22, at 99.

25. See James A.R. Nafziger, *Education of Youth in Concepts of Global Order*, 5 LAW & PSYCH. REV. 113, 127-38 (1979).

26. See JEAN PIAGET, THE MORAL JUDGEMENT OF THE CHILD (1932). For a summary, see Nafziger, *supra* note 25, at 128.

assuming a sort of duty to maintain the social order. From this intermediary stage, older children can then progress toward a third, mature stage in which they are able to make responsible moral judgments.<sup>27</sup> All kinds of things can go wrong along the way, of course, and when they do, the sequential process of cognitive development may be delayed or stop altogether.

Lawrence Kohlberg refined Piaget's theory in terms of six stages of moral reasoning, which he, too, found to be common or universal, sequential, and irreversible.<sup>28</sup> Around the world, we are all wired the same. Cross-cultural investigations by Kohlberg and others reinforced Piaget's largely European-based observations about the commonality of the patterned sequence of cognitive development. One study demonstrated a "culturally invariant sequence of stages" among children in Kenya, Honduras, the Bahamas, India, New Zealand, and Turkey.<sup>29</sup> Another study of subjects from Algeria and the United Kingdom,<sup>30</sup> controlled by gender and age, revealed that any differences in moral development were attributable to cultural conditioning, mostly based on religious values.

Kohlberg's theory depicts cognitive development in terms of individual struggles with norms and moral expectations.<sup>31</sup> When children successfully overcome their internal and cultural demons, they can become mature individuals possessing a morality of justice, a morality of care, and even a morality or ethos of global order. Some children, however, never achieve moral maturity because of psychological, social, and cultural constraints. The interplay of cultural conditioning and social leaning with cognitive development is therefore significant in delaying or even denying moral maturity. That is why early education in hatred and violence is so insidious, for it can disrupt moral growth and forestall maturity, sometimes permanently.

### III. THE INTERNATIONAL INITIATIVES

#### A. Moral Suasion

---

27. Nafziger, *supra* note 25, at 129.

28. See LAWRENCE KOHLBERG, ESSAYS ON MORAL DEVELOPMENT: PSYCHOLOGY OF MORAL DEVELOPMENT 122 (1984); see also Lawrence Kohlberg, *Stage and Sequence: The Cognitive-Developmental Approach to Socialization*, in HANDBOOK OF SOCIALIZATION THEORY AND RESEARCH 347 (D.A. Goslin, ed. 1969).

29. See Mordecai Nissan & Lawrence Kohlberg, *Universality and Variation in Moral Judgment: A Longitudinal and Cross-Sectional Study in Turkey*, 53 CHILD DEV. 865 (1982).

30. Djilali Bouhmama, *Assessment of Kohlberg's Stages of Moral Development in Two Cultures*, 13 J. MORAL EDUC. 124, 130 (1984).

31. LAWRENCE KOHLBERG, ESSAYS ON MORAL DEVELOPMENT: THE PHILOSOPHY OF MORAL DEVELOPMENT 134 (1981).



Cognitive development theory fortunately posits a role for moral instruction and intervention to facilitate and even accelerate moral development.<sup>32</sup> Such intervention can also restart the process when it stops. Tolerance<sup>33</sup> can be taught. UNESCO's Declaration of Principles on Tolerance requires that education "should aim at countering influences that lead to fear and exclusion of others, and should help young people to develop capacities for independent judgment and ethical reasoning."<sup>34</sup>

Specific educational initiatives include the ICRC educational program in humanitarian norms,<sup>35</sup> the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010,<sup>36</sup> the United Nations<sup>37</sup> and UNESCO<sup>38</sup> Programmes of Action on a Culture of Peace, major textbook reforms,<sup>39</sup> teacher training programs,<sup>40</sup> and inter-cultural summer programs.<sup>41</sup> The proposals for broader outreach of such initiatives include distance learning, expanded vocational training, public-private cooperation with tax and trade incentives, and guidelines for educational licensing and curriculum.<sup>42</sup>

---

32. See, e.g., JOSEPH REIMER, PROMOTING MORAL GROWTH: FROM PIAGET TO KOHLBERG 114 (1983).

33. The "principle of tolerance" has been defined, quite simply, as "harmony in diversity, achieved through mutual respect and understanding." See United Nations Educational, Scientific and Cultural Organization (UNESCO), IMPLEMENTATION OF 26/C RESOLUTION 5.6, CONCERNING THE ADOPTION OF A DECLARATION ON TOLERANCE, AND PROPOSALS RELATING TO A FOLLOW-UP PLAN OF ACTION FOR THE UNITED NATIONS YEAR FOR TOLERANCE, UNESCO Doc. 28 C/26 (1995) [hereinafter UNESCO Principles]. A more elaborate definition of tolerance may be found in the UNESCO Principles, *id.* art. 1.

34. *Id.* art. 4.3.

35. See Tawil, *supra* note 20.

36. See The International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010, G.A. Res. A/55/47, U.N. GAOR, 55<sup>th</sup> Sess. (2000).

37. INTERNATIONAL DECADE FOR CULTURE OF PEACE AND NON-VIOLENCE, REPORT OF THE SECRETARY GENERAL, G.A. Res. A/56/349, U.N. GAOR, 56<sup>th</sup> Sess. (2002) [hereinafter CULTURE OF PEACE].

38. United Nations Educational, Scientific and Cultural Organization (UNESCO), Medium-Term Strategy for 2002-2007, UNESCO Res. 31C/4 (2001).

39. See, e.g., Survey of Educational Issues and Proposals for Reform in GILBERT T. SEWALL, TEXTBOOKS AND THE UNITED NATIONS (2002).

40. See, e.g., CULTURE OF PEACE, *supra* note 37, at 6, 11. These programs are both public and private. For example, "Teaching Tolerance" is an important program of the privately funded Southern Poverty Law Center.

41. See, e.g., Rebecca Mead, *Getting to Know You*, THE NEW YORKER, Oct. 14, 2002, at 82 (a fascinating account of a cross-cultural summer camp in Finland run by Children's International Summer Villages).

42. See Singer, *supra* note 4, at 7, 8, 9. The challenge of improving education and educational opportunities extends to affluent societies that have spawned terrorists. It is said, for example, that Saudi university graduates end up more qualified to analyze holy texts than to work

A United Nations General Assembly Resolution pledges actions to “[e]nsure that children, from an early age, benefit from education on the values, attitudes, modes of behaviour and ways of life to enable them to resolve any dispute peacefully and in a spirit of respect for human dignity and of tolerance and non-discrimination.”<sup>43</sup> Another General Assembly Resolution encourages education by the mass media in non-violence.<sup>44</sup> The UNESCO Declaration of Principles on Tolerance emphasizes the role of education in “spreading the values of religious toleration.”<sup>45</sup> Of course, quality education takes money, it takes time, and it takes support by the legal system.

### B. Legal Framework

Unfortunately, the international legal response to the global problem of schooling for hatred and violence has been disappointing. The law is entirely soft and is not developing very fast. However, it does provide a framework for action.

At the regional level, the Amman Declaration on the Use of Children as Soldiers<sup>46</sup> acknowledges the root cause of educational deficiencies and a culture of militarization, violence, and intolerance. The Amman Declaration calls on states to take a number of measures. Significantly, it calls on “religious and community leaders to promote a culture of peace, tolerance and understanding on raising awareness about the rights of the child.”<sup>47</sup> The document also requires States to address the causes of child soldiering, including lack of education, by “ensuring education for tolerance, non-discrimination and respect for others [and] ending military training programmes for children.”<sup>48</sup>

At the global level, the 1959 Declaration of the Rights of the Child,<sup>49</sup> which cheerfully proclaimed the goal of happy childhoods for all youth,<sup>50</sup>

---

as engineers, architects, computer specialists, or managers . . . . Expatriates are considered more competent than Saudis, and cheaper . . . . These factors contribute to an unemployment rate of about 30 percent among Saudi men and 95 percent for women. Eric Rouleau, *Trouble in the Kingdom*, 81 FOR. AFFAIRS, No. 4, at 75, 83 (2002).

43. Declaration and Programme of Action on a Culture of Peace, G.A. Res. A/RES/53/243, U.N. GAOR, 53<sup>rd</sup> Sess., art. B9(b) (1999).

44. International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001 – 2010, G.A. Res. A/RES/56/5, U.N. GAOR, at 3 (2001).

45. UNESCO Principles, *supra* note 33.

46. AMMAN DECLARATION ON THE USE OF CHILDREN AS SOLDIERS, Amnesty International, IOR 52/001/2001.

47. *Id.* at 4.

48. *Id.*

49. Declaration of the Rights of the Child, 1386, U.N. GAOR, 14th Sess., Supp. No. 16, at 19-20, U.N. Doc. A/4354 (1959).

50. *Id.* pmbl.

called upon governments to provide children with “opportunities and facilities, by law and by other means, to enable him [or her] to develop . . . in a healthy and normal manner and in conditions of freedom and dignity.”<sup>51</sup> Emphasizing the “best interests of the child [as] the guiding principle of those responsible for his education and guidance,”<sup>52</sup> the Declaration mandated an education that would develop a child’s “moral and social responsibility”<sup>53</sup> and protect him or her against exploitation. Of course, what is moral and socially responsible and what constitutes exploitation can be culturally relative and controversial. The Declaration concluded, however, that “[the] child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.”<sup>54</sup>

The Convention on the Rights of the Child<sup>55</sup> largely expands on these themes in the Declaration. In its Preamble, the Convention proclaims that children should be “brought up in the spirit of the ideals [of the U.N. Charter], and in particular in the spirit of *peace, dignity, tolerance, freedom, equality* and solidarity.”<sup>56</sup> Above all, in the words of Article 3, “the best interests of the child shall be a primary consideration.”<sup>57</sup> It is hard to imagine any justification of malevolent education as in the best interests of children. To the contrary, education in hatred and violence virtually ensures a dark future, at least here on earth, for children subjected to it.

Article 12 provides for a general freedom of expression: children’s views are important and must be heard.<sup>58</sup> Article 13 establishes a “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child’s choice.”<sup>59</sup> Article 14 requires States Parties to ensure “respect [for] the right of the child to freedom of thought, conscience and religion.”<sup>60</sup>

---

51. *Id.* princ. 2.

52. *Id.* princ. 7.

53. *Id.*

54. Declaration of the Rights of the Child, *supra* note 49, princ. 10.

55. Convention on the Rights of the Child, adopted November 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990). For a brief history and description of the Convention, *see* Shrinivas Gupta, *Rights of the Child and International Law: A Critical Study*, 2 AMITY L. REV. 69 (2001).

56. Convention on the Rights of the Child, *supra* note 55, pmbl. (emphasis added).

57. *Id.* art. 3.

58. *Id.* art. 12(1).

59. *Id.* art. 13(1).

60. *Id.* art. 14(1).

Education requirements in the Convention are, unfortunately, not very specific. Article 29 reiterates the Declaration's principles and developmental guidelines, adding only that States Parties "agree that the education of the child shall be directed to [among other things] respect for . . . civilizations different from his or her own"<sup>61</sup> and the "preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin."<sup>62</sup> The Committee on the Rights of the Child, which the Convention established to carry out its functions,<sup>63</sup> has prepared a General Comment on Article 29<sup>64</sup> that identifies the relationship among all provisions in the Convention that bear on education.<sup>65</sup> The General Comment also emphasizes that the "overall objective of education is to maximize the child's ability and opportunity to participate fully and responsibly in a free society."<sup>66</sup> Given the importance of education in human rights, "[e]ducation should . . . be accorded one of the highest priorities in all campaigns against the evils of racism and related phenomena."<sup>67</sup>

Unfortunately, the General Comment on Article 29(1) does not specifically address current issues of malevolent education. A somewhat puzzling paragraph suggests that when efforts to promote the Convention's lofty aspirations of "understanding, tolerance and friendship among all peoples"<sup>68</sup> come into conflict with national policies and local cultural values, some sort of balance and reconciliation is to be undertaken.<sup>69</sup> In general, however, the General Comment to Article 29(a) of the Convention would seem to condemn "the teaching or dissemination of distorted values"<sup>70</sup> and hence to condemn malevolent educational practices.

---

61. Convention on the Rights of the Child, *supra* note 55, art. 29(1)(c).

62. *Id.* art 29 (1)(d).

63. *Id.* art. 43.

64. United Nations High Commissioner for Human Rights, Committee on the Rights of the Child, General Comment No. 1, The Aims of Education, Article 29(1), U.N. Doc. No. CRC/GC/2001/1, CRC General comment 1 (2001) [hereinafter CRC General Comment].

65. *Id.* para. 6.

66. *Id.* para. 12.

67. *Id.* para. 11.

68. *Id.* para. 4.

69. CRC General Comment, *supra* note 64, para. 4.

70. *Id.* para. 11. (This paragraph not only confirms the incompatibility of malevolent education, as discussed in this article, with Article 29(1) of the Convention, but refers to education as "[a] reliable and enduring antidote to, *inter alia*, the teaching or dissemination of distorted ideas," as follows:

The Committee also wishes to highlight the links between Article 29(1) and the struggle against racism, racial discrimination, xenophobia and related intolerance. Racism and related phenomena thrive where there is ignorance, unfounded fears of racial, ethnic, religious, cultural and linguistic or other forms of difference, the exploitation of

Against this background of aspirations rather than commitments, perhaps the most useful provisions are those that mandate protection of children from “exploitation,”<sup>71</sup> particularly that which is “prejudicial to any aspect of the child’s welfare.”<sup>72</sup> Again, however, the term “exploitation” is ambiguous. Provisions of the Convention are too often qualified in terms such as “local custom”<sup>73</sup> and “protection of . . . public order . . . health or morals.”<sup>74</sup>

The General Comment on Article 29(1) provides a useful elaboration of the right to education communications and expectations. But neither the Convention nor the General Comment specifically condemns the crippling effects of education in hatred and violence. Nor do the documents provide any guidance for the appropriate cognitive development of children.

Institutionally, the regime of the Convention is weak. It has no enforcement mechanism aside from a reporting requirement, review of reports, and requests for additional information by the Committee on the Rights of the Child, and the Committee’s ventilation of problems in the course of its biennial reports to the United Nations General Assembly.<sup>75</sup> The Committee is not authorized to accept petitions. Sadly, States Parties can largely ignore their responsibilities under the Convention, which are, in any event, ambiguous. The Convention, however, does offer a normative framework and plan of action within which the Committee’s limited supervision can effect change. In particular, the Committee’s calls for national plans of action and contributions by international organizations merit the strongest endorsement.

#### IV. CONCLUSION

---

prejudices, or the teaching or dissemination of distorted values. A reliable and enduring antidote to all of these failings is the provision of education which promotes an understanding and appreciation of the values reflected in Article 29(a), including respect for differences, and challenges all aspects of discrimination and prejudice. Education should thus be accorded one of the highest priorities in all campaigns against the evils of racism and related phenomena. Emphasis must also be placed upon the importance of teaching about racism as it has been practised historically, and particularly as it manifests or has manifested itself within particular communities. Racist behaviour is not something engaged in only by others. It is therefore important to focus on the child’s own community when teaching human and children’s rights and the principle of non-discrimination. Such teaching can effectively contribute to the prevention and elimination of racism, ethnic discrimination, xenophobia and related intolerance.)

71. See Convention on the Rights of the Child, *supra* note 55, arts. 19, 36.

72. *Id.* art. 36.

73. See *id.* art. 5 (with respect to the provisions pertaining to the theme of this article).

74. *Id.* art. 13(2)(b); see also *id.* at art. 14(3) (freedom to manifest one’s religion or beliefs subject to any limitations that may be prescribed by law and that are necessary to protect public safety, order, health or morals).

75. *Id.* arts. 43, 44, 45.

Formal schooling in intolerance, hatred, and violence is global. Although such schooling is not common in most parts of the world, it nevertheless is threatening and long-lasting. It unquestionably has contributed to major acts of terrorism and the threat of a protracted war on terrorism.<sup>76</sup>

The learning process that leads to a mindset of hatred and violence is well-known. Long-established and well-evidenced theories of cognitive development that describe the normal process of moral maturation help explain the crippling effect of malevolent schooling on development. Social learning and cultural conditioning complement the deficiencies of cognitive development in violence-prone children.

International efforts to combat malevolent schooling by substituting quality education include major programs at the regional and international levels, primarily with the support and guidance of UNESCO. Reform requires resources, however. Although the World Bank, regional development banks and intergovernmental assistance have provided some support, much more will be needed to meet the challenge of militant schools throughout the world.

The international legal framework to rectify malevolent education and institute educational reform is not very effective. States are therefore not responsible for acts or omissions of education that contribute to international violence. To be sure, the Declaration and Convention on the Rights of the Child provide a set of generally understood principles and a normative vocabulary upon which to base future efforts to eliminate malevolent schooling. The global community must do better, however, in fulfillment of the Convention's promise of promoting the best interests of the child.<sup>77</sup>

Educational reform will require international cooperation and a stronger international legal framework. Within that framework, the development of a more effective regime of educational obligations must go hand in hand with economic and political initiatives. In the end, educational reform, guided by law, is a form of sustainable development of the political and social environment.

---

76. Bhutta, *supra* note 7, at 351.

While [repeated exposures to violence] can lead to considerable psychological trauma and distress, they may also inure a young mind to violence. The average Taliban and Northern Alliance soldiers are a product of the same cycle of violence and social upheaval experienced from early childhood. Ignorance, isolation, and a daily ritual of violence greatly temper their vision of the world. This "lost generation" is likely to breed many more unless action is taken to bring the cycle of violence to an end.

77. Convention on the Rights of the Child, *supra* note 55, art. 3.

