

Student Rights and Human Rights Education - Taiwan's Experience

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Human rights are not just values deserving to be taught, but also principles that should be put into practice. In the context of the school, human rights can take the form of student rights.

Rights relate to action and not mere words. Human rights are not just enshrined in the international agreements, but have to be implemented through national laws. Furthermore, they are best protected if they have been institutionalized into local systems that cherish the idea and provide direct and concrete steps to promote them. Schools constitute an example of such local systems that are supposed to be dedicated to cultivating the values of human rights into the minds of the students.

However, dreams have never been easy to realize. Student rights are foreign to a land where obedience to elders is regarded as essential value, and the young are supposed to keep their ideas to themselves and remain silent especially in the presence of old people. Students hardly express themselves, let alone claim their rights. Teaching human rights is difficult where the values of human rights conflict with the traditional ones. Nevertheless, for Taiwan as a young democracy the ideas of human rights are being fought for and have been written into the Constitution. In addition, human rights education is supposed to be one of the main purposes of education provided in Section Two, Article Two of the 1999 Basic Law of Education.¹

In this article, I share my experience in

promoting human rights education in terms of student rights in Taiwan. First, I explore the idea of student rights as the realization of constitutionally mandated human rights as applied in the school context, where students have traditionally been regarded as shedding their constitutional protection as they enter the school gates. I examine school authority, including the authority of the teachers, not only from the point of view of legislations but also of the Constitution, which binds the powers of the state with human rights. Second, I argue that human rights education is best promoted in terms of student rights because the school setting offers the better example for understanding human rights in action. Other settings may appear alien to the students, and thus difficult to comprehend. In addition, human rights education focused on student rights can take a “critical” perspective insofar as it empowers students against the possible abuses of power by teachers or school authorities.

Third, I present the legislations for the protection of student rights by central or local governments, and some initiatives taken by schools, non-governmental organizations (NGOs), or local governments in Taiwan. I introduce examples of co-operation between

schools and NGOs on the one hand, and between schoolteachers and lawyers on the other, to illustrate the implementation of human rights education focused on student rights from the perspective of both formal and informal curriculums in school. I also discuss the inclusion of legal courses in teacher training program in Taiwan so that teachers are better equipped to challenge the conventional ethics and old practices in school.

Do students have rights in the school?

In one criminal case in Taiwan,² a secondary³ school teacher required the students in her Chinese literature course to write a composition about her (teacher) using only “good words”.⁴ Failure to follow this instruction meant that the students would not get good grades, or even get punished and could not go home. Article 304 of the Criminal Code states that anyone who compels with the use of force a person to do things of which he or she is under no obligation to undertake shall be liable to penal punishment. The teacher was later charged in court with violation of the freedom of her students in the class, and was convicted in 2003. This is an interesting case. The court explained that students are supposed to follow the instructions of the teachers in doing their schoolwork. But if the teacher’s instruction is not for educational but private purpose, students are under no obligation to follow it. Thus forcing the students to do the “school work” complained against was deemed to be violating the freedom of her students. This is a good reminder about the limitation of the teachers’ authority, which should recognize the students’ legal protection against abuse even inside the classroom that is under their responsibility or control.

The court decision in this criminal case does not directly recognize the rights of students but sanctions against the abuse of teachers’ authority. Traditionally, a school’s or teacher’s authority is not reviewed by administrative courts in

Taiwan because the relationship involved is not considered to be concerning the power of the state against the people. Hence, it is doubtful that the human rights of students are protected by the Constitution.

It is odd that students do not enjoy constitutional protection of their human rights while in school, but once they step outside the school premises they enjoy it. This makes the schools the enclave of totalitarianism in a democracy. In the 1969 case of *Tinker v. Des Moines Independent Community School District, et al.*,⁵ Justice Fortas of the Supreme Court of the United States wrote: “It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” (Raskin, 2000, 25) The human rights of students should be protected by the Constitution even inside school.

The Grand Justice Committee, therefore, in charge of constitutional review in Taiwan, rectified the situation on 23 June 1995 by issuing Constitutional Interpretation No. 382 stating that the stance of the administrative courts against judicial review of school actions was a violation of the constitutional protection of the rights of students in school. Therefore, it is clear that the human rights of students in school are protected by the Constitution, and that administrative courts are obliged to review possible abuses of these rights by school authorities.

In the cultural tradition of Confucianism, a teacher-student relationship is likened to one of father and son. It emphasizes obedience of the young to the old. The normative language prefers ‘obligations’ to ‘rights’. There is a hierarchical relationship in terms of status, which sets the duty that one has to perform. The duty of the young, i.e., students, is to listen to and to follow instructions of the old, i.e., teachers in school. The power of teachers over the students covers a wide range of matters from students’ hairstyles to the color of their socks or shoes. Claiming the rights of students is out of the question because it will upset the hierarchical relationship and challenge the privileged posi-

tion of teachers.

However, the idea of human rights demands equal dignity for all, which admits the equal legal status of all. Although students do have to follow the instructions of teachers, it does not mean that students cannot have an equal legal status before the laws of the land. As the court stated in the cited criminal case, the authority of teachers cannot violate the limits set by the laws and the Constitution. In other words, teachers have to realize that they do have the authority to instruct students, but only within the legal and constitutional boundaries, and that this authority is not granted by traditional ethics based on Confucianism but by the laws and the Constitution.

Teachers or school authorities do not have absolute authority over students, as their authority is subject to review by administrative courts according to the Grand Justice Committee Interpretation No. 382. Furthermore, the Grand Justice Committee Interpretation No. 563 states that although universities enjoy academic freedom and autonomy, including setting rules on academic requirements of the students, they are asked to follow the principle of due process in adopting and implementing the rules. To sum up, the rights of students in schools or universities are under constitutional and legal protection.

Human rights education in terms of student rights

We may refer to international human rights instruments to teach about human rights standards to students, but they may be too abstract or foreign to those who are young and have no idea of what international organizations or regimes are all about. However, introduction of human rights ideas may start from local situations that are familiar to students. Therefore, it is logical to discuss issues relating to student rights in school, if we want students not just to know human rights but also to practice them.

For example, in discussing freedom of expression, the best way for students to understand the idea is to clarify the extent of the limits that school authorities may set on expressing their opinions.

In the *Tinker* case stated above, the US Supreme Court pointed out that “personal intercommunication among the students” – on subjects that may not be officially approved – is as much a part of the educational process as formal classroom teaching (Price & Levine & Cary, 12). In other words, the right to freedom of expression is not merely grudgingly tolerated in school, it is part of, and fundamental to, the theory of education, especially human rights education in a democratic country. For student rights, human rights education has two important aspects: formal and informal curriculums. In the formal curriculum, student rights are the best examples to exemplify the ideas of human rights. For the informal curriculum, student rights are best institutionalized into the learning environment of students. According to the Council of Europe a human rights school is

[W]here participation is encouraged, where views can be expressed openly and discussed, where there is freedom of expression for pupils and teachers, where there is fairness and justice (The Council of Europe, 1985, reprinted in Osler and Starkey, 1996, 183).

The informal curriculum has to be especially addressed for countries where the idea of human rights is at odd with the traditional values, such as Confucianism in Taiwan, to the extent that the dignity of students is treated differently, i.e., in a lower status, from that of teachers. Although Taiwan has gone through a process of democratization since 1987, Confucianism is still not only being taught but also practiced affecting the relationship between teachers and students. As a result, school administration has become more authoritarian than democratic. In this context, human rights education as empowerment (Meintjes, 1997) does not merely have a literal but also practical meaning in the

sense that students need empowerment. The empowerment of students is then coupled with the challenge to the privileged positions that teachers enjoy.

Conventional relationships or practices are not legitimated simply on the ground that they form part of a particular culture, or even a traditional ethic. As Osler (2005, 9) rightly pointed out, we have to acknowledge that “all cultures are subject to change and to evaluation, against an agreed set of democratic and human rights norms,” particularly when such values have been written into the Constitution.

The empowerment of students takes various forms such as lobbying for acknowledgment of student rights in legislation, pursuing litigation, or direct action in school. Student rights cover a wide range of issues such as the right to education, freedom of expression, freedom of religion, personal appearance, discipline and due process, law enforcement, corporal punishment, tracking and competency test, students with physical disabilities, sex discrimination, pregnancy, parenthood, marriage, school records, grades and diplomas, and so on.

Different countries may have different systems of protecting student rights in terms of legislation and litigation. However, the most direct protection has to come from the administrators and teachers in the school. Students are subject to the control of school authorities and teachers upon entering the school premises. And when legal protection of student rights is either non-existent or insufficient, school administrators or teachers have to initiate ways of protecting students rights or even empower students in the governance of the institutions via participation on committees, particularly those that directly affect the students’ lives. For example, in a school-based research project in the United Kingdom, Anne Hudson (2005, 128) observed that a

major thrust for developing the school’s citizenship culture had been the development of student voice particularly through the School Council. In the absence of directly confronting the potentially

thorny issue of students’ and staffs’ rights, there was little discourse addressing teachers’ concern and expectations about this.

In addition, there are common misconceptions about students as minors who do not take responsibility when given the power to make decisions. However, Hudson’s research (2005, 129) found that “in most cases the students were keen to embrace the responsibilities the citizenship agenda opened up for them” and that “the interviews with students indicated that some of them had begun for the first time to consider issues from the perspective of teachers and to recognize the importance of other points of view.” Hence, the empowerment of students also entails assumption of responsibilities. And this does not mean that teachers do not need to guide students’ decisionmaking. Empowerment is not merely for the sake of being empowered, but to support the education of students. It aims to make them learn how to take responsibility for their decisions and how to consider the perspectives of others including those of the teachers before making decisions.

Taiwan’s experience

Student rights are protected by the legal system in Taiwan. Following is a very brief sketch of Taiwan’s experience on human rights education in terms of student rights, though it is not my intention to present an overall picture (Huang, 2006) of Taiwan’s human rights education experience. I focus on the following: first, efforts of the central and local governments in adopting legislations to protect student rights; second, programs and actions taken by the government and schools in promoting a friendly learning environment for students (under the informal curriculum); and third, initiatives of NGOs and schools such as co-operation between teachers and lawyers regarding human rights education in the formal curriculum. Fourth, at the graduate level, legal courses

including pre-service teacher training program that discuss court cases of student rights. At postgraduate level, courses in in-service teacher training that require the study of the incorporation of legal materials in the teaching materials and school curriculums for the study on human rights and law-related education.

Legislations

Legislations can be effective means of changing social attitudes regarding old practices based on traditional values. The 1999 Basic Law of Education provides for the promotion of respect for human rights as one of the main objectives of education (Article Two). However, it focuses on the rights to education or learning and does not cover other issues on student rights. A recent amendment of this law (December 2006) includes a ban on corporal punishment⁶ in school and asks the school to respect the rights of students including the control of their own body, and their freedom to develop their own personality.

This recent legal change is significant in changing the attitudes of teachers and school authorities, who still think that it is legally appropriate to control the personal appearance of students such as hairstyle for the sake of their education. Earlier, on 24 July 2005, a mass demonstration in front of the Ministry of Education, organized for the first time by students, called for the abolition of "hair codes" in school, received support from the Minister of Education (Mr. Cheng-Sheng Du) to the surprise⁷ of many teachers and school officials. The issue of hairstyle might seem trivial but in terms of student rights it might be regarded as an important step in the sense that if a teacher cannot respect the physical appearance (such as hair style) of students, how much more for their ideas or thinking that reflect their inner personality.

Another important legislation that protects student rights is the Gender Equality of Educa-

tion Act 2004, which tackles issues of gender discrimination and sexual harassment in school. The law provides a number of measures such as the following: schools should

- a. Establish a gender equality education committee to investigate cases of sexual harassment, promote gender equality education, and establish gender equality campus environment.
- b. Respect the gender temperament and sexual orientation of students, faculty and staff.
- c. Not to discriminate prospective students and their admission in school on the basis of their gender or sexual orientation.
- d. Not to discriminate students on the basis of their gender or sexual orientation in the teaching process, activities, assessments, award and punishment, welfare and services.
- e. Affirmatively provide assistance to students who are disadvantaged due to their gender or sexual orientation in order to improve their situation.
- f. Affirmatively protect the right to education of pregnant students, as well as provide assistance where necessary.

Furthermore, the law requires the promotion of gender equality in terms of curriculum, teaching materials, and instruction such as

- a. The compilation, composition, review and selection of course materials shall comply with the principles of gender equality education.
- b. The content of teaching materials shall present fairly on the historical contributions, life experiences of both sexes, and diverse gender perspectives.
- c. When using teaching materials and engaging in educational activities, teachers shall maintain gender equality consciousness, eliminate gender stereotypes, and avoid gender prejudice and discrimination.
- d. Teachers shall encourage students to take courses in fields that are not traditionally affiliated with their gender.

The law is probably the most comprehensive legislation to protect student rights in campus, which covers seven chapters, namely:

- Chapter 1, General Provisions
- Chapter 2, Learning environment and resources
- Chapter 3, Curriculum, teaching materials and instruction
- Chapter 4, Prevention and handling of sexual assault and sexual harassment on campus
- Chapter 5, Application for investigation and relief
- Chapter 6, Penal Provisions
- Chapter 7, Supplementary Provisions.

It established a regime for the promotion of gender equality from central and local government levels to the school level, which aims not only at providing relief but preventing damages from occurring as a result of gender inequality.

There are legislative efforts also at the level of local governments. For example, the Taipei Municipal Government has proposed a bill for the protection of student rights in the Taipei municipal schools. The Supervisory Committee of Student Rights and Obligations, whose members are composed of law and education experts, and representatives from various interest groups or NGOs such as those of students, teachers, parents, school principals, and the local education authorities, prepared the bill. The bill includes comprehensively the rights of students to education and learning, personality, privacy, equal protection, freedom of religion, freedom of expression, inviolability of body, and due process. It has a much broader perspective on student rights than the Basic Law of Education as amended.

The bill also asks schools to modify their school codes or rules for compliance with the requirements for the protection of student rights. In addition, it requires schools to adopt a democratic process of adopting rules that may affect student rights through the participation

of representatives of students, parents, teachers, and school authorities. The bill, expected to be passed soon, will be the first legislation of its kind in Taiwan solely dedicated to the protection of student rights.

Informal Curriculum

Laws are necessary to give a clear normative direction for the protection of student rights, and to guide schools towards the establishment of school environment governed by human rights values. This is especially important for countries such as Taiwan where ideas of human rights are not indigenous, or even in conflict with some traditional values. But while laws are able to protect students or prevent them from suffering damage or to guide the change of social attitudes, they are not able to force people to accept human rights values. In other words, legislations by themselves cannot build the cultural environment of schools. If the schools are willing to change or take action towards a friendly campus, then they can be acknowledged as human rights schools. The process of building a human rights campus is itself regarded as part of the informal curriculum of human rights education.

In July 2005, the Committee for Human Rights Education of the Ministry of Education launched a three-year project called "Building a Friendly Campus towards a Human Rights School." Forty-six schools in 2005 and fifty-six schools in 2006 (covering primary, junior and senior secondary schools) voluntarily joined the project. Each school has to propose a plan to build a friendly campus, which can include establishing a student council or a student court, adopting school rules or student codes with the participation of students and parents, adopting a charter of student rights, reviewing school practices (especially regarding their violation of the privacy of students), evaluating school practices in terms of student rights, and so on.

Representatives of the project schools at-

tended a three-day human rights education workshop in the summer of 2005 and 2006 and consulted the experts or the members of the Committee for Human Rights Education about their respective plans. The Ministry of Education provided financial grants to the project schools to implement their plans. In a two-day workshop during the winter vacation period of 2005 and 2006, the project schools presented a mid-term report on their first-semester plan and activities and shared their experiences. The Committee for Human Rights Education evaluated the mid-term reports and gave advice on the future implementation of each plan. Based on the reports, it selected the schools with good results for further study during the second semester.

Under the project, the experts or the members of the Committee for Human Rights Education visit the selected schools to check the results of the implementation of their plans. Schools with good results will receive prizes and awards, and their achievements will be video-documented and broadcasted in the Public TV channel and on the human rights education website of the Ministry of Education. The winning schools will be given additional grants to hold seminars or conferences to share their experiences with neighboring schools. In addition, they will be invited to share their experiences in the workshops for the newcomers in the project. In 2005, ten schools received prizes out of forty-six project schools.

One of the project schools is the Zhong-Zheng Senior High in Taipei, which has 214 teachers and 2,851 students. The school has a plan on protecting privacy in the campus. First, they formed a team chaired by the school principal and composed of the heads of the school administration to implement the plan. Second, they invited experts to introduce the idea of privacy to the team, and to develop a checklist on aspects of privacy to guide the various departments of the school in examining their practices, which might be invading the privacy of students. Third, they developed a questionnaire to

survey the opinions of students, teachers, staffs, and parents about invasion of privacy in campus. Fourth, with the results of the questionnaire and the checklist, the school principal held a meeting of the heads of the school administration, the representatives of various groups in school such as those of students, teachers, parents, and law and education experts to develop good practices in terms of respecting the privacy of students. Fifth, they produced a handbook called *Student Rights – the Protection of Privacy in Campus* that documents their efforts to protect privacy in the campus, and contains a checklist of thirty-three items ranging from the use of security cameras, search of personal belongings, urine testing, handling of personal information, grades, records, and so on.

Formal Curriculum

Human rights education as formal curriculum in Taiwan's schools started in September 1998, when the Ministry of Education adopted a policy to include human rights topics in the school curriculum through its *General Guidelines of Grade 1-9 Curriculum of Elementary and Junior High School Education*. The general guidelines constitute an important reform of the curriculum of primary and junior secondary schools, which delegated the decision-making power to the schools to streamline the courses, and replaced the previous system and its rigid requirements with flexible principles. The curriculum reform was designed to improve the link between knowledge and real life, break the restrictions of each subject, and encourage the freer use of teachers' expertise. All these are meant to result in diversified and democratic courses. In other words, the state changed their tight control of the contents of what students learn in school through a rigid regime of fixed subjects and textbooks. The general guidelines signify the decentralization of the school curriculum, which opened up an opportunity for NGOs to cooperate with schools to develop

teaching materials or to train teachers on undertaking human rights education in schools.

In Taiwan, human rights education focused on student rights is closely related to legal education because the latter offers good knowledge on how to protect student rights. There are domestic mechanisms such as opinions of the Grand Justice Committee, court decisions, laws and regulations, and ordinances of local governments which directly relate to the protection of student rights. The emphasis on the protection of student rights also influenced the development of legal education in Taiwan towards human rights protection in the whole legal system in contrast to the old concept of focusing on the prevention of crimes from the narrow point of the view of criminal law. In addition, legal education aims at teaching basic ideas and legal values to students and the general public such as justice, privacy, authority, and responsibility that are closely connected with human rights values.

On 23 May 2003, the Chung Hwa Rotary Education Foundation, the Taipei Bar Association and the Judicial Reform Foundation respectively recommended three representatives to form the nine-member commission on the project "Planting the Seed of Law-Related Education in Taiwan". The commission is responsible for raising funds and overseeing the implementation of the project. In July 2006, with a donation of twenty-three million New Taiwan dollars, the commission was transformed into the Center for Legal Education of the Judicial Reform Foundation. The missions of the project are the following:

- (1) Initiate a proposal to the Government for the inclusion of legal education into the project of important national developments; integrate governmental and civilian resources to form a non-profit and politically neutral "Foundation of Civic and Legal Education" that will develop well-founded and distinctive legal education in Taiwan;
- (2) Promote a new kind of legal education rather

than a dogmatic one in order to prepare youngsters to become enlightened and responsible citizens who are committed to human rights and democratic principles and actively engaged in the practice of democracy in Taiwan.

- (3) Translate and adapt the series "Foundations of Democracy, Authority, Privacy, Responsibility and Justice" published by the Center for Civic Education (U.S.A.) as the key curricular materials in the legal education programs in the K-12 grades in school.
- (4) Seek partnership with schools that are willing to implement the programs and with the local Rotary Club that may fund the programs, create partnership with the local bar association for the training of teachers who are going to implement the programs.

By December 2006, the *Foundations of Democracy, Authority, Privacy, Responsibility and Justice* series was already translated into Chinese language and adapted to the K-3 and 4-6 grades for primary school. A total of 15,000 copies for the K-3 series and 10,000 copies for the 4-6 series were printed. Two hundred forty-eight lawyers helped teachers become familiar with the K-3 series. Twenty-nine schools and twelve district educational authorities entered into partnership with the Center (or the Commission, before July 2006) with 3,490 teachers trained for the project. In addition, the Commission in cooperation with the National Institute of Educational Resource and Research made a film documentary on the concepts of privacy and justice of the K-3 series. It started the adaptation of the section for 7-9 grades for junior secondary and the section for 10-12 grades for senior secondary by replacing American laws and cases with Taiwanese ones.

There are good reasons to choose the *Foundations of Democracy, Authority, Privacy, Responsibility and Justice* series as the key curricular materials for the project. First, the series teach values that are important for democracy, rather

than facts that the legal education in Taiwan used to focus on. These values are taught in democratic, rather than dogmatic, way, i.e., through the participation of students in discussions, a teaching approach mostly lacking in Taiwan's schools. Second, because of its focus on values, the series can be easily adapted or integrated into the various courses of Taiwan's school subjects such as civics, social studies, moral education, or even languages. Since the schools have more autonomy in implementing the school curriculum under the General Guidelines, they can easily integrate the project into their school programs. Third, the series contains four concepts, which run through the four phases of the school years from K-12 grades. It is interesting to see how a concept is taught as the grade goes up. In terms of meeting the demands of various age groups, the series covers ages six to eighteen, and levels from primary to secondary schools.

The project is based on cooperation between various social groups of teachers, lawyers, NGOs and schools. By translating and adapting the series into Chinese language and Taiwan's context, teachers and lawyers discussed the different concepts such as cultural differences, putting values into actions, legal terms, school contexts, court cases, and so on. Because of this, they formed a multi-disciplinary team that can develop teaching materials that translate human rights values into school context using Taiwan's legal terms. In addition, the project offers opportunities for the use of legal expertise in schools to help teachers understand the concepts and course materials of the series. At least twelve to sixteen hours of training for this purpose are planned.

Teacher training programs

A department of the Civic Education and Leadership of the National Taiwan Normal University trains qualified teachers on Civics

and Social Studies courses for junior secondary schools, and Citizenship and Society course for senior secondary schools which are directly related to human rights and legal education. Students of the department receive legal courses such as The Constitution, Introduction to Laws, Civil Law I, Criminal Law I as requirements for pre-service teacher training. There are also many selective legal courses such as Civil Law II, Criminal Law II, Administrative Law, Education Laws, Civil Procedure, Criminal Procedure, Intellectual Property Laws, Environmental Laws and so on. In these legal courses, court cases relating to student rights are often examined and discussed to infuse knowledge of human rights and legal protection into the teacher-training program.

Furthermore, the department has post-graduate legal courses such as Study on Student Rights, Study on Campus Laws, Study on Juvenile and Children Laws, and so on. These courses offer not only further study on specific issues of student rights, but also act as a platform where the different disciplines of law and education can meet and interchange views. Postgraduate students of the department are often in-service teachers who have teaching experience and are required to translate legal materials into teaching materials or curriculums in school. In other words, the study on human rights and legal education can take on both perspectives of law and education at the same time, which often reflects the multidisciplinary backgrounds of the members of the committees reviewing the students' dissertations.

The study by pre- and in-service teachers of student rights issues is important since conventional ethics in school are examined and discussed in terms of human rights and legal protection, and human rights are taken seriously because the protection of the equivalent of human rights (student rights) is based on domestic legal system. In this way, teachers are better equipped to challenge the old conventions and practices in school.

Conclusion

Human rights education in schools is bound to student rights issues. It is odd for a school to teach human rights but not to recognize student rights. School administrators and teachers can offer direct and prompt action inside the campus to protect student rights. In addition, we may even conclude that the acknowledgement of student rights is a necessary or the first step to human rights education. Human rights issues certainly go beyond school gates, but student rights offer easy and familiar concepts for students to comprehend than the abstract ideas of human rights. Furthermore, the empowerment of students is essential for them to learn to take responsibilities, which is an important part of the aims of human rights education.

Taiwan as a young democracy needs to consolidate the ideas of human rights not only into the legal system but also in the minds of the younger generations. However, despite the political reforms, old social and cultural conventions are still hindering the practice of democracy and the acceptance of human rights ideas. Human rights education in terms of student rights offers a good way to channel the human rights ideas into the school practices based on the traditional values in the sense that they (human rights ideas) do not appear remote or foreign but immediate and local and need to be addressed and taken action on in terms of legal protection. In this way, therefore, human rights values can be translated into practical actions, not as more abstract words but real action for students.

Furthermore, human rights education in terms of student rights has transformed the law-related education in Taiwan's schools from dogmatic and authoritarian system to one of protecting human rights and democratic participation of students. There is no doubt that human rights education in terms of student rights is difficult because of its direct challenge to the power relations in school. But this is a right direction worthy of taking if Taiwan's experience stands for anything meaningful.

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Endnotes

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¹ Section Two, Article Two of the Basic Law of Education states that: "The purposes of education are to cultivate modern citizens with sense of national identity and international perspectives by fostering the development of wholesome personality, democratic literacy, ideas of rule of law, and humanities virtues,

patriotic education, care for native land, and information capability; strengthening people's physical health as well as their abilities to think, judge and create; and enhancing respect for basic human rights, protection of ecosystems and natural environment, and understanding of and concern for different countries, ethnic groups, sexes, religions and cultures.⁷

² The District Criminal Court of Kee-Lung, 2003, No. 28.

³ In this article, "secondary school" means "high school" in line with the language used to refer to the different levels of education in this publication.

⁴ At that time, the teacher was under investigation on charge of being unfit to teach. She would gain good marks in the investigation with her 'popularity' among the students in her class. Therefore, she asked her students to write 'good' things about her in their writings for the composition course.

⁵ The *Tinker* case was about the punishment of junior secondary students by the school authority for wearing black armbands in school to protest the Vietnam War in 1965. The U.S. Supreme Court in 1969 held that students do not lose their right to free expression under the First Amendment to the Constitution when they

enter the school. The court upheld the jurisprudence that if an act does not "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school", the students cannot be prevented from expressing their views. See full court decision in http://www.bc.edu/bc_org/avp/cas/comm/free_speech/tinker.html

⁶ Teachers unions in Taiwan always dispute the ambiguity of the term 'corporal punishment', and the extent that teachers can use coercive power on students. In passing the amendment to the Basic Law of Education, the Legislation Yuan added a provision stating that the Ministry of Education should co-operate with teachers unions to clarify the issue by drafting ground rules on punishments in school.

⁷ Some teachers and schools were surprised at this stance and argued that the Minister of Education should not intervene in matters of school disciplinary measures, and should leave the issue to the individual school to decide through democratic process with the participation of students in it. But the Ministry of Education replied that in matters of human rights the government is obliged to require schools to conform to the laws and the Constitution.