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International Journal of Speech-Language Pathology

ISSN: 1754-9507 (Print) 1754-9515 (Online) Journal homepage: https://www.tandfonline.com/loi/iasl20

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To cite this article: Jenna Gillett-Swan & Jonathon Sargeant (2018) Assuring children's human right to freedom of opinion and expression in education, International Journal of Speech-Language Pathology, 20:1, 120-127, DOI: 10.1080/17549507.2018.1385852

To link to this article: https://doi.org/10.1080/17549507.2018.1385852

Published online: 19 Oct 2017.

International Journal of Speech-Language Pathology, 2018; 20: 120–127

REVIEW

Assuring children's human right to freedom of opinion and expression in education

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Abstract

The Universal Declaration of Human Rights elaborated for children through the United Nations Convention on the Rights of the Child, mandates each child's right to participate in all matters affecting them. In particular, Article 19 includes the child's right to freedom of expression and opinion, access to information and communication choice. However, many barriers placed on children's daily lives often restrict or limit the enactment of children's participatory rights in practice, most noticeably in education. It is often the adult who decides what, when and how children can communicate, and the extent children's views and opinions are sought, considered or incorporated. This paper explores how children's daily lives are mediated in ways that restrict their expression, voice and communication rights. Children spend a significant proportion of their daily lives in education settings yet the restrictions on children's access to information and communication choices do not reflect contemporary pedagogical thinking. Many school settings perpetuate the key participation barriers of adult attitude and knowledge, pedagogical tradition, organisational structure and technological advancement. Such barriers to engagement stifle the realisation of the child's communication rights that then limits educational enhancement. Supporting children's right to communicate via a range of media enables pedagogy supporting voice-inclusive practice.

Keywords: *Child rights*; *communication rights*; *participation*; *voice-inclusive practice*; *student voice*; *Article 19*; *Universal Declaration of Human Rights*; *United Nations*

Introduction

The Universal Declaration of Human Rights (UDHR) (United Nations, 1948) enshrines the fundamental freedoms and rights afforded to all people. Within that, Article 19 represents the most widely recognised statement of the right to freedom of expression in stating, "[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" (United Nations, 1948). However, perhaps lesser known are the treaties that translate this right to individuals in special populations such as children. On the 70th anniversary of the UDHR, this paper explores how the daily lives of children are mediated in ways that either realise or restrict their right to freedom of opinion and expression.

Freedom of expression is a universal right guaranteed by a number of global and regional human rights treaties, but variation exists in how it is applied to special groups. The Convention on the Rights of the Child [CRC] (United Nations, 1989) is the most relevant to discussions that consider the child's participatory and communication rights. The CRC confirms that children are entitled to "special care and assistance" and, as such, further elaboration of their unique circumstances in realising their human rights is necessary. Through the respective Conventions and associated General Comments the CRC, in conjunction with other treaties such as the Convention on the Rights of Persons with Disabilities [CRPD] (United Nations, 2006), amplifies the UDHR to reinforce the importance of human rights to children. Each of the relevant conventions is a direct extrapolation of the UDHR.

A significant proportion of the CRC specifically enshrines the participatory imperatives of childhood reinforcing Article 19 of the UDHR, but it is apparent that despite its importance, this right to freedom of expression and opinion remains elusive in application. In the context of education, the barriers to the child's full participation manifest

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ISSN 1754-9507 print/ISSN 1754-9515 online
DOI: 10.1080/17549507.2018.1385852

through adult's protectionist agendas that may obstruct rather than support the child's evolving capacities (Gillett-Swan, 2013; Thomas, 2011).

The interconnectedness and indivisibility of Articles relevant to children's rights to participation, communication and inclusion are reflected across the international mandates directly relevant to (and for) education. For example, UDHR Articles 19 and 26(1) are expanded in CRC Articles 12, 13, 14, 15, 16, 17 and 29, and equally in CRPD Articles 7(3) and 21. Article 29 further emphasises children's participatory rights as crucial to supporting their holistic development, access, and autonomy as active, empowered and productive citizens through education (United Nations, 1989) and is further emphasised in the CRPD General Comment 4 – "The right to inclusive education" (United Nations, 2016b). However, UDHR Article 19 within the context of the CRC is sometimes confounded by Article 3 "the best interests of the child" and Article 5, "parental and carer responsibilities". Such adultist prioritisation of child safety and protection that supersedes the child's right to participation and communication as citizens remains prevalent in education settings despite the United Nations' restatement of the indivisibility of each right in CRC General Comment 14 (United Nations, 2013).

The United Nations calls for a whole of community commitment to the active and deliberate involvement of children as key stakeholders in the design and implementation of support services for them through the CRC, General Comments and the CRPD and reinforces the importance of realising children's participation and communication rights in practice. Key to the realisation of these rights is an understanding by adults of what these rights are (Article 42, CRC) and the implications for practice (United Nations, 1989; 2016a).

Alongside the United Nations mandates, significant emphasis is placed on children's participatory and communication rights within international educationally relevant treaties such as the Sustainable Development Goals (building on the former Millennium Development Goals), and the Education 2030 Incheon Declaration agenda (building on the former Education For All agenda). Each of these statements of intent support the inclusion and facility of the child's voice. However, the extent to which they have been translated into practice is limited and as such there remains a relative paucity of literature in education that acknowledges children's participatory and/or communication rights beyond the narrowly focussed context of voice (via Article 12, CRC). While voice is valid, worthwhile and certainly important, it is not the only way that children's participatory and/or communication rights can be achieved. By focussing solely on voice, an incomplete perspective on children's participatory and/or communication capacity emerges.

Recognising the importance of a broad understanding of children's literacy competencies and how this serves to either inhibit or enable children's participatory and communication capacities is revealed in the accepted definition of a child's literacy capacity provided in Education 2030;

> the ability to identify, understand, interpret, create, communicate and compute using printed and written materials associated with diverse contexts. Literacy involves a continuum of learning in enabling individuals to achieve their goals, develop their knowledge and potential and participate fully in community and society. (Incheon Declaration, 2015, p. 19)

However, such a definition limits children's communication rights as "literacy" remains firmly linked to "printed and written materials". As contemporary international education mandates such as Education 2030 perpetuate the exclusivity of literacy "at the core of basic education and an indispensable foundation for independent learning" (Incheon Declaration, 2015, p. 19), such rigidity in definition can only serve to alienate, marginalise and exclude those who do not fit within the norms of accepted written and printed communication.

Education 2030 does, however, highlight the problem with enactment of former and current international education mandates, and the challenges this further provides in realising a quality and inclusive education for all children regardless of circumstance, diversity or uniqueness as "'business as usual' will not bring quality education to all" (Incheon Declaration, 2015, p. 6). To "achieve inclusive education, policies should aim to *transform education systems* [emphasis added]" in order to realise the right to education through access, participation and achievement of all students, with "special attention to those who are excluded, vulnerable or at risk of being marginalised" (Incheon Declaration, 2015, p. 18).

A lack of rights awareness and authoritarian practices in education perpetuate mindsets that limit children's participatory roles in education (Gillett-Swan & Sargeant, 2017; Robinson & Taylor, 2013; Sargeant & Gillett-Swan, 2015). While physical participation (doing something) is expected in education, *active* participation where the child's involvement and contribution is valued, authentic and enabled by embracing their individual communication ability is less common, despite the intention of the various international mandates (Frankel, McNamee, & Pomfret, 2015).

Children's participatory and communication rights in education

Fundamental to the CRC is the assertion of the child's right to participation and freedom of opinion and expression. However, such ideas are variously defined and, as such, an evaluation of the child's

actualised rights must consider the broader concept of child participation. Participation is conceptualised on a continuum from passive to active (Lansdown, 2005). In the context of education, "participation" may simply position the child as recipient of information and experience as a consequence of their mere attendance at school. However, such a limited application of the child's rights ignores the wider mandates and accepted definition of participation that extends well beyond passive involvement. Participation therefore can be considered in terms of ongoing processes where children and their perspectives are actively involved with, and contribute to activities and practices at different levels on matters that affect them (Lansdown, Bieler, & Mitra, 2013; Sargeant & Gillett-Swan, 2015). Conceptualisations of participation positioning the child as *active* in decision-making processes and acknowledge their right to choose their level and means of communication including their right to remain silent.

The importance of recognising a child's right to silence as an accepted communication choice (Lewis, 2010; McLeod, 2011) is essential in supporting a child's right to express themselves at their level of preference. Such freedom of choice is amplified for children with varying speech, language and communication needs, as the way these children articulate their views and opinions may not always meet a narrow adult-derived criteria (McLeod, 2011). Unfortunately, contemporary practices in education continue to reflect a more limited characterisation of participation than those offered above. Educational instruction maintains a heavy reliance on linguistic competence as a precondition to free expression. Practices that limit children's participation in education through organisational structures, curriculum and assessment practices, and daily classroom practice frequently reflect a disconnect with the true intent of the communication and participatory mandates and their relevance to practice (Lansdown, 2005; Sargeant & Gillett-Swan, 2015).

Actions of adults and policy makers that assume the limited capacity of the child reinforce the diminution of the child's participatory and communication rights. Restrictive practices inherent in schooling and educational systems are further magnified when "children with speech, language and communication needs are often excluded from having a say in their lives because (a) they are children, (b) they (may) have a disability and (c) they have difficulty communicating" (McLeod, 2011, p. 28). Children without disabilities also experience restrictive practices when the only accepted means of communication and participation are limited to "traditional" written and spoken means. O'Kane (2004) suggests a way forward, noting the need for "changes in adults' attitudes towards children's participation. . .from one of "lack of awareness". . ., through to "recognition of children as partners in a variety of decision-making arenas" (p. 4).

Therefore, over time, change in adult awareness and attitudes to children and their communication and participatory freedoms will allow children's rights to emerge.

However, assessment and performance priorities in mainstream education further constrain the actualisation of the child's right to participate and communicate in ways of their choosing (Lansdown, Jimerson, & Shahroozi, 2014). As Percy-Smith (2011) outlines, "the state of children's participation seems to be characterised at present by a hiatus between the imperative of capturing children's views and producing tangible outcomes" (p. 44). However, increased flexibility of communication, such as drawing, enables children's freedom of expression and broadens what can be considered acceptable and assessable in the education context. Instead, such opportunities are stifled by traditional views of what constitutes acceptable communication (e.g. written text and spoken word). In many settings, children face pressure to conform to particular behavioural expectations (manners) when communicating, that is, when to speak and for how long. Children also encounter distrust and a lack of safe space for freedom of expression and communication without fear of repercussion. These power differentials that usually reflect the authoritarian classroom are observable in most education contexts.

Children's daily lives: Education and the key barriers to participation

A deeper examination of children's participation rights in practice in and through education further reveal a range of conditions that present as barriers to the actualisation of Article 19 of the UDHR. These barriers are evident in four key areas; adult attitude and knowledge, organisational structure, technological advances and pedagogical tradition.

Adult attitude and knowledge

An adult's level of rights awareness alongside their view of children's capacity has significant implications for the realisation of children's communication rights in education. The varying levels of awareness of the content and implications of rights mandates such as the CRC via Article 42 (making the Convention and its contents known to all) is often inadequately covered or pursued beyond an individual's personal level of interest. Lack of wider awareness and understanding of children's rights and the implications for practice therefore serve to stifle rather than enable the fulfilment of these rights in and through their daily engagement in education. However, failures to recognise and enact children's

communication and participatory rights due to a lack of awareness should not be an excuse. Instead, it reflects a bias in priorities where the "softer" rights for children involving participation and involvement go unheeded, in preference for the more tangible protection and provision rights (Collins, 2017; Tisdall, 2017).

Adult conceptualisations of children and their capacities are influenced by many factors such as their personal beliefs (Alderson, 2008), prior experience with children (O'Kane, 2004), and children's observable classroom behaviour (Lee & Choi, 2008). Cook-Sather's (2002) assertion for the need for educators to embrace children's capacities for the purpose of educational enhancement in the provision of authentic opportunities to actively participate and engage therefore serves to further re-inforce the need for disrupting current approaches to educational practices that inhibit children's communication and participatory rights.

While the contribution of the child's voice in education is supported by the growing body of research demonstrating children's ability to advocate on their own behalf (Cuenca-Carlino, Mustian, Allen, & Gilbert, 2016; Hart & Brehm, 2013; Shogren, Wehmeyer, & Lane, 2016; Warwick, 2008), the child is still viewed as immature and vulnerable by many professionals who work with and support children. This predominantly deficit view of childhood (Lansdown et al., 2014) may stem from limited exposure to capable children (O'Kane, 2004) or a belief that children are developmentally incomplete in terms of capacity. Such perceptions often influence the choices provided to children as they are deemed incapable (Robinson & Taylor, 2013). This is further problematised by Percy-Smith (2011) who describes the importance of challenging assumptions about children so that acknowledgement of the child's perspective can routinely occur, "not just when it suits service providers" (p. 47). A fundamental shift in community thinking that confronts the view of children and young people as needing to 'become' capable, mature and competent is essential. Recognition of "the child" and their capabilities (O'Kane, 2004; Kellett, 2010) will allow for modes of communication beyond the traditional and often restrictive written and spoken communication means. Supporting children's active and authentic participation therefore serves as an enabler for the realisation of their participation and education rights in practice (Lansdown et al., 2014).

The attitudinal barriers that limit the child's participation are further evident in the web of the power-laden structures inherent within educational contexts (Robinson & Taylor, 2013). As Prout (2003) identifies, even in settings that have created spaces for the child's voice to be heard, the majority of voices are often silenced often because of how adults see children. Educational structures that maintain the teacher as the all-knowing, all powerful authority figure who delivers teaching to the passive child-recipient (Lansdown et al., 2014; Robinson & Taylor, 2013) further limit the child's freedom of expression. Participatory imbalance that privileges the voice of those with authority and a few who are authorised exemplifies Percy-Smith's (2011) note that participation is about power. More unsettling, however, is the realisation of Foucault's (1982) assertion that "freedom disappears everywhere power is exercised" (p. 790). If power is a negotiated act in specific contexts of action, in education such disempowerment is magnified as children must first be authorised to negotiate power sharing with adults. There is no suggestion that teachers should forego all their authority in the classroom as teachers must adhere to duty of care obligations. However, the traditions of authority that pervade many aspects of classroom and schooling experiences and suppress children's participatory freedom must be disrupted more broadly by considering the approaches exemplified in progressive, democratic schools and systems that actively and authentically working *with* children for systemic change (Frankel, McNamee, & Pomfret, 2015).

The presumption of, and assertion of power by those in authority limits the acknowledgement of and prevents the recognition of the child's capacity. Such imbalances in stakeholder power represents a significant inhibitor to enabling participatory and rights-respecting education. Attitude change through knowledge development and understanding requires an ongoing process of reflexivity to counteract the oppression and manipulation practices of those who do not know, understand or value the contribution that children can make to education (van Manen, 2016). Such perspectives reflect a fundamental mis-appreciation of the potential contribution the child can offer to pedagogical enhancement. A further compounding of this challenge results from restrictive policy at the school or departmental level, reflecting the perennial barrier of traditional pedagogies that inhibit the realisation and enactment of children's communication rights in education.

Pedagogical traditions: Teaching to the middle

Despite an increasing international focus on inclusive education at policy level through Education 2030 (Incheon Declaration, 2015) and the Sustainable Development Goals (United Nations, 2015), current educational practice fundamentally stifles children's participatory freedoms and limits children's means of expression (Gillett-Swan & Sargeant, 2017; Lansdown et al., 2014; Sargeant & Gillett-Swan, 2015). The historic traditions of top-down direct instruction by the dominant and powerful teacher are maintained despite the

evidence supporting more contemporary approaches. Domination, says Foucault, "is a strategic situation more or less taken for granted and consolidated by means of a long-term confrontation between adversaries" (1982, p. 795). In this context, the notion of teacher–student as adversaries remains an all too prevalent circumstance. To realise educational transformation that supports the child's right to freedom of opinion and expression, the tradition of domination must be disrupted.

The challenge of enacting idealised inclusive agendas through transformative action has persisted since the work of Dewey (1916). Despite the best intentions of theorist, policy reform and some practitioners, the goals of the democratic, voice-inclusive classroom remain unfulfilled. Even with increasing evidence of the positive and enhancing contribution that children can make to enhancing the quality of education and classroom practices (Gillett-Swan & Sargeant, 2017; Kane & Chimwayange, 2014; Keddie, 2015; Rinaldi, 2006), pedagogy remains predominantly teacher centric. The limited opportunities for children to demonstrate their capacity and participate in ways of their choosing further marginalise children's participatory rights in education (Adams, 2014; Gillett-Swan & Sargeant, 2017; Lundy, 2007; Sargeant & Gillett-Swan, 2015; Simmons, Graham, & Thomas, 2015). This emphasises the apparent need for increased focus on enabling children's participatory and communication rights in and through education (Cuenca-Carlino et al., 2016; Gillett-Swan & Sargeant, 2017; Hart & Brehm, 2013; Shogren et al., 2016; Warwick, 2008).

Limited definitions of what constitutes appropriate and accepted forms of communication and language in education serve to limit and inhibit children's communication rights, particularly as children are increasingly choosing a wide range of communication tools such as emojis, drawing, photographs/Instagram, collages and memes to facilitate their interactions and social engagement with others. Restrictive definitions of literacy (such as described earlier in the paper) alongside restrictive assessment and standardised testing procedures in schools that are still defined by written and/or verbal organisation and capability serve to reinforce a message that traditional forms of communication are what matters most when it comes to a child's ability to express themselves in an accepted way, when this is not the case. Children's ability to express themselves capably in a variety of forms and mediums is largely supported in educational research methodology literature (Carrington, Bland, & Brady, 2010; Gillett-Swan, 2013, 2014, 2017; Kellett, 2010; Niemi, Kumpulainen, & Lipponen, 2015), yet is largely ignored in pedagogical literature. If the child's right to freedom of opinion and expression is to be realised, each of these barriers to educational transformation must be disrupted to enable voice-inclusive practice. In turn, this will act as an enabler for children's communication and participatory rights rather than as an inhibiter. The benefits of doing so are not solely to ensure the incorporation and provision of children's communication and participatory rights, but also because students report feelings of empowerment when actively involved in school processes (Lundy, 2007; Robinson & Taylor, 2013). This emphasises the benefits of enabling individualised education and the importance of awareness and support for enacting children's participatory and communication rights in practice.

Organisational structure

Organisational structures in education such as curriculum development, delivery modes, behaviour and student welfare policies, class size and timetabling play a significant role in establishing and reinforcing cultural priorities at the classroom level. While somewhat necessary from an organisational efficiency perspective, such structures that can impact the realisation of children's participation rights, usually do not include the student perspective. As these structural factors can also influence attitudes to broader issues in education such as inclusion, student diversity, student capacity and voice, they often directly affect the culture and core focus of educational provision. The inclusion of the child's perspective on these key aspects of the organisation may offer a nuanced viewpoint not previously accessed.

The recognised value of student voice in education has increased in recent years due in part to a greater acknowledgement of the rights of the child (Lundy, 2007; Robinson & Taylor, 2013; United Nations, 1989) and in response to emergent respect and empowerment imperatives (Shier, 2001). As such, the opportunities for greater student input into pedagogical and organisational decision making is potentiated (Brown, 2012; Kane & Chimwayange, 2014; Lundy & Cook-Sather, 2015; Niemi, Kumpulainen, & Lipponen, 2015; Quinn & Owen, 2016). Lansdown et al. (2014) emphasise the importance of children being recognised as active, important and democratic participants in the school through active and authentic participation across multiple areas of school life such as school policy, design, teaching feedback and evaluation, staff recruitment, behaviour management and "contribute to making the curriculum more relevant to children's reality" (p. 9). This call for more active and authentic participation of children in these structural areas of school life are also reflected across the participatory models relevant for education proposed by those with a commitment to participatory recognition (Gillett-Swan & Sargeant, 2017; Hart, 2008; Lundy, 2007; Mockler &

Groundwater-Smith, 2015; O'Kane, 2004; Shier, 2001).

Enabling children's meaningful participation and the realisation of their communication rights in school requires recognition, acknowledgement and respect through the facilitation of children's individual methods of processing, meaning construction, and knowledge application. Participation must be meaningful (Hart & Hart, 2014). Core to achieving this is a recognition of changing educational pedagogies and technologies that provide choice, freedom and variety to encompass and support children's communication preferences in education contexts (Gillett-Swan & Sargeant, 2017).

Technological advances

The exponential increase in technological innovation and application in education necessitates the inclusion of student voice that applies to digital pedagogies and provides opportunities for collaboration between teachers and students (Gillett-Swan & Sargeant, 2017; Sargeant & Gillett-Swan, 2015). There is, therefore, opportunity for digital integration in education that enables innovative constructivist pedagogies that support student-centred, peer-learning approaches where knowledge is created rather than transmitted (Kolikant, 2012). However, the fulfilment of such an opportunity requires a collaborative approach to learning that reflects the perspectives of *all* stakeholders, including students.

Children are adept at utilising the technology appropriate for engagement with peers, with school, and with wider society, yet these skills are rarely acknowledged as an asset to pedagogy. Despite many students attesting to technology as supportive of their learning, many teachers continue to restrict such application (Gillett-Swan & Sargeant, 2017; Kolikant, 2012; Tondeur, van Braak, Ertmer, & Ottenbreit-Leftwich, 2017; Wang, Hsu, Campbell, Coster, & Longhurst, 2014). Ignoring these possibilities not only limits educational innovation but stifles children's communication freedoms. Children with additional speech, language and communication needs may be further marginalised as the diversity and range of platforms available to them is restricted. Not only do children's perspectives matter, but, as savvy digital consumers, they have much to offer in terms of their skills and knowledge to the contexts of technological pedagogies (Prensky, 2001). Implementing digital pedagogies that include the student view within an already time pressured, crowded curriculum without training (Alexander et al., 2013; Brown, 2012) is a significant challenge alongside the already onerous tasks of modern teaching (Cochran-Smith et al., 2015; Gillett-Swan & Sargeant, 2017; Sargeant, 2014; Sargeant & Gillett-Swan, 2015).

Implications and the way forward

Recognition of the aforementioned barriers enables more ready access to the previously underutilised perspective of children as it removes some of the restrictions of language-based communication alone and serves to recognise and respect children's communication and participatory rights in practice. As Lansdown et al. (2014) describe:

> if fully implemented, the right of children to express views and have them taken seriously, throughout the school environment, would represent one of the most profound transformations in moving toward a culture of respect for children's rights, for their dignity and citizenship, and for their capacities to contribute significantly towards their own well-being. (p. 4)

This may be particularly pertinent for children with additional speech, language and communication needs, as these children can experience "a wide range of difficulties related to all aspects of communication in children and young people" (Bercow, 2008, p. 13), which means that greater recognition and accommodation of these aspects can serve to benefit all children. Until adult attitudes towards the capacity of all children change, the realisation of the child's participatory rights will remain unfulfilled. Only a change in attitude will enable adults to actively support the enablement of the child's right to communicate via a range of media (CRC Article 13) and in ways of their choosing, and in accessing information from a wide range of sources (CRC Article 17) and for this change to filter through into disrupting other barriers such as pedagogical traditions, organisational and structural challenges and technological advancements. As participation represents an enabler for children's communication rights, change will only emerge when evidence-based practice is represented alongside the seemingly tokenised international mandates and charters that have little accountability at local and national levels. This is where the importance of recognition and understanding of rights such as Article 19 of the UDHR are crucial.

Conclusions

In order to fully realise the child's right to freedom of opinion and expression, more recognition of the multiple ways in which children can communicate effectively is needed. Models promoting participatory inclusion such as Hart (2008), Shier (2001) or voice-inclusive practice (Gillett-Swan & Sargeant, 2017; Sargeant & Gillett-Swan, 2015) offer practical ways forward for educational practice. Greater recognition, understanding and acceptance of children's participatory and communication potential beyond linguistic expression, in education allows access to a previously untapped perspective and opinion. By focussing on the mandates that support

children's right to freedom of expression and opinion and critically examining the literature that evidences the child's rights in practice, the key barriers to the full realisation of children's communication and participatory rights in education can be identified and addressed. Core to this realisation is the understanding that the enactment of children's communication and accessibility rights in practice, such as the right to freedom of expression, opinion and communication choice, relies on systems that enable and support these freedoms. Advocating for the rights of all children, including those with an exceptionality, such as additional speech and communication needs, can reduce further marginalisation based on erroneous assessments of capacity. Recognising and advocating for Article 19 of the UDHR and its associated mandates within the CRC emphasises the importance of each child's right to freedom of opinion and expression that, in education, is yet to be fully realised.

Declaration of interest

There are no real or potential conflicts of interest related to the manuscript.

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