

Legal Bases of the Concept of Educational Safety in Russia

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1. Theoretical bases of the concept of educational safety in Russia.

The concept of educational safety in the Russian Federation emerges in the scientific and pedagogical literature based on general notions about safety and the ability to live in a modern Russian society. In the scientific literature, the concept of safety is revealed through opposition of the given category and concept “danger” which presents safety as absence of danger. Danger, in turn, is defined in comparison to dangerous and harmful factors in life, dangerous situations, or extreme conditions. Additionally, two harmful factors usually carry the phenomena and events which can result in the decrease of personal serviceability through the occurrence of disease.

An important issue when dealing with danger and safety is defining them quantitatively and qualitatively. It is necessary to distinguish between and among dangerous and harmful factors which result in undesirable consequences to persons and society. Different factors can result in the same damage. On the other hand, the same dangerousness factor in different conditions can result in different types of damage or may cause any loss at all.

Both dangerous and harmful factors, and their consequences can be very different. “Harm”, which is diversified under its contents and based on different scales, can cause intensely dangerous and harmful factors which are allocated on various bases such as natural, technical, and social. The quantitative definition of dangerousness factors is usually related to the concept of “risk,” which is used as a designation of probability of the occurrence of the most dangerous natural disasters such as earthquakes and flooding and for fixing the probability of the occurrence of their negative consequences: harm and damage.

Damage in dangerous situations can be physical, moral, or material. The damage is caused by the phenomena and processes which are significant for persons and which are fixed in their consciousness as values.

As attributes of personal safety, the literature refer to:

- Living condition which exclude moral, material, economic or physical damage to persons;
- Absence of harmful or dangerous factors of impacting one’s ability to live in safety;
- Personal readiness to engage in preventive maintenance, overcoming without damage, minimizing losses, eliminating negative consequences from the influence of harmful or dangerous factors of ability to live;
- Measure of security of organizations from internal and external dangers;
- Creating condition in which risk factors are kept to an objective minimum;
- Degree of personal security and the ability of the individuals to look after their own safety, deliberately reducing the degree of risk connected to activities.

In order to maintain safety, it is necessary to create the following components:

- Material products of human activity specially intended for preventive maintenance such as notification about a fire, a fire extinguisher, a gas mask, and the like.
- Social institutions which have a primary goal of ensuring personal safety such as fire protection, divisions of the Ministry of Emergency Measures, and emergency services.
- Creation of conditions which foster individual and collective safety such as having fire inspectors at schools.
- Developing personal activities, abilities, and/ or qualities to motivate persons to participate in preventive maintenance, minimisation, overcoming of dangerous and harmful factors in life.
- Advancing the branches of scientific knowledge while generalizing investigating laws of safe ability to live of the person and society.

2. The contents of the concept of educational safety in the Russian Federation.

Educational safety is a complex issue which demands efforts of the State, society at-large and the administration of educational institutions as well as all teachers and pupils.

Generally, educational safety can be formulated as follows.

It depends on the kind of harmful and dangerous factors including:

- Safety of ability to live;
- Fire-prevention safety;
- Ecological safety;
- Psychological safety;

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Personal safety from offences, including a narcotic and various kinds of violence;

- Labour safety of teachers; Medical safety - health protection of pupils (the prevention of a children's traumatism) and teachers;
- Sanitary safety;
- Safety in extreme situations.

Depending on concrete conditions of educational establishment other kinds of safety can be allocated.

With a view toward realizing the concept of educational safety, the Ministry of Education and sciences of Russia, a state body in the sphere of education, has addressed the issue. This Programme includes a complex array of actions designed to provide preventive maintenance of various kinds of dangerous and harmful factors.

In the contexts of schools and higher education, the subjects "the culture of safety" is included. In schools, the following topics are covered: "The Basis of safety of ability to live" or "Valeology;" in high schools, "Safety of ability to live." In student teaching two basic variants are present: a special subject and integrated safety training.

The Law, as is known, fixes the legal basis of activity of the State and various organisations, including educational establishments, as well as persons in various spheres of ability. Therefore, without a doubt, this interest represents legal regulation aimed at realizing a State policy in the sphere of school safety.

3. International legal and constitutional bases of school safety.

It is necessary to note that the international legal acts forming international educational standards do not, as a rule, address school safety. However, appropriate provisions can be found in the documents devoted to rights of children. In particular, the Convention on the rights of the child, accepted by the United Nations in 1989, contains a number of obligations for the States as it directs States to maintain school safety. Further, according to item 2 article 2 State-participants are to respect and provide all rights that it stipulates for each school child without discrimination.

This general obligation is supplemented by more concrete duties. According to item 3 of article 3 of the Convention, State-participants must provide that establishments, services, and the bodies responsible for the care or protection of children must meet the norm set by competent bodies, in particular in the field of safety and public health services. In addition, officials must do these things from the point of view of the number and suitability of their personnel while providing competent supervision. Moreover, Article 6 of the Convention contains regulations which require State-participants to ensure the survival and health of children to the greatest possible degree.

Item 2-b of article 24 provides that State-participants accept necessary measures for maintaining medical aid and health protection to all children, paying prime attention to development of the initial medico-sanitary help. Article 33 establishes that the State-participants take all necessary steps, including legislative, administrative and social measures, in addition to measures in the field of education to protect children from the illegal use of narcotics and psychotropic substances.

In the Constitution of the Russian Federation of 1993, item 2 of article 41 (a right to health protection and medical aid) directs officials to encourage activities that promote and strengthen personal health as well as the development of physical training and sports along with ecological and sanitary-and-epidemiology.

4. Legislative bases of the concept of school safety in the Russian Federation.

It is possible to divide the provisions of the Russian legislation on school safety into two groups conditionally. The norms of the Russian legislation regulating the appropriate kinds of activity concern sanitary conditions, medical care, fire safety, and the like. For example, federal laws in the first group are: Bases of the legislation of the Russian Federation about health protection (22.07.1993), Federal Law About sanitary-and-epidemiologic well-being of the population (30.03.1999), Federal law On fire safety (21.12.1994), Federal law About protection of the population and territories against extreme situations natural and technical character and a number of others.

In the second group it is possible to attribute provisions of the Russian legislation on education. In particular, in the Federal law on education (1992) includes a Chapter establishing the competence of the Federation. According to item 16 of article 28 (The Competence of the Russian Federation in the field of education) in the educational sector the federal agencies of state power and agencies for educational administration are responsible for establishing federal requirements for educational institutions regarding sanitary norms, health protection of students and pupils, protection of the population and territories against emergency situations of natural and technological type. The competence of subjects of federation in the field of education in accordance with item 13 of article 29 concerns determination of additional requirements to those imposed at the federal level to educational institutions regarding sanitary norms, health protection of students and pupils. Pursuant to item 2.19 of article 32 of the Federal law on education, the competence and the responsibility of educational institutions is to develop the necessary conditions for school safety.

Another area that the law addresses is the work of subdivisions of food enterprises and medical institutions; this is designed to control their work for the purposes of the protection and strengthening of the health of students, pupils, and employees of educational institutions. According to item 3.4 of the same article, educational institutions are liable for the life and health of students, pupils, and employees of educational institution during the educational process.

5. The basic problems of realization of a policy of school safety in modern Russia.

Certainly, the presence of the appropriate legislative guidelines alone cannot solve any problems. What is the current situation in Russia with regard to school safety?

The current situation can be analysed from various positions. For example, it is possible to investigate the activity of federal bodies governing education from the point of view of the quantity and quality of their decisions. If one estimates efficiency of the legislation from similar positions, it is possible to draw the conclusion that both federal bodies and bodies of subjects in the Russian federation are sufficiently active regarding actions directed at improving fire-prevention safety and other threats to the life and health of trainees.

However, if there is a similar estimation on the actual state of affairs in this sphere, it is possible to draw an unfavourable conclusion with regard to schools and other educational institutions. Even if one does not consider sensational fires at boarding schools of Yakutia, Dagestan, a fire in a hostel of Peoples Friendship University in Moscow where 43 people lost their lives, the statistics show that annually in the Russian educational 60 to 100 children die, approximately the same number of many employees who lose their lives during the same time frame.

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What are the reasons of such a heavy position with regards to school safety? These reasons are both objective and subjective. The first concern is the deterioration of the majority of the buildings which educational establishments use. Many of these buildings have never been repaired or insufficient funds are available for financing repairs. During the past 15 years, there has been a sharp saturation of educational establishments by new means such as computers while electric networks remained the same. The complications brought about by the presence of technical equipment in educational institutions has required the State to enact laws to remedy this situation; to date, these laws are only starting to take effect. Further, trainees and workers in educational establishments frequently do not know how to handle themselves correctly in extreme conditions.

At the same time, events in Beslan highlighted another threat to safety in educational establishments - terrorism, which, for Russia, is a sad reality. It has been shown that terrorists are ready to destroy what is of the greatest value in the world - the life and health of children to achieve their goals. Certainly, Northern Ossetia is a region of Northern Caucasus, the area of the Chechen conflict where antiterrorist operations are most actively carried out. Yet, these events have highlighted another not less obvious thing. Terrorists observe no borders, either moral or geographic. Therefore, although it is difficult to recognise it, it is a reality: today each Russian school, each high school or other educational establishment, should be ready to respond to a terrorist attack. Immediately after the Beslan tragedy various administrative levels in Russia, including in Moscow, passed laws on this theme. These laws highlighted one common problem for education in Russia, a shortage of sufficient financial assets for the necessary equipment for schools and high school buildings in the form of signal systems to protect them and/ or to provide training on safety for staff members. Next year the budget of Moscow can only provide funds to run less than half of the schools safely. Certainly, in some regions the situation is more favorable and in some less than in Moscow, but it does not change the general picture. Today, since the State is not capable of providing full safety of educational establishments, all of Russian society should be connected to taking on this important task.