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# THE IMPORTANCE OF CHILDREN'S RIGHTS PROGRAMS IN ACADEMIC INSTITUTIONS

*Gertrud Lenzer\**

Ladies and Gentlemen:

Congratulations and thanks are in order to the Loyola University New Orleans School of Law, which — under the leadership of Dean John Makdisi has taken the pioneering step of bringing together this conference in order to consider the prospects of the U.N. Convention on the Rights of the Child for the year 2000. I take it that it is the first School of Law in the United States to have hosted a conference on this topic since the Convention went into force. I would also like to congratulate and thank Dr. Cynthia Price Cohen for putting together a splendid program. All of us who know her know that she has been a central force behind this conference. I am, of course, also grateful for the opportunity to participate in its proceedings.

## I. INTRODUCTION

Compared to some of the previous speakers, I am a relative newcomer to the "Child Rights Community" or should I say "Club"? I came to it from establishing the Sociology of Children as a special Section within the American Sociological Association in 1991, and from founding Children's Studies as an interdisciplinary field of academic study and pedagogy in the same year. Children's Studies aims at bringing together knowledge about and from children and youth as seen from the perspectives of the arts, humanities, social and natural sciences, medicine and the law. In short, the new pedagogy of children's studies aims at providing students and faculty with a holistic and synthesized understanding of children and youth.

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\* Professor of Sociology; Director, Children's Studies Centre at Brooklyn College and Graduate School of The City University of New York. Founding Chair of the Sociology of Children Section of the American Sociological Association and founder of the Children's Studies. The author was awarded the 1997 Lewis Hine Award for Outstanding Service on Behalf of Children and Youth of the National Child Labor Committee.

After these initiatives had gotten under way, I met Professor Eugene Verhellen in Europe at a conference in 1992. At once, and without further ado, he gave me a crash course on the United Nations convention on the Rights of the Child, convincing me of its historical importance, and he made sure that I got in touch with and met Dr. Cynthia Price Cohen and Professor Stuart Hart upon my return to the United States and to New York. As for my subsequent child rights education, I set to work in order to make up for my deficiencies in this new field of discourse and learning.

**A. Absence of Academic Disciplines in the Emergent Children's Rights Project in the Areas of Research and Pedagogy**

Before long, I began to realize that the evolving international agenda for children's rights was not only a matter of child advocates and their rapidly growing charitable and non-governmental institutions. It also opened up a vast arena for involvement on the part of child and youth-related academic disciplines and research programs worldwide. So far, child and youth research in the academic disciplines had not taken notice of the Convention on the Rights of the Child and how it was tying together nations in new and unprecedented ways in a social compact on behalf of, for and with children. Four years later, this situation still exists. Moreover, I realized that the historical evolution and ongoing developments in the area of the rights of children needed to become a separate, yet integrated, new subject matter in the interdisciplinary field and pedagogy of Children's Studies which we had established.

**B. Research Cooperation of the Academic Disciplines in the International Child Rights Project**

When I was invited by the Program Committee of the International Society for the Study of Behavioral Development (ISSBD) — the international pendant of the Society for Research in Child Development in the United States — to submit proposals for symposia to be included in their 1994 Biennial Meetings in Amsterdam, I suggested as a possible topic an interdisciplinary Symposium which would address (1) the far-reaching social and psychological changes which will be brought about by a universal implementation of the U.N. Convention on

the Rights of the Child and (2) the future role of academic disciplines in the emerging field of children's rights.

Cynthia Price Cohen, Stuart Hart and Eugeen Verhellen, who are with us here at the Loyola University Conference, were among the invited panelists at the ISSBD meetings in Amsterdam in 1994. The Symposium started from the assumption that the ratification, monitoring and implementation of the U. N. Convention on the Rights of the Child will have a variety of social, psychological, political, economic and cultural implications on a world scale. Indeed, the Convention provides an intellectual and social challenge for the child and youth-related fields in the disciplines in the arts and sciences, law and public health. It challenges those disciplines to examine and measure such changes, to assist within the context of the societies of the States Parties to the Convention, as well as globally, with the tasks of disseminating information about the Convention, and of monitoring and implementing its provisions. Moreover, and as a result of the Convention, it appears reasonable to anticipate substantial changes which will eventually occur in the conceptions, attitudes and expectations of children and youth as they learn about these rights, which simultaneously define the responsibilities of parents, societies and states towards children and youth. As it turned out, our Symposium on the U.N. Convention of the Rights of the Child in Amsterdam was the only event on this topic in an extensive program of this multidisciplinary international organization devoted to the study of child and youth development.

### C. Children's Rights in the Academic Curriculum

In addition to vast research opportunities and needs which have been opening up in connection with the ratification, monitoring and implementation of the Convention, these historical developments in the arena of children's rights need to be brought to the attention of undergraduate and graduate students and faculty for examination and discussion. As a consequence, we initiated a Seminar on the "Rights of Children in Sociological Perspective," which was offered by the Department of Sociology at Brooklyn College of the city University of New York in the Spring Semester 1996.<sup>1</sup> This seminar represents the first

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1. The seminar was enrolled to capacity in a very short time. Students were very

step the development of a regular course to be offered annually by the Departments of Sociology and Political Science on the history of children's rights and the U.N. Convention on the Rights of the Child. This course will also become part of our interdisciplinary Children's Studies Program.

## II. THE CONVENTION ON THE RIGHTS OF THE CHILD AND THE UNITED STATES

During these last two and a half days, the national and international panelists assembled here have provided us with an overview on and with substantive information about the history of the Convention of the Rights of the Child, the U.N. Committee on the Rights of the Child, different national experiences in connection with ratification of the Convention and preparation of country reports for the Committee. The general situation in the United States with regard to the Convention has been addressed as well. I have learned a great deal from all the colleagues who have spoken before me.

The task of our panel, which concludes this conference, is to address ways of "Implementing the Convention on the Rights of the Child in the United States." In light of the general framework of the Conference, we also might wish to contemplate how the Convention and Children's Rights will have fared by the Year 2000.

It stands to reason that the Convention ought first to be ratified before the task of implementing its provisions can begin. Confronted by this paradox, one might restate the problem in the following way: What forms of quasi-implementation of the Convention are available in the United States in the interim which might assist such groups as are working toward ratification? What goals can be pursued which might prepare the way toward facilitating and hastening implementation, once ratification has taken place in the United States?

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engaged and developed extensive research projects. Moreover, the seminar influenced career aspirations of a number of students. One of them, a young African American decided to apply to law school to study family law with an emphasis on children and youth. Another minority student began work as a volunteer in child advocacy organizations and is heading toward graduate work in child research and advocacy. This and other students with her have indicated interests in working as interns with elected officials in city and state offices and programs.



**A. Political Opposition to the Convention on the Rights of the Child in the United States**

There can be little doubt — and this morning's contributions on this topic have made this circumstance clear as well — that during recent years forces have been gathering in the United States which actively oppose ratification and instead propose legislation which is designed to make the objectives of the U.N. Convention on the Rights of the Child ineffective. This opposition is formidable and must not be underestimated. More importantly, this opposition is trying to mobilize at the grass-roots level against the Convention on the Rights of the Child.

**B. The Worsening Conditions of Children in America and the Media Crusade About Children**

By contrast, no week passes without the publication of multiple reports that both attest to and delineate the problems faced by large numbers of children and youth in this country and the world at large. For example, *One in Four: American's Youngest Poor*, a report prepared by the National Center for Children in Poverty at the Columbia School of Public Health, just published, at the end of 1996, and the report, *Years of Promise: A Comprehensive Learning Strategy for America's Children*, published by the Carnegie Corporation of New York in September 1996. The range of topics dealt with in such documents normally includes such matters as childhood poverty and lack of food, ill health and homelessness and lack of decent housing, poor education and diminished life chances, lives spent in inadequate foster care arrangements, drugs, criminal involvement and incarceration or warehousing of children and young people at earlier and earlier ages. Children, child development and education will be at the center of the national agenda, we were told by President Clinton in his State of the Union Address last week. In short, during these last few years, and in increasing measure, children are everywhere and in every mouth: almost every figure who aspires to public attention demonstrates his or her deep concern for children and youth. No day passes without the publication and airing of horror stories involving infants, babies, children and young people. In fact, such vignettes have become part of the standard repertoire of what nowadays goes by the name of news and public service relations.

In almost each day's mail, one grows accustomed to finding announcements of or invitations to meetings, rallies, workshops and exhibits involving children in all shapes and conditions put on by agencies of city or state governments, voluntary and charitable organizations, which are local, regional, national or international in scope, and sometimes all at the same time.

We might all be happy to agree that so much public interest in the affairs of children may augur well for a speedy process of ratification of the Convention in the U.S. Senate. Even if this were the case, I am deeply skeptical about any rapid improvement of the lot of children in our society. Publicly affirmed interest in children does not inevitably translate into action!

### **C. What is to Be Done in the United States? A New Set of Strategies For Children**

#### *1. The Well-Being of Children and the Rights of Children in Historical Context*

I believe that we must change strategies to approach the American public to effect significant policy and legislative changes in this country. Even though we are at this conference specifically considering the U.N. Convention on the Rights of the Child, adopted in 1989, we should not forget that these particular concerns with the rights of children have both an international and national history. In the United States this history extends back far more than a century. Much of the discussions and legislation in the past often evolved around circumscribed issues, such as child labor, education, the juvenile court system, and child custody and foster care, to name a few historic concerns. In fact, one might argue that public concerns over the needs and rights of children, from a variety of perspectives, has periodically surfaced, disappeared and then resurfaced throughout American history and particularly in this century.

For example, during the 1970's — before the development and eventual adoption of the U.N. Convention on the Rights of the Child — a lively discussion among juridical scholars took place about the legal and human rights of children. It was during this period as well, to cite only one example, that Joseph Goldstein's, Anna Freud's and Albert J. Solnit's three volumes dealing with the best interests of the child were published and

became influential in the practice of such areas as family law, juvenile law and social work.

In short, the U.N. Convention on the Rights of the Child of 1989 evolved out of a national and international historical context which had been prepared in the course of preceding decades. To deal with this multilateral human rights treaty appropriately and effectively, it is of the most salient importance that Americans be provided with an appropriate historical perspective on domestic child policy debates in the past and that they be shown how in point of fact the U.N. Convention on the Rights of the Child connects to their local and specific past, present and future interests in the well-being of children.

This double perspective is even more to the point when it comes to the question of the possible implementation of the Convention on the Rights of the Child in the United States in the near future. Although there can be little doubt as to the claim of its proponents that the Convention on the Rights of the Child represents in many ways a qualitatively novel departure in the history of the rights of children, it would, I believe, be a major strategic error to present it to the American public without clearly demonstrating its historical roots, in affiliations with and connectedness to earlier home-grown and native efforts in the United States. To summarize, instead of presenting the Convention to the American public as an entirely novel concern and project, which indeed it is not, we need to project a public discourse that is clearly connected to the historical context from which the Convention arose and with its filiation to the past.

## *2. Steps Toward Implementation Without Ratification?*

One important step in the implementation procedures envisioned in the U.N. Convention on the Rights of the Child is specified in Article 42: "States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike."

Even though the Convention has only been signed and not ratified in the United States, there are still potentially powerful strategies and means available to make the "principles and provisions of the Convention widely known. I conceptualize this process as a form of knowledge and information capacity building in the public at large. Since the provisions of the Convention

in question are consistent with the Universal Declaration of Human Rights of December 10, 1948, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights of 1966, and since the overwhelming majority of nations are already states parties to the Convention on the Rights of the Child (1989), the American public seems on the face of things to be in need of considerable information and general enlightenment about these international legal developments in order to apply such new understandings to the required changes in child policy in the United States.

### *3. The Role of Academic Institutions: A Third Partner*

As a rule, in discussions about the Convention on the Rights of the Child states and non-governmental organizations are mentioned as the major players. There can be no doubt that governments of nation states and non-governmental institutions must be counted as those parties which were central to the processes of drafting, adopting, signing and ratifying the U.N. Convention on the Rights of the Child. For the future success of monitoring and implementing the Convention, I am proposing here that we actively pursue the inclusion of and cooperation with a third player: the academic professions, institutions and organizations, and especially all those disciplines which have been focused on children and youth all along.

### *4. Children-Focused Research and Pedagogy: New Strategies*

In the United States, as elsewhere, academic institutions and programs can make a significant contribution by promoting a better understanding of the capacities, needs and rights of children among professionals and the educated public at large. This is the central proposal I would like to put forward. Academic bodies and activities can be effective agents in advancing knowledge about public policy and legislative efforts on behalf of children in the history of the U.S. They can also be effective in disseminating information about the development of international legal instruments in connection with human rights generally and with children's rights in particular.

In fact, academic institutions have an important role to play in the processes of understanding, clarifying, articulating, studying and intelligently transmitting the history of public concerns about children's affairs and policies and of the emerging rights of children throughout the world. These are non-trivial historical developments, and academic institutions can appropriately take note of and include them as integral to their research and course offerings.

There are three principal means through which this development might take place. First, the development of a Children's Rights Pedagogy can be accomplished by establishing children's rights courses, seminars and programs in professional schools such as law, education, social work, medicine and public health, architecture and environment; and by establishing children's rights courses, seminars and programs in undergraduate curricula in the liberal arts and graduate curricula in the arts and sciences.

Second, the Convention on the Rights of the Child encompasses an enormous territory of human propensities, interests, and needs. It touches on matters that range from issues which focus on the rights of personhood in all sectors of philosophical, psychological, social, economic, health, political, educational, cultural and artistic needs and entitlement, to the freeing of children from abuse, neglect and the hardships associated with poverty, war, famine, disease and early mortality. Hence, all the relevant disciplines can appropriately contribute to a more adequate understanding of the realities, needs and competencies of children while at the same time referring to relevant articles in the Convention. In short, a more sufficient number of disciplines in the humanities and arts, social sciences, education, public health and law, occupy specific areas of scholarly and professional interest which touch centrally upon the concerns of children and youth as these emerge in the specific articles of the Convention of the Rights of the Child.

Finally, the use of children's studies to establish integrated perspectives on children could (1) help enrich liberal arts education by providing interdisciplinary instruction in research and knowledge about children and youth; (2) complement students' major areas of study; (3) help students in the exploration of future careers in professions and occupations related to children

and youth; (4) promote an awareness of child-related issues for students in their roles as parents, citizens, and professionals.

5. *Academia as a Forum for Inquiry and Discussion — not a Pulpit*

In such undertakings, it is essential that we do not regard academic courses as a platform for proselytizing for the rights of children, the Convention or other related legal instruments. The new children's rights pedagogy in colleges, universities and professional schools must provide the appropriate occasion for learning about these evolving human rights issues, instruments, policies and implementation mechanisms, both nationally and internationally. It should further aid the exchange of ideas on these issues and allow for a hearing to all sides and positions. In short, academic courses must provide a platform for inquiry, learning and free discussion, and not a pulpit from which to indoctrinate. This caveat is of the greatest importance. As the concern with children's rights has increasingly taken on the character of a Children's Rights Movement, it becomes more important than ever to create an intellectual space or forum for open inquiry and discussion not only of the contents and implementation procedures of the rights of children and the transformation of these moral principles into legal rights but also of the historical antecedents and future purposes of the movement itself.

**III. CONCLUSIONS: REPRESENTATION OF CHILDREN IN  
CHILDREN'S RIGHTS CURRICULA, PROGRAMS AND  
RESEARCH**

The creation of children's rights perspectives and programs in professional schools today as well as the establishment of children's rights courses or the inclusion of children's rights discussion in undergraduate and graduate curricula in the arts and sciences will tend to facilitate broad and widespread scholarly discussion of these issues. Moreover, such discussions and the clarifications they lead to inevitably will reach and inform public discourse.

The role envisioned in this context for academic institutions, organizations and programs in the implementation — even if it is an implementation without ratification for the time being in the United States — of the U.N. Convention of the Rights of the

Child does not minimize the importance or the place of charitable and advocacy child organizations. Indeed, the work of such organizations can only benefit from targeted activities undertaken in these areas by professional schools and institutions of higher learning.

Let me conclude with a glance toward "Prospects for the Year 2000," which is the overarching theme of this conference. At present, these prospects appear to be gloomy. As far as the Western industrialized world is concerned, all indications point to massive changes downward in welfare state provisions. In the United States, these changes will inevitably and dramatically affect children and youth. From everything we know about the welfare legislation of 1996, social welfare policies built up over the last sixty years that protect children and families are in the process of being dismantled. In light of the darkening conditions of children in this country, claims made about the rights of children, about their rights to human dignity and personhood, and to the fulfillment of their social, economic, political and cultural needs appear futile — if not a genuine phantasmagoria.

If there is to be hope for many of our children, and if we wish to see improvements in the conditions of children in the United States and around the globe, all parties still need to cooperate — governments, voluntary organizations, our major institutions of research and learning together with an informed citizenry, adults and children alike.