

A View of Children in a Global Age: Concerning the Convention of Children's Rights¹

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After the establishment of the Convention of the Rights of the Child, the implementation of the Convention became the obligation of the government of each country and the responsibility of every society. However, in reality, many infringements on the rights of children, both visible and invisible, exist not only due to starvation, insecurity and warfare in developing countries, but also as a result of poverty in many of highly developed countries. In this paper I will first discuss the state of children in the world briefly according to UNICEF reports, and then the situation of children in Japan according to NGO's and Citizens' reports. Secondly, I would like to comment on the development of the ideas of "discovery of childhood", and children's rights from modern age to the Convention. Thirdly, I will construct the contents of the rights of children in the global age, reconsidering the relationship between human rights, children's rights and children's human rights. A Child is a human being. A child is a child, not miniature adult. A Child is growing being. Thus, the right to live, to develop, to express views, to learn and to require and receive education are the cores of the rights of children. The fulfillment of children's rights involves the fundamental basis of human rights. In conclusion, a child has to be respected as a human being, to be heard and to be responded to. We must widen our perspective beyond the frontier of one country. Peace and living-together in harmony with nature will be the prerequisite conditions for protecting children and for implementation of the Convention.

1 Introduction

In November 1989, the "Convention on Rights of the Child" was adopted by the United Nations, and procedures for ratifying it have been steadily moving forward in every major country except for one.

It was 1900 when Ellen Key wrote her book, *The Century of the Child*. In the century that has passed since, there has been the Geneva Declaration of 1924, followed by the UN Declaration of Children's Rights in 1959, and we have at last reached the stage of an international global convention, the implementation of which is an obligation for the government of every country.

Three important points are a necessary for understanding the significance of this treaty.

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First, it is a fact that the infringement of children's rights is spreading on a global scale.

Second, even though the circumstances concerning children are sufficiently urgent to require immediate attention, if a perspective which sees this problem as an infringement of rights is not properly established, the problem is likely to be dismissed with such expressions as "What a shame". It is therefore important to note that it is the large-scale development of a "human rights ideology", embracing the problem of children's rights infringement, to provide the supporting back-up for this treaty.

Third, it is the United Nations which has become the main agent and which has established an international treaty for the protection of children's rights. In short, what we are at last now seeing is the common acceptance by the world at large of the global view that without extending our perspectives to all countries, and without global acceptance of the need to strive for the realization of the ideas embodied in the UN Convention, we will not reach a solution to the problems we face. In the following sections, I would like to elaborate on these points.

2 The State of the Children of the World

The severest infringement on the rights of children today is taking place in the counties of the third world, namely nations in Asia, Africa and Latin America, which are facing poverty, hunger, insecurity and warfare. However, to say that there is no problem in advanced countries would be a grave error.

In the UNICEF report issued in advance of the 1990 World Children's Summit, while repeatedly stressing the harsh situation for children in the so-called Third World, it also made the following comments:

"For example, in US and Britain too, thanks to 10 years of steady economic growth, the number of homeless families has doubled. In America, while on the one hand the safety net of social services has gradually fallen into disuse, the number of children living in poverty has risen to over 3 million. In 1979, 11% of the child population was in this category, but today the figure has risen to over 15%. Figures of this kind show that over 10 years, in the same way as in developing countries, there have been grave offenses against the principle of giving priority to children."

And according to the UNICEF report of 2001,

"Today, millions of children lead safer, healthier and fuller lives than they did a decade ago - before the adoption of the Convention on the Rights of the Child in 1989 and the World Summit for Children in 1990. The same can be said of the progress of millions of women since the adoption of the Convention on the Elimination of All Forms of Discrimination against Women in 1979. And yet too many children and women still live outside the protection of society. Too many still see their rights abused or threatened."

The Report of 2005 repeated,

The Millennium Declaration, adopted in 2000 by all countries as blueprint for building a better world in the 21st century, was a landmark document. ... But as The State of the World's Children 2005 makes clear, for nearly half of the two billion children in the world, childhood is starkly and brutally different from the ideal we all aspire to. Poverty denies children their dignity, endangers their lives and limits

their potential. Conflict and violence rob them of a secure family life, betray their trust and their hope. HIV/AIDS kills their parents, their teachers, their doctors and nurses. It also kills them.”

3 The Situation of Children of Japan

What then is the position in Japan? The problem of homelessness is not as great as in the US, and the infant mortality rate of 3 per thousand is the lowest in the world, while in the world poverty belt the figure is around 250 per thousand.

However, in Japan there is a problem that is different from the ones in the so-called poverty belt, and different from the ones behind the scenes in so-called advanced countries. Cases of bullying, physical punishment, school phobia and suicide show that education, instead of performing its proper function of encouraging life and growth, has in fact become an agent for distorting development, so that human relations in schools are diminishing the value of life. Some years ago, a junior high school pupil who committed suicide in Nagano Prefecture left behind a note, in which she wrote, “I hate school, because it’s whittled away my life. I hate the teachers even more, because they trample on anyone who is weak.” Indeed, cases of suicide caused by bullying have been increasing.

There was an incident in which some handicapped junior high school pupils were beaten to death. One survey shows that half of the children in the upper grade at elementary school respond that they do not like school, and that about 80% children of junior high school don’t understand what they being taught. In school they are exhausted in competition to get good marks, lose intellectual curiosity and utility, and do not form friendships based on mutual trust and respect. We may describe this phenomenon as “short-winded syndrome” or “burn-out syndrome”.

Unfortunately, Japanese society and Japanese education are caught up in a web of relentless competitiveness, and while not much evidence may be apparent on the surface, there are many cases where deep in their hearts, children have been excluded and isolated. They suffer because they have repressed their own feelings and individuality, and are being robbed of an environment in which they are free to develop and expand their natural potential. We can say that this constitutes the invisible infringement on the rights of the child. It is no exaggeration to say that the children of Japan are the hostages of the disease of modern civilization.

While the circumstances and the way in which these symptoms manifest themselves may therefore differ from culture to culture, it is certainly true to say that the visible and invisible infringements of children’s rights are a worldwide phenomena.

4 Developing the Ideology of Children’s Rights

It is also true to say that in recent years the way of looking at and interpreting the infringement of rights has undergone a major development. The concrete content of the rights of children is set out in very specific detail from Clause 1 to Clause 41 of the Children’s Right Charter.

I do not intend to comment separately on every one of these individual rights. Each separate clause in the Charter is of course important, but it is also very important to get a comprehensive, intuitive image of what exactly constitutes children’s rights. Part of the process for acquiring

this perspective and a precondition for becoming more aware of children's rights is a deepening awareness of human rights in general. More specifically, it is necessary to recognize that children too are human beings, and as human beings are the possessors of rights. From our present-day perspective, this may seem to be a self-evident truth, but it is by no means long ago that it was first recognized as such. In deed, as recently as the 17th century, the great philosopher, Pascal, held the view that children were not human beings.

It was in modern times that the concept and ideology of human rights at last began to take root and that, as represented by the French Revolution, we can see society moving toward a citizens' revolution. With this kind of revolutionary feeling as the backdrop, we can an increasing awareness of "human beings" within the phrase "all human beings have rights as human beings" does not include women or children, workers or slaves. This is also borne out by the fact that the English word "man" and the French word "homme" denote a human being and as well as an adult male. One could also say that the 200-year period between the declaration of human rights and the present day represents a process of social confirmation of the fact that "women too are human beings", "children too are human beings", "workers too are human beings", and "slaves are also human beings".

Also, at around the same time when it was confirmed that "children too are human beings", there was also a deepening realization that "children are also children". *Emile* by Jean-Jacque Rousseau was termed the "discovery of children and childhood". It was in this book that Rousseau said that people did not know what a child was and had many misconceptions regarding this concept. In this way, he propagated an image of children that was different from that held by adults. "Man is born a weakling", said Rousseau, and for that reason, the warm consideration of those around him is a necessity. However, this weakness also contains the flexibility required for rich and vigorous growth, and Rousseau's book demonstrated that this very weakness concealed the potential for development, and showed that children's immaturity should be reevaluated in terms of this potential.

Rousseau said that nature expects children to be children before they become adults. If this order is overturned, he said, the result will be forced fruit, which will have no maturity or savor and which will quickly go bad. In others words, he continued, we would be left with "young savants and aged children". As Rousseau's words indicate, there are stages in the development of children, and the true implication of the "discovery of children" is this emphasis that sacrificing the present stage of childhood for the future stage of adulthood risks impoverishing that future stage and turning it into something alien. Children are not "miniature adults" or "immature adults", and it is their very immaturity that denotes their potential for development. Indeed, this potential is also something that transcends the existing capabilities of adults.

Rousseau also said that while people take pity on children, if we had not all been children in the beginning, the human race would have long since died out. It is also worthy of note that it was around the time of publication of *Emile* that the view or image of children held by society slowly began to change.

This is the time when children's clothing began to appear as distinctive, and when children in paintings were portrayed as childlike beings. A detailed account of the social history of children at this time can be found in Ph. Aries' book *The Birth of the Child*. This title in English, while it is different from the original, is very significant.

In the world of literature, we can find in the works of Wordsworth and William Blake poems celebrating childhood. In Victor Hugo's words "Columbus discovered America, but I discov-

ered childhood”, we can also discern a rise in the status of children in society at the end of the 18th and beginning of the 19th century. Incidentally, it was Victor Hugo who for the first time used the expression “droit de l’enfant”. It is with trends such as these forming the background that attention began to be directed toward the question of distinctive rights for children, whereby during childhood children should be enabled to lead full lives in a manner appropriate to children.

Play in the most spontaneous form of activity and is also a form of learning. It was Rousseau who said that “children begin to learn from the moment they are born”. Learning is a discovery-based or enquiry-based activity, carried out by the child and denoting a gradual opening up of its own world.

It follows that at the core of “children’s rights” is “the right of children to be children”, and that the preservation of this right is the securing of a temporal and special structure in which children can feel and think like children.

It is of course a fact that children are in “a state of existence that will soon become adulthood”. This does not, however, simply mean that they will develop in a similar way to the adults of today, but rather that they have the potential to transcend and go beyond the current limitations of adults of their time. Condorcet, the French thinker and educationist active at the time of the French Revolution, expressed this as the “right of the new generation” to transcend earlier generations. Placing a high value on childhood in terms of those rights that are particular to children also means recognizing that children pass through this age to become new adults. Children are indeed in a stage of development that is future-oriented. But, for the sake of preparing for the future, we must not sacrifice the present; rather a truly fulfilling status quo is the key to the possibility of a rich and abundant future.

It is clear from the above that as part of the preconditions for thinking about children’s rights are questions about what children are. It is also clear that from standpoint expressed by such phrases as “children are in a stage of existence that is open to the future”, it is very important that the eyes with which we look at children should themselves be full of potential.

5 Development

When we say that “children are developing in a future-oriented direction”, how should we interpret the concept of “development”?

For example, we use the term “development” in “development check”. Since one can tell, by looking at a development check chart, who is “advanced” and who is “behind”, this concept is likely to inspire feelings of fear in many people. However, this is not the meaning of the word “development”. A word that could be placed in contrast to, and in some ways in opposition to development is “progress”. Implicit in the idea of historical progress, from a closed state of half-openness to the opening up or flowering of civilization, is the image of everything moving forward in a straight line. However, since pre-modern times, this word has been avoided and the word “development” has come to be used more frequently. Development does not imply that everything moves forward in linear progression, but rather that things move and change in a series of repeated zigzag movements, with stumbles, setbacks and reverses as well as sudden leaps forward. The image is one of a larva becoming pupa or chrysalis, and then a fully grown imago.

When we think about children and also about education, we see that children pass through stages when they seem to go backwards, stumble and encounter repeated failures before taking

great leaps forward. What is important is that this is the kind of image we have of development. From the moment of birth until the moment of death, everyone passes through many different stages of continuous development. Each stage of development is associated with various kinds of meaningful activities, and it is the task of education to safeguard these activities and their meanings. Fulfilling the potential of one stage also provides the motivation to facilitate the leap forward to the next stage. At the present time, many parents and teachers alike are only concerned with forcing the pace of development and encouraging children to develop more quickly. The result of this is that while the number of “young savants” or “aged children” increases, the development of “childlike children” is not safeguarded. Furthermore, it is imperative that if the “leap forward” seems to be a long way off for certain children, that we have the ability to be patient and wait. Because people develop through a process of zigzag movements, an instrument like a development check chart may be one indicator, but it is not something that can be applied uniformly to all children.

Three important factors that support children’s development are nature, interpersonal relationships and culture. If human beings are cut off from nature, they cannot survive. Also without interpersonal relationships with other people such as parents and friends, they will never become full human beings. Children’s development is also a “development of relationships”, and it is essential that relationships between adults and children, as well as among children themselves, are rich and fulfilling.

In addition, people live within a cultural framework, beginning with everyday things such as food and clothing and extending to music, written materials and other cultural artifacts. It is necessary for there to be humanistic cultural influences and stimulation corresponding to each stage of development. While children are learning from culture, they also simultaneously develop through creating and producing a child culture.

6 The Content of Children’s Rights

This paper has heretofore discussed what children are and what is meant by children’s development. However, when talking about children’s rights, one can say that as prerequisites they have rights as human beings, and that in addition they have rights as children and the right to develop into adults. Within the overall context of human rights, the most fundamental right is the right to live, or more specifically, the right to life and the right to existence. Also within the context of children’s rights, the fundamental right is that of life. With this as the basis, bearing in mind Rousseau’s words that “children begin to learn from the moment they are born”, as far as children are concerned, the activity of learning is an indispensable part of living. Children develop through this learning activity. The right to learn is closely linked to the right to enjoy the process of human growth and development. However, to interpret this right to learn simply as “studying in school” or “receiving an education” would be a grave misinterpretation. The obligation to guarantee the right of development and learning rests in the first instance with parents and families; and their obligations are soon supplemented by those of preschool institutions and schools.

Important factors in this context are the patterns of society and of welfare. The expression of “the right to receive education” is enshrined in the Constitution of Japan, and on the basis of this fact, many people quote this right as one element in the repertory of children’s rights as a whole. However, I personally think that it is of vital importance to guarantee the more fundamen-

tal “right to development and learning”. Indeed, if one accepts that from a set age children should be entrusted to the institution called a school as a necessary part of their development and learning, it is likely that parents, acting on behalf of their children, will make demands on the education provided, will criticize it if they find it lacking or unusual, and will on occasion reject it. Children too, when they are taught in a way that they do not understand, have a right to make themselves heard and demand to be taught in a way that is more meaningful to them. At work here too is the right of children to express an opinion and to fully participate (Convention on Rights of the Child Clause12). With this in mind, the customary expression, “the right to receive education”, should be reformulated as “the right to education”.

7 Children’s Rights and Human Rights

In the light of the above, we can say that the ideology of children’s rights, in terms of preconditions for an ideology of human rights, constitutes one form of development. However, this does not mean that we need go no further than talking about the application of human rights to children, or to women, for that matter. The recognition of children as the possessors of human rights is a necessary precondition, and with this as basis, those rights that are distinctively particular to children should be emphasized. In practice, this means no more than emphasizing the general foundation of human rights. If the rights of children to learning and to full and satisfying development during childhood as well as the right to education are not guaranteed, then the significance of the right to work or the right to vote is reduced by half.

The English poet, Wordsworth, coined the expression “the child is father to the man”, and indeed it is the realization of the rights of children that lends firmness and stability to the rights of adults and that constitutes the foundation that should in turn be a source of strength that makes the implementation of those rights into a living and working reality. It is in this sense that we can recognize that children’s rights are the base and foundation of human rights.

Focusing our gaze more closely on children’s rights of this kind also means not simply generalizing about human rights on the basis of adult models alone, but being prepared to closely scrutinize specific phases of human rights appropriate to each stage of development and to each life cycle stage, and also to delve deeply into the contexts of rights in each phase. These phases can be expressed as the rights of children, the rights of young people, the rights of mature adults, and the rights of the aged, while human rights can be expressed as the entirety of all these phases, including the contents of rights specifically pertaining to each phase.

The close focus referred to above also means adopting a perspective of re-evaluating the human rights situation of those concerned with the implementation or guaranteeing of children’s rights. If the human rights of parents, guardians and educators, and beyond these, of society in general, are not safeguarded, it will be quite impossible for children’s rights to be safeguarded in isolation. For this reason as well, questioning the conditions of children’s rights becomes equivalent to questioning the conditions of human rights in that society. Moreover, the state of the former constitutes an excellent barometer for measuring the state of the latter. In this way, a strong emphasis on children’s rights can become a trigger to aid the development of a full and rich ideology of human rights as a whole.

8 A View of Children in a Global Age

In conclusion, we must widen our perspective beyond the frontiers of one country. It is our duty to turn our gaze on the world as a whole, and to consider on a global scale the agreed upon structure of human rights and policies for implementing them. Unless global democratization is made a reality, there is no hope for the future of human civilization. Over the 40 years from the “Declaration of Children’s Rights” in 1959 to the “Charter of Children’s Rights” in 1989, and millennium Declaration of 2000, we have seen a gradual deepening of the principles upholding “the best interests of children”, and “the optimal benefits for children”. The safeguarding of these principles, and a realization within the political circumstances of each country of the “children first” principle, are closely correlated with the development of the ideology of children’s rights and human rights, which in turn is linked to a reexamination of what form human civilization should take. In this context, we can say that the activities of the Citizens’ and NGO groups, which I mentioned in the case of Japan, are indispensable. They will provide a basis for a “grassroots-based” democratic movement in each country to defend children and childhood and to implement the Conventions of the Rights of the Child. This will provide us with a bright future for discovering new types of human rights movements in the 21st century so that both adults and children may be liberated from “the restrictive freedom” of present social and cultural structures.

Here, I would like to quote the words of Prime Minister Carlson of Sweden as spoken at the Children’s Summit. He said,

“Children are the future of us all. It is the way in which children live that determines the whole of human civilization. How children’s rights are safeguarded will decide our futures.”

And to accomplish this task the voices of children must be heard, including the following:

“If you think children can’t make a difference, you are very wrong. Who else can describe all the world’s harm if not children? Children should be heard, and their ideas and opinions should be listened to. Maybe then the leaders of the world would think about all the harm that they are doing to the world and maybe just try to help all the children in the world.” (16-year-old Urska Korosec, Slovenia, Voices of Youth website, 24 March 2002, in UNICEF Report 2004)

“Adults miss the point. When is a child considered skilful enough to contribute and participate actively? If you do not give them the opportunity to participate, they will not acquire the skills. Give us the chance and see how we fly.”

(17-year-old Khairui Azri, a Malaysian delegate to the UN Special Session on Children)

Lastly, I will quote the words of Kofi A. Annan, Secretary-General of the United Nations, from the UNICEF Report of 2003 and 2005.

“The children’s presence transformed the atmosphere of the United Nations. Into our usually measured and diplomatic discussions, they introduced their passions, questions, fears challenges, enthusiasm and optimism. They brought us their ideas, hopes and dreams. They gave life to the values of the Convention on the Rights of the Child.” (2003)

“With the childhood of so many under threat, our collective future is compromised. Only as we move closer to realizing the rights of all the children will countries move closer to their goals of development and peace.” (2005)

Here in Morelia, I have learned the Spanish words “los derechos de todos los niños”. I sin-

cerely hope that this conference will be an illustrious opportunity for the implementation of the Convention of the Rights of the Child and Millennium Declaration.

Note

- 1 This paper was presented at the World Conference on Childhood Educators, Organized by World Association of Early Childhood Educators (WAECE), held at Morelia Mexico, on April 6-8, 2005. I was invited and asked to offer the keynote presentation.

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