Childhood, Adolescence, Youth and International Human Rights
Spring 2016 – Wednesday 10:00-11:40 (Room 354)

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Course Description
This course deals with aspects of contemporary childhood, adolescence and youth, with a particular focus on human rights violations and remedies globally. The course starts by asking how conceptions of childhood and adolescence have changed over time and space. It then introduces fundamental international and regional human rights principles and their relevance to key contemporary concerns. How can we ascertain a child’s perspective and opinions? What does the notion of “the best interests of a child” mean in practice? What policies enable adolescents to be agents? Since ratification of the UN Convention on the Rights of the Child over twenty years ago, considerable progress has been made in advancing young children’s rights, including their enjoyment of basic social and economic entitlements such as access to primary education and health care. These gains are not matched by corresponding advances for older children, particularly girls. In many developing societies, secondary and tertiary education remains widely inaccessible, maternal mortality and teenage suicide remain large cause of female adolescent death, and youth unemployment and violence have reached epidemic proportions. Deaths and injuries sustained during distress migration also impinge heavily on adolescents. How can the gap in realization of adolescent and youth human rights be addressed? Conflict and disaster situations present particular risks for children and adolescents, including in relation to trafficking and other forced migration contexts. The course will explore legal, humanitarian, development and other strategies for understanding and advancing the human rights of children, adolescents and youth globally. For example, what opportunities do the Sustainable Development Goals (SDGs) and related campaigns offer for child protection and adolescent rights? The course will engage with several overarching conceptual approaches to protections of children and youth rights. Topics covered include education and health policies, trafficking and child labor, intercountry adoption, gender specific harms, migration and citizenship.

Enrollment
There are no restrictions, and there is no prerequisite. The course is designed for students interested in exploring the human rights challenges and opportunities facing children and youth. It is interdisciplinary and will include legal, anthropological, philosophical and policy texts. It will familiarize students with some of the main international human rights instruments. The readings for most classes will include one “think piece,” parts of one international treaty or other legal instrument, and one case. Reading is limited to a maximum of roughly 50 - 70 pages per 50 minutes.

Course Requirements
There are four requirements:
1. **6 written responses of 500 words or less, posted to the “discussions” section of the course website and submitted no later than midnight before each class.** Please do not exceed 500 words. The response should not take more than half an hour to complete; it is a way for you to digest and reflect on the readings. The responses are required and I will read them. They should be analytical, not descriptive of the material. Students should read each others’ submissions as they will be incorporated into class discussion. One of the 6 responses should specifically address issues raised by another student’s response paper; another one of the responses should discuss issues raised in one of the films shown in connection with the class; and a third should be written from the “devil’s advocate” point of view, arguing an opposite point of view to your own as cogently as possible. Please write “Last name_First name_Response #X” in the title of the document (and additionally indicate “Response to Posting by X Student“_Film Response” or “DA Response” when you do those specific assignments). I will give short written comments on 2 responses per student, but will not give advance notice of which responses I will comment on. Unless I specifically ask you to address a particular issue, please consider some or all of the following in your response papers:
   a. Respond to one or more of questions for the class set out on the syllabus.
   b. What policy challenges does the material raise? What solutions would you propose?
   c. What issues would you particularly like to discuss in class?

2. **One short in-class presentation.** During the first week of class I will invite students with relevant work experience to write a one paragraph description as the basis for a short oral/powerpoint in class presentation during a relevant class. Students without relevant experience will be invited to join a small group to participate in an in-class presentation and discussion centered on one of the cases included in the syllabus. There will be no student presentations in classes where there is a visitor. The procedure will be discussed in class. All presentations should last no more than 10 minutes and end with a question for the class to discuss for a further 5 mins.

3. **A 15 page (1.5 space) final paper is due on Thursday May, 11th by 5:00pm to be submitted via the course site.** Paper topics, including a half page abstract and a working bibliography are due on Wednesday, April 5th.

4. **Viewing of at least 2 films shown in association with the class.** Details will be discussed.

There will also be an opportunity for online class discussion, to encourage additional interaction and exchange outside of class. Students needing help with research skills should avail themselves of the services of Rachel Purcell in the library. She can be reached at Purcell@law.ufl.edu.

**Grading**

One quarter of the final grade will be based on class participation. One quarter of the grade will be based on the oral presentations and written responses. Half of the grade will be based on the final paper.

**Class Management**

I will feel free to call on students unless they inform me in advance that they have not been able to do the readings for a given week.

I will factor class attendance into the class participation assessment. Students who need to be absent should let me know in advance, giving reasons.

**Readings**

Course readings are on the course site. Optional readings are listed for students with time to read more widely and as a resource for those with an ongoing interest in the topic. Links to relevant laws are on the syllabus. If you have any issues accessing the readings please let me know so the issues can be resolved.

**Required Texts**

General Legal Texts
The following legal texts will be referenced throughout the course


Useful Information about Relevant Child Rights Issues

Swiss Foundation of Terre des hommes (Tdh) http://www.childtrafficking.com/Content/aboutus.php


Save the Children http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.6115947/k.8D6E/Official_Site.htm

UNICEF https://www.unicef.org/

Women’s Refugee Commission https://www.womensrefugeecommission.org/

Population Council http://www.popcouncil.org/

UNFPA http://www.unfpa.org/

UNHCR Syria http://www.unhcr.org/pages/49e486a76.html

UNHCR Nepal http://www.unhcr.org/pages/49e487856.html

UNHCR Myanmar http://www.unhcr.org/pages/49e4877d6.html

Fortify Rights http://www.fortifyrights.org/publications.html

Multilateral treaties deposited with the UN. https://treaties.un.org/pages/ParticipationStatus.aspx
You can search all human rights treaties. There will be a link to the full text of the treaty as well as ratification status by country and reservations entered by country.
Films
One response paper must include references to material in the films.

El Sistema (Amazon Video, iTunes)
Children of the Taliban (PBS)
Pakistan’s Taliban Generation (PBS)
Yemeni Child Bride Rebels (News.com)
The Day I Will Never Forget (Sundance DocClub – free trial membership available)
Mrs. Goundo’s Daughter (Vimeo – rent for $1.84)
What Tomorrow Brings (PBS premier October 31 – streaming date ends Nov. 30, 2016)
Not My Life (TeachUNICEF.org)
Every Day in Cambodia (CNN.com)
Gem Slaves: Tanzanite’s Child Labour (CultureUnplugged.com – Archive offline until Dec. 16, 2016, YouTube)
Forgotten on the Pyjama Trail (YouTube)
The Harvest (Amazon video, YouTube)
Beasts of No Nation (Class screening, Netflix)
Innocent Voices (YouTube with English subtitles)
City of God (Amazon Video, Google Play, iTunes)
Invisible Children (Vimeo, YouTube)
Time to Look at Girls (Class screening)
Which Way Home (Google Play, YouTube)
In this World, section on Afghan Children in Pakistani Refugee Camps (YouTube)
The Least of These (Amazon Video, Google Play, YouTube – not free)
Goodbye Baby (Kanopy Streaming)
First Person Plural (Kanopy Streaming)
Gone Baby Gone (Google Play, Amazon Video)

Part I: Introduction, Definitions and Conceptual Frameworks

Class 1 (Part A): Wednesday, Jan 11th - Who is a Child?
What is “childhood?” How do we understand childhood as a separate stage in human development—in medical, psychological, and sociological terms? How has our understanding of childhood evolved over time? How is childhood perceived differently across the globe?

Readings:
UN Declaration of the Rights of the Child, 1959  http://www.cirp.org/library/ethics/UN-declaration/


Optional:

**Class 1 (Part B):-- Defining a Child in International and Domestic Law**

Notions of childhood vary from culture to culture. So do notions of globalization. How then do we agree upon a single, international standard as enshrined in the Convention on the Rights of the Child [CRC]? What does the phrase “best interests of the child” mean? Is it indeterminate or culturally specific? What are the obligations of states that ratify the CRC? Which requirements are most likely to promote children’s well being and human rights? And how do we conceive of globalization, and its impact on childhood across the world? If childhood is in fact a series of developmental stages, does it make sense to treat it in law like a unitary experience with a single age cut-off? The difficulty of age determinations.

**Relevant Law:**

CRC Articles 1 and 3  [http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx)

CRC 2nd Optional Protocol [http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx)

African Charter on the Rights and Welfare of the Child (especially Article 2)  [http://hrlibrary.umn.edu/africa/afchild.htm](http://hrlibrary.umn.edu/africa/afchild.htm)


**Readings:**


**Optional:**


**Class 2 (Part A): Wednesday, January 18th**  
**What is Adolescence? How does it Differ from Childhood and Youth?**

Despite the absence of an agreed legal definition, many societies consider adolescence a distinct developmental phase. What are the biological, psychological and legal bases for this view? What role do social, cultural and economic factors play in defining the significance of biological changes? Why does adolescence extend well into adulthood in some societies and not exist at all in others?

For class discussion: Which CRC rights are particularly relevant to adolescents? What policy mandates do they suggest?

**Relevant Law:**
Readings:


Optional:


Class 2 (Part B): Children and Youth: From Post Facto Remedies to Prevention Science.

Readings:


Given the specifics of adolescent brain maturation, and takeaways from the science of prevention material, should violent juveniles be punished more leniently than their adult counterparts? If so, why? Is there a contradiction between special pleading and insistence of adolescent agency and autonomy? How should deterrence, rehabilitation, public condemnation, rehabilitation be balanced?

Second half of class will be a debate between opposing approaches.

Relevant Law:
ICCPR Art 6 http://hrlibrary.umn.edu/instree/b3ccpr.htm

ICCPR Second Optional Protocol regarding death penalty http://www.ohchr.org/EN/ProfessionalInterest/Pages/2ndOPCCPR.aspx

CRC Art 37 http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx
US Constitution 8th Amendment https://www.law.cornell.edu/constitution/eighth_amendment/

Readings:


Miller v. Alabama, 63 So. 3d 676 (Ala. 2010) –Majority Opinion and Alito Dissent https://www.law.cornell.edu/supremecourt/text/10-9646


PART II: Children, Youth and the Impact of Gender

Class 4 (Part A): Wednesday, February 1st - Gender: The Impact on Life Chances and Health
What role does gender play in determining the life chances of children and adolescents, their likelihood of thriving, their access to adequate health care and protection, the pressures and resources to migrate? What are the reasons for gender based discrimination? Do they vary across societies?

Films:
The Day I Will Never Forget (class screening) (92 minutes)
Mrs. Goundo’s Daughter

Relevant Law:
CEDAW http://www.un.org/womenwatch/daw/cedaw/

CRC, Arts 2, 24(3), 34 http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx

Readings:


Class 4 (Part B): Gender: The Impact on Exposure to Violence and Stigma
What explains the persistence of very severe gender based violence and stigma, over a range of countries and modalities? Are there good practice policies that might be effectively scaled up? Legislative initiatives seem to have been largely ineffective; what strategies are more promising?

Film:
Children of the Taliban (PBS)
Pakistan’s Taliban Generation (PBS)
Yemeni Child Bride Rebels (News.com)

Relevant law:
CRC http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx
UN Committee on the Rights of the Child General Comment 4 Paras 14-25 http://www.refworld.org/docid/4538834f0.html

Readings:

Media:

Optional:
World Health Organization, "Inspire: Seven Strategies for Ending Violence Against Children: Executive Summary (2016). (Full report available here.) https://drive.google.com/file/d/0B9SkBOd7v9z9SEFoMzR2bXZkTnc/view

Class 5: Wednesday, February 8th – Gender: The Impact on Educational Opportunity and Access
Whereas considerable progress has been made in equalizing girls’ access to and participation in primary education, secondary and tertiary education remain elusive for large numbers of girls. Given the known impact of education on future physical, financial and emotional security, why has progress been so slow and what strategies can redress the situation?

Relevant law:
CRC Art. 28 – 31 http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx

Readings:


Optional:

**Part III: Children and Youth: Exploitation**

**Class 6 (Part A): Wednesday, February 15th - Child Trafficking: The Legal Framework**

*What is trafficking by its legal definition? How does it differ from smuggling? The criminalization of trafficking and its impact on protecting victims. The role of a human rights framework.*

**Film:**
*Not My Life* ([TeachUNICEF.org](TeachUNICEF.org)) (32 min)

**Relevant Law:**


**Readings:**


**Class 6 (Part B): Child Sex Trafficking and Sexual Exploitation: The Policy Challenges and Creative Responses**

*Are slavery and trafficking effectively synonyms? What perspectives have yielded advances in human rights protections for vulnerable children caught up in these practices: deterrence, criminalization, labour rights, rescue, rehabilitation, welfare support?*

**Films:**
*Every Day in Cambodia* ([CNN.com](CNN.com)) (50 Min)
Readings:


Julia O’Connell Davidson, Children in the Global Sex Trade (Polity, 2005). Excerpts: Introduction pp. 1-3; Chapter 4 (“Child Migration and ‘Trafficking”) pp. 64-84; and Chapter 8 (“Beyond Binaries”) pp. 140-51.

Class 7 (Part A): Wednesday, February 22nd – Intercountry Adoption
How is transnational adoption regulated by international law? Is transnational adoption in the best interests of the child – always, never, sometimes and if so who decides and how? What policies would improve the current system? Should the adopted child have a right to information about the birth parents? Are there any valid countervailing claims?

Films: Goodbye Baby (Kanopy Streaming) (58 Min)

Relevant Law:
CRC Articles 20-1 http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx


Readings:


Ed. Jane Jeong Trenka et.al., "Introduction [excerpt]", "Disappeared Children and the Adoptee as Immigrant" “From Orphan Trains to Babylifts” Lifelong Impact, Enduring Need", "From Victim to Survivor” “Tending Denial” in Outsiders within: Writing on Transracial Adoption (South End Press, 2006). pp. 1-7; 105-114; 139-149; 179-204.

Class 7 (Part B): Children’s Rights Principles in Practice: Should Intercountry adoption be a last resort?
Transnational adoption is demonized by some and glorified by others. How do parties involved in the process view it, what is a human rights approach to the question and how much is it possible to generalize across the plethora of situations that exist?

Films:
First Person Plural  (Kanopy Streaming)
Gone Baby Gone (Google Play, Amazon Video)

Relevant Law:
CRC Article 21(b) http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx

Readings:
BJ Lifton, Twice Born (Other Press, 2006). pp. 3-33.

Ed. Toby Alice Volkman, "Patterns of Shared Parenthood among the Brazilian Poor" "Birth Mothers and Imaginary Lives" in Cultures of Transnational Adoption (Duke University Press, 2005). pp. 142-181.


UNICEF's position on Inter-country adoption  https://www.unicef.org/media/media_41918.html

UN Resolution adopted by the General Assembly, 64/142. Guidelines for the Alternative Care of Children http://www.refworld.org/docid/4c3acd162.html

Class 8: Wednesday, March 1st- Labour Exploitation
How does forced labour impact on children? What if children (or their families) “choose” labour exploitation as the best option available to them? Is all child labour forced? If not, what is the difference between child labour and forced labour? What are the causes of child labour, what forms does it take? What intervention strategies have been tried and which, if any, have worked?

Films:
Gem Slaves: Tanzanite's Child Labour (CultureUnplugged.com – Archive offline until Dec. 16, 2016, YouTube) (15 min)

Readings:


Class 9: Wednesday, March 15th - Children in Armed Conflict

What do we know about the extent of and the reasons for recruitment of children in combat? What aspects of childhood lend themselves particularly to this activity? What types of activities do children get involved in? Which ones fall within the Protocol? What ethical issues does the presence of child soldiers in an opponent's army raise?

Films:
Beasts of No Nation (Class screening, Netflix) (137 minutes)
Innocent Voices (YouTube with English subtitles)

Relevant law:
CRC Article 12 http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx


The Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups http://www.unicef.org/protection/files/Paris_Principles_EN.pdf

Readings:


Jeannie Annan, Christopher Blattman, Dyan Mazurana and Khristopher Carlson, Civil War, Reintegration, and Gender in Northern Uganda (Journal of Conflict Resolution, 2011). http://jcr.sagepub.com/content/55/6/877.abstract

Optional:


Part IV– Globalization, Citizenship and the Migration of Children and Youth
**Class 10: Wednesday, March 22nd - Globalization, Migration and Development: Why Do Adults and Children Move?**

Migration can be thought of in many different ways: as an illegal act, as a life saver, as a search for opportunity or self advancement, as an escape from oppression, as exile and disenfranchisement. In today’s world, how have scholars analyzed the place of migration and its relation to globalization, development and state sovereignty/security? What distinctive issues does the migration of children raise?

**Films:**
- Time to Look at Girls (Class screening) (31 min; get this)
- Which Way Home (Google Play, YouTube) (1 Hour 30 Min)

**Relevant Law:**
- ICCPR Arts. 12, 13. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families [http://hrlibrary.umn.edu/instree/b3ccpr.htm](http://hrlibrary.umn.edu/instree/b3ccpr.htm)

**Readings:**

**Optional:**

**Class 11: Wednesday, March 29th - Birthright Citizenship**

Is birthright citizenship (ius soli) a basic right or an illegitimate advantage? What are recognized mechanisms for allocating citizenship at birth? Do they work? What are their consequences?

**Readings:**


**Optional:**


**Class 12: Wednesday, April 5th - The Opportunities for Family Reunification**

What is the legal framework in place for enabling families to reunify after parents have migrated on their own? What obstacles, legal, financial, emotional, prevent children from joining their parents? What opportunities do migrants have to bring in their family members to the EU or the US, and how have these opportunities been constrained by increasing concern with border controls?

**Film:**
The Least of These (Amazon Video, Google Play, YouTube – not free) (1 Hour 2 Min)

**Relevant law:**
ECHR Article 8 http://www.hri.org/docs/ECHR50.html


Department of Homeland Security, U.S. Citizenship and Immigration Services,
Form I-130 https://www.uscis.gov/i-130
Form I-864 https://www.uscis.gov/i-864

**Readings:**


**Optional:**

Class 13: Wednesday, April 12th – Growing Up in a Refugee Camp
Refugee camps have become permanent homes for generations of children; how does this impact their psychological state and their future options?

Film:
In this World, section on Afghan Children in Pakistani Refugee Camps (YouTube) (1 hour 25 min)

Readings:


Optional:


Class 14: Wednesday, April 19th - Child Refugees and Asylum Seekers
In what circumstances can a child qualify for refugee protection in his or her own right? What is the difference between an unaccompanied and a separated child asylum seeker? What is child specific persecution? Does it fall within the refugee definition, or is the refugee definition only effective for harms faced by adults? Do states,
adjudicators, and refugee advocates recognize child specific persecution? Do children react differently than adults to violence they are subjected to or witness?

**Relevant Law:**


**Readings:**


**Optional:**