GLOBALIZATION OF THE RIGHTS OF CHILDRENINTERCULTURAL DIALOGUE – AT A NEW LEVELPARTICIPATION OF CHILDREN THROUGH THE NATIONAL IDENTITY

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ABSTRACT:*International laws on children's rights are in many ways breaking state authority over the ideology of childhood, establishing complicated and clear standards that all states should adopt. The international authorities are making sure that each member state who signed the international agreement will respect and apply it.*

After the wars worldwide, the international communities are trying to see children as rights – holders and are trying to give power to children over the national boundaries and legislation in an attempt to consolidate human rights, especially for children who suffer the most because of the wars.

In this paper, I plead for the idea that a globalized model of childhood that emerged after wars all around the world was important to the development of the international system, serving to consolidate power and legitimize international institutions and order.

The growth of this model of childhood, which is a globalized model of childhood, is codified today in international law. It is developed primarily in Europe and the United States in the last centuries and diffused from these points of origin throughout the world. We can say that the Convention on the Rights of the Child was a start in the international law, it was signed by a large number of states, basically transforming this act in the most approved document worldwide. It is impressive to see that most of the states worldwide can come together, united in a specific goal, which is the protection of children.

Kwywords: globalization, children's rights, participation of children, development of rights, intercultural dialogue, children on war.

Introduction

When we come up and discuss about children in the field of international relations and the global context, we tend to see and talk about them as war victims, child soldiers and child laborers. They have been also the beneficiaries and casualties of the changing of the international order. They are casualties of war because the society they live in is facing extinction, and as a result the rights of children are vanishing before their eyes. They are beneficiaries because in time of war, the

international community is gathering to give a helping hand, empowering them to enact more strongly in protecting children.

Children are perceived in a specific way in the global society. Their image is invoking ideas of innocence, vulnerability, sensitivity and also the need for protection. As a result, in the last few decades, children became the symbol of many international institutions who are devoted to promote human rights and democracy around the world. This means that there are international agencies and institutions that are changing the mentality of the society, unifying and homogenizing the international ideas to the national identity of the states where they plead for human and children's rights.

In this article I try to see children as a relevant part of history because they lead to the consolidation of states and to the establishing of the international order. Children are worthy recipients of great attention in the field of social studies, globalization, global citizenship, human right and international relations.

The research in the field of globalizing children

In my research I have examined the development of international law forbidding all sorts of penalty for children. The research lead me and the other researchers to the widespread process of state consolidation that took place in the late 19th century and throughout the 20th century — a process whereby the state began to regulate large swaths of civil and private life, including children's lives. It was aided by the development of the 'global child,' a figure that required steadily increasing levels of protection by the state and by the international community.

The protection of children's rights extended to all children even those who are the least sympathetic. Unifying the view and the legislation about how children should be protected created authority over children into more centralized international institutions, such as the United Nations Children's Fund (UNICEF).

In search of the development of a global / universal model of childhood, I found out that a certain concept is presented to the world / the society as if it were universal. It is applied to all, regardless of the local context. I must underline that the model is not always found everywhere, but it is presented as such.

I suggest that we should not underestimate the social promotion of childhood in the last century, especially in the last years. Children were reimagined, redesigned and redefined from the *legal property* of their family to *internationally protected* citizens and even seen as members of the

international community. Their position enshrined indozens of international legal documents, such as The Convention of Children's Rights, and in national law. [1]

This perspective of thinking of children, first as non – legal entities (legal property of their family) and now as a distinct and highly protected class (child as right holder) was remarkable and challenging. It changed a number of considerable precepts of law and social organizations in societies around the world. As a result of the promotion of childhood, profound changes were made in the family structure and the state organization, all until the end of the 21th century.

Legal distinctions between children were discarded in favor of a universal model of children's rights. This means that age, race, gender and other types of discrimination or differences between children are no longer allowed.

Literature in the field of globalizing children

Although children are absent from the vast literature of the field of sociology, we can still find the themes of children in conflict, child labor and more recentlychild citizenship. The children in these literaturesare most of the time victims of poverty, abuse / violence, negligence or suffering from war. Perhaps some things were said about the children's condition, but the impact was never felt like it belongs to recent times.

Just a few things have beensaid about children as rights - holders and about the role that children and childhoodhave played in the shaping of international order.[2] Some international projects have truly focused on giving voice to the children, taking seriously their thoughts on certain matters and promoting their results to a new and international level.

Valuable research and devotion to the case of childhood has begun to clarify this exclusion, especially research identifying a link between social and moral normsand law about childhood and power in the international system.[3]

This article seeks to underline the importance of the construction of children and childhoodto the development of the international system. The impact of children as rights - holders on the process of state consolidation andon international institutions is remarkable. European and international institutions are focusing more on children, giving and protecting their natural rights. Also enables states to discuss other international problems that the world is facing nowadays, giving them a common ground.

[1]CUNNINGHAM, Hugh; *Children and Childhood in Western Society since 1500*. New York: Longman, 1995;
[2]VAN BUEREN Geraldine; Multigenerational citizenship: The importance of recognizing children as national and international citizens. *Annals of the American Academy of Political and Social Science* 633: 30–51, 2011;
[3]PUPAVAC Vanessa; Misanthropy without borders: The international children's rights regime. *Disasters* 25(2): 95–112, 2001;

On a larger scale the topic of children is argued by the sociologists, thatchildhood is a social construction, one that has been built and still continues to be built ona global scale. Therefore the context of international debate is the globalization of children's rights. This perspective is consistent with the opinions of sociologists[4] and international legal theorists[5] who support that citizensand legal subjects are constructed over time. The meaning of childhood has been understooddifferently from time and place, and history proves that in so many ways. The result of the research is that the institution of childhood is a social construction. Above those, attitudes or moral positionsabout the nature and the capabilities of the child have varied considerably.

The international law has developed a detailed scheme model of childhood. This structure has some guidelines which are ideal for the experiences of children, including the delineation of children's needs and the requirements for a healthy, productive, and successful life as global citizens.

This model has included: the immaturity of the child, the vulnerability which we must protect, the reduced culpability of children regarding the biologically, psychologically, intellectually aspects of their identities; the relationship between the state and the child in which the state assumes responsibility for the child's welfare along the ages until he turns 18 years old. Although differences remain *in practice*, the position of children *in law* is similar around the world.

Globalized childhood

The globalized model of childhood based on the facts that children are vulnerable, that they have limited culpability, and also that they are in need of care, in several areas of their lives, has become over the years even more complex.

The first sign of complexity was given by the global community of child advocacy and by the set of norms protecting children that emerged from the United Nations, especially within UNICEF. It (UNICEF) was the single most important actor in the promulgation of Western norms and ideology about children and childhood throughout the world, especially in developing countries. UNICEF expanded its mission to include campaigns focusing on health, sanitation, education, and child care, eventually adopting a comprehensive child approach that looked at multiple areas of child development. UNICEF and other organizations were central to the internationalization of childhood, promoting Western norms and ideologies of child welfare through their development efforts.

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[4]BARNETT Michael; Social constructivism. In: Baylis J and Smith S (eds) *The Globalization of World Politics* (3rd edn). New York: Oxford University Press; 2005;
[5]ZIMRING Franklin E; *The Changing Legal World of Adolescence*. New York: Free Press; Collier Macmillan, 1982.

The second sign of complexity were the world conferences, meetings, special sessions, and summits, some sponsored by the United Nations, which was also a key to diffusing a global model of childhood to states. These prestigious and influential events 'display world culture under construction'.[6]

These meetings and events have taken on a more symbolic, prominent, and global role, offering an authoritative stance on a wide range of issues relevant to international institutions.[7] Through the mobilization, organization, assessment, and follow-up that they entail, United Nations meetings have become a type of 'secular ritual,' expressing a global consensus on global matters.[8]

The most important meeting on children's rights was the 1990 World Summit on Children, corresponding with the 1990 Convention on the Rights of the Child (CRC). At this summit, the largest assembly of world leaders ever convened participated in what was heralded by UNICEF as a 'dramatic affirmation of the centrality of children to our common future' (UNICEF, 2002).[9]

The last sign of complexity was the growth of the international law which gradually produced a continuing expansion and ever more detailed model of childhood, one that is in fact *globalized*. Three declarations and one convention about children were drafted during the 20th century:

1924 Geneva Declaration,

1948 Declaration on the Rights of the Child,

1959 Declaration on the Rights of the Child,

1990 Convention on the Rights of the Child.

Each of these legal documents offers a view of the model of childhood as it existed back then and reflects contemporary ideas about children and the role of the state and of the parents (and, in the case of the 1990 CRC, of the international community) in ensuring children's welfare. These documents provide a window onto the shifting boundaries and growing substance of a global model of childhood. The model of childhood advanced by the Convention on the Rights of the Child was also significantly more detailed, complex, and wider in scope than previous attempts to enumerate rights and protections for children.

The 1990 CRC began a period of intense international consolidation of authority over childhood, as international law and the institutions established to monitor it came to be viewed by the states

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[6]LECHNER Frank J. and BOLI John (2005) *World Culture: Origin and Consequences*. Malden, MA: Blackwell Publishing, p.84, 2005.

[7] Ibidem

[8]Ibidem

[9]UNICEF (2002) United Nations Special Session on Children: The World Summit for Children. Available at: http://www.unicef.org/specialsession/about/world-summit.htm.

as the definitive authority on the treatment of children. Almost all states in the international system have ratified the Convention on the Rights of the Child. The convention's nearly universal ratification indicates global acknowledgment of a model of childhood that all states should adopt.

It should be remembered that international law itself concerning children's rights now often serves as the sole justification for bringing states into compliance with the global model of childhood and standards of child welfare.

As international efforts expanded, the child was increasingly linked to the development of the nation and to the ushering of states into the international community as economic partners. With the growth of the international children's rights there is no need for further justification to protect children. Children are rights - holders and international law alone serves to justify attention and assistance.

Conclusion

International law on children's rights usurps state authority over the ideology of childhood, establishing complicated standards that all states should adopt. Although international law concerning children lacks an enforcement mechanism, it serves as a mean of confronting states about their child policies and forces them to address these norms as they participate in international institutions.

The international community's enshrinement of children as rights - holders and consolidation of power over the boundaries and standards of childhood mirrors international consolidation of human rights. The development of rights and protections for children in international law meant that states no longer had total control over the way children were treated. Childhood became an international idea. The power over childhood is ideological. By articulating standards of childhood, the international community assumes the power to define childhood trough the means of identifying areas in need for protection, setting the scope of protections, identifying possible issues regarding the protection of children's rights, and establishing ways to protect childhood and rights.

BIBLIOGRAPHY:

Books:

ARIES, Philippe, *Centuries of Childhood*, Universidad de Navarra Biblioteca de Humanidades, 1996;

BALAHUR, Doina, QUARSELL, Birgitta ; *Childrens rights to education and information in a global world*, (Drepturile copiilor la educație și informare într-o lume globalizată), Editura Universității ”Alexandru Ioan Cuza” Iași, Iași, 2008;

BALAHUR, Doina; *Protecția drepturilor copilului ca principiu al asistenței sociale*, Ed. All Beck, București, 2001;

BARNETT Michael; Social constructivism. In: Baylis J and Smith S (eds) *The Globalization of World Politics* (3rd edn). New York: Oxford University Press; 2005;

CUNNINGHAM, Hugh; *Children and Childhood in Western Society since 1500*. New York: Longman, 1995;

LECHNER Frank J. and BOLI John (2005) *World Culture: Origin and Consequences*. Malden, MA: Blackwell Publishing, 2005.

TURNER, S. Bryan; *Contemporary problems in the theory of citizenship*. In: Turner BS (ed.) *Citizenship and Social Theory*. London: Sage, 1993.

ZIMRING Franklin E; *The Changing Legal World of Adolescence*. New York: Free Press; Collier Macmillan, 1982.

Articles:

ALASUUTARI Maarit; *Voicing the child? A case study in Finnish early childhood education*, Childhood 2014, Vol. 21(2) pp. 242– 259, Downloaded from chd.sagepub.com at Alexandru Ioan Cuza on April 8, 2015;

BARALDI Claudio; *Children's Citizenships: Limitations and Possibilities of Childhood Sociology in Italy*; Current Sociology 2010, Vol. 58(2), pp. 272–291, Downloaded from csi.sagepub.com at Alexandru Ioan Cuza on April 8, 2015;

BARALDI Claudio; *Children's Citizenships: Limitations and Possibilities of Childhood Sociology in Italy*; Current Sociology 2010, Vol. 58(2), pp. 272–291, Downloaded from csi.sagepub.com at Alexandru Ioan Cuza on April 8, 2015;

BLANCHET - Cohen Natasha, RAINBOW Brian; *Partnership between children and adults? The experience of the International Children's Conference on the Environment*, Childhood 2006, Vol 13(1): 113–126, Downloaded from chd.sagepub.com at Alexandru Ioan Cuza on April 7, 2015;

CANDELA Antonia; *Students' Participation as Co-authoring of School Institutional Practices*, Culture & Psychology 2005, Vol. 11(3): pp. 321–337, Downloaded from cap.sagepub.com at Alexandru Ioan Cuza on April 8, 2015;

CASEY Jacqueline, PALEG Ginny, LIVINGSTONE Roslyn; *Facilitating child participation through power mobility*, British Journal of Occupational Therapy, Vol. 76(3), pp. 158-160 , 2013, Downloaded from bjo.sagepub.com by Rares Miron on March 30, 2015;

DE JONG, J. (2005): *Capabilities, reproductive health and wellbeing*. GPRG WPS 005 Global Poverty Research Group, University of Manchester;

DONNELLY, J. (1989): *Universal human rights in theory and practice*. Cornell University Press.

GRAHAM Anne and FITZGERALD Robyn; *Progressing children's participation: Exploring the potential of a dialogical turn*, Childhood 2010, Vol. 17(3) 343–359, Downloaded from chd.sagepub.com at Alexandru Ioan Cuza on April 7, 2015;

HART, A. Roger, *Children's participation. From tokenism to citizenship*. Innocenti essays No. 4, Florence, UNICEF, 1992; Downloaded from http://www.unicef-irc.org/publications/pdf/childrens_participation.pdf , June 12, 2015;

IVERSEN Clara; *Predetermined participation: Social workers evaluating children's agency in domestic violence interventions*, Childhood 2014, Vol. 21(2) pp. 274– 289, Downloaded from chd.sagepub.com at Alexandru Ioan Cuza on April 8, 2015;

JUPP, M. (1999): The UN Convention of the Rights of the Child: An opportunity for advocates. *Human Rights Quarterly* 12, 130–36.

LINDE Robyn; *The globalization of childhood: The international diffusion of norms and law against the child death penalty*, European Journal of International Relations 2014, Vol. 20(2), pp. 544– 568, Downloaded from ejt.sagepub.com by Rares Miron on April 8, 2015;

LÚCIO, Joana, I'ANSON, John, *Children as members of a community: Citizenship, participation and educational development – an introduction to the special issue*; European Educational Research Journal 2015, Vol. 14(2), pp. 129 – 137, Downloaded from eer.sagepub.com by Rares Miron on March 30, 2015;

MAXWELL, S. (1999): *What can we do with a rights-based approach to development?* Overseas DevelopmentInstitute Briefing Paper No. 3, September.

MORAN - Ellis Jo; *Reflections on the Sociology of Childhood in the UK*, Current Sociology 2010, Vol. 58(2), pp. 186–205, Downloaded from csi.sagepub.com at

NIKKU Bala Raju; *Children's rights in disasters: Concerns for social work – Insights from South Asia and possible lessons for Africa*; International Social Work, Vol. 56(1) , pp. 51– 66, The Author(s) 2012; Downloaded from isw.sagepub.com at Alexandru Ioan Cuza on April 8, 2015;

O'BRIEN, Michael, SALONEN, Tapio, *Child poverty and child rights meet active citizenship: A New Zealand and Sweden case study*; Childhood The Author(s) 2011, Vol. 18(2), pp. 211–226; Downloaded from chd.sagepub.com at Alexandru Ioan Cuza on April 7, 2015;

PIŠKUR Barbara, DANIËLS Ramon, JONGMANS J. Marian, KETELAAR Marjolijn, SMEETS JEM Rob, NORTON Meghan and BEURSKENS JHM Anna, *Participation and social participation: are they distinct concepts?*, Clinical Rehabilitation 2014, Vol. 28(3) 211– 220, Downloaded from cre.sagepub.com by Rares Miron on April 8, 2015;

POWER, F. Clark, SCOTT, E. Sarah, *Democratic citizenship: Responsible life in a free society;* School Psychology International The Author(s) 2014, Vol. 35(1), pp. 50–66, Downloaded from spi.sagepub.com by Rares Miron on April 8, 2015;

PUPAVAC Vanessa; Misanthropy without borders: The international children's rights regime. *Disasters* 25(2): 95–112, 2001;

RUXTON, S. (2005), *What about us: Children's rights in the EU*. EURONET;

SPITZER Helmut, TWIKIRIZE M. Janestic; *War-affected children in northern Uganda: No easy path to normality*; International Social Work, Vol. 56(1), pp. 67– 79, The Author(s) 2012; Downloaded from isw.sagepub.com at Alexandru Ioan Cuza on April 8, 2015;

TROLLVIK Anne , ERIKSSON G. Bengt, RINGSBERG C. Karin, HUMMELVOLL Jan Kare; *Children's participation and experiential reflections using co-operative inquiry for developing a learning programme for children with asthma*, Action Research 2012, Vol. 11(1) 31–51, Downloaded from chd.sagepub.com at Alexandru Ioan Cuza on April 7, 2015;

UNICEF (2002) United Nations Special Session on Children: The World Summit for Children. Available at: http://www.unicef.org/specialsession/about/world-summit.htm.

VAN BUEREN Geraldine; Multigenerational citizenship: The importance of recognizing children as national and international citizens. *Annals of the American Academy of Political and Social Science* 633: 30–51, 2011;

VIVIERS Andries, LOMBARD Antoinette; *The ethics of children's participation: Fundamental to children's rights realization in Africa*; International Social Work, Vol. 56(1), pp. 7 – 21, The Author(s) 2012, Downloaded from isw.sagepub.com at Alexandru Ioan Cuza on April 8, 2015;

WILLIAMS P. Timothy, ROGERS Justin; *Rejecting 'the child', embracing 'childhood': Conceptual and methodological considerations for social work research with young people;* International Social Work, pp. 1 – 11, The Author(s) 2014; Downloaded from isw.sagepub.com at Alexandru Ioan Cuza on April 8, 2015;

WYNESS Michael; *Children representing children: Participation and the problem of diversity in UK youth councils*, Childhood 2009, Vol. 16(4): 535–552; Downloaded from chd.sagepub.com at Alexandru Ioan Cuza on April 7, 2015;

Legislation:

Declaration of the Rights of the Child G.A. res. 1386 (XIV), 14 U.N. GAOR Supp. (No. 16) at 19, U.N. Doc. A/4354 (1959).

Declaration of the Rights of the Child League of Nations O.J. Spec. Supp. 21, at 43 (1924).

International Covenant on Civil and Political Rights 16 December 1966, 999 UNTS 171.

Optional Protocol to the International Covenant on Civil and Political Rights 999 UNTS 302.

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty G.A. res. 44/128, annex, 44 U.N. GAOR Supp. (No. 49) at 207, U.N. Doc. A/44/49 (1989).

Universal Declaration of Human Rights, 1948, GA Resolution 217 A (III).

International Covenant on Economic, Social and Cultural Rights 993 UNTS 3.

Convention on the Rights of the Child 1577 UNTS 3.

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict G.A. Res. 54/623, annex I, 54 UN GAOR Supp. (No. 49), UN Doc. A/54/49 (2000).