

Children's Right to Culture: A Paradigm Shift

By Maria Corbett



Do children have a right to access culture and the arts? Do children have a right to be creators of their own culture? What role does education play in meeting children's cultural rights? These are interesting and challenging questions that have received little attention to date in Ireland.

Traditionally children were viewed as the property of their parents, empty vessels to be filled with knowledge or economic family units and children's play and artistic activities were dismissed as futile time-wasting. However, our concept of children and childhood have been radically altered over the past thirty years, in particular by the adoption of the UN Convention on the Rights of the Child in 1989.

The Convention is a comprehensive statement on children's rights and the most widely ratified international treaty. It covers a wide range of rights including the right to health, education, family life, an adequate standard of living and to be protected from abuse and harm. The Convention also clearly provides that children have a right to cultural life and the arts.

Under the Convention, the child is viewed as an individual rights holder. It introduces the concept of the evolving capacities of a child as he or she ages and matures. The child is an active agent in their own life. He or she is entitled to be listened to, respected and granted increasing autonomy in the exercise of rights, while also being entitled to protection. Under this new paradigm, children's lives and experiences matter now. Children are valued for 'being' rather than for what they will 'become' as adults.

And the good news is that Ireland is part of this international community supporting children's rights. Ireland ratified the Convention on the Rights of the Child in 1992, thereby committing the Irish State to uphold its provisions. However, the Convention must be incorporated into our national laws and policies for it to be binding and judiciable in the courts. Much progress has been made to date to realise the Convention in Ireland, including the 2012 constitutional amendment on children and legislative reform in the area of family law and youth justice. However, much more is needed to ensure children in Ireland are realising their cultural rights.

Among the 41 articles of the Convention, four are recognised as general principles which are central to the interpretation and fulfilment of all Convention rights. These include the right of all children to enjoy their rights without discrimination; the right of every child to survival and development to the maximum extent possible; the best interest of the child shall be a primary consideration in all actions concerning them; and the right of all children capable of forming an opinion to have their views heard in matters affecting them.

Two articles of the Convention are of particular importance to the area of cultural activities and the arts in education. Article 31 provides for the child's right to participate in cultural and artistic life and Article 29 provides that the aims of education include the development of the child's personality, talents and abilities to their fullest potential.

In a powerful and ambitious statement, Article 31 of the Convention provides that:

- 1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.*
- 2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.*

This right thus encompasses both the right of a child to access cultural and artistic events and the right of children to undertake such activities themselves. Children can be both consumers and producers of the arts and culture.

The UN Committee on the Rights of the Child – a group of 18 international experts – was established to monitor and promote the implementation of the Convention. In response to poor recognition given by States to the rights contained in Article 31, the Committee set out guidance on implementing this right in a document referred to as 'General Comment No. 17'. It provides that Article 31 'must be understood holistically...' and that:

Each element of article 31 is mutually linked and reinforcing, and when realized, serves to enrich the lives of children. Together, they describe conditions necessary to protect the unique and evolving nature of childhood. Their realization is fundamental to the quality of childhood, to children's entitlement to optimum development, to the promotion of resilience and to the realization of other rights.

A key challenge to implementing any of the Convention rights is to ensure all children benefit. The Committee has highlighted in General Comment No. 17 its concern that difficulties are faced in the enjoyment of Article 31 by some groups, in particular 'girls, poor children, children with disabilities, indigenous children, children belonging to minorities'. A question for future exploration is do all children in Ireland have reasonable access to cultural and artistic events? What barriers exist? Do minorities such as Traveller, Roma and children in the direct provision system have access to such activities?

The Committee has ascribed a number of unique benefits to the fulfilment of Article 31. In its General Comment No. 9 it notes that cultural and arts activities for children with disabilities 'must be viewed as both medium of expression and medium of realizing self-satisfying quality of life.' In General Comment No. 17, it noted that '[i]nvolvement in a community's cultural life is an important element of children's sense of belonging.'

The Committee describes children as reproducing, transforming, creating and transmitting culture. They translate and adapt its meaning through their own generational experience and are at the forefront of establishing new digital and virtual means of communication. Through the child's participation in cultural and artistic activities they are building their understanding, not only of their own culture, but other cultures thus contributing towards mutual understanding and appreciation of diversity. Also of importance as we struggle to support children's mental health and wellbeing is the

Committee's endorsement that it is through cultural life and the arts that children and their communities express their specific identity and the meaning they give to their existence, and build their world view representing their encounter with external forces affecting their lives. These benefits, in addition to the intrinsic value of the arts, make a compelling argument for investment in cultural activities and fit well with our national aspirations for a modern diverse and digitally literate Ireland.

Article 31 places a duty on the State to encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity. This goes beyond putting on entertainment for children. It is about consulting and engaging directly with children and supporting the commissioning and exhibiting of children's artistic work.

The articles of the Convention are indivisible and interdependent. Article 31 must therefore be read alongside the guiding principles – article 2 (non-discrimination), article 3 (best interest), article 6 (survival and development) and article 12 (views of the child) – and other rights such as article 13 (freedom of expression), article 15 (freedom of association), article 17 (access to the media and to children's books) and article 30 (enjoyment of minority cultures). The implementation of Article 31 is clearly linked to the realisation of Article 29 (aims of education). A child's right to education is provided for under Article 28 but in an innovative addition, Article 29 sets out the aims of that education, creating a vision for education that is child-centred and empowering.

Article 29 provides that the education of the child shall be directed to 'the development of the child's personality, talents and mental and physical abilities to their fullest potential'. It also includes as aims 'the development of respect for human rights', 'the natural environment' and 'cultural identity, language and values', and for the preparation for 'responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples'. In General Comment No. 1, the Committee has elaborated on Article 29 noting that the aim of education is 'to empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence.'

A framework is already in place to support the arts in education. Section 9(F) of the Education Act 1998 enables schools to promote the development of 'the arts and other cultural matters', and Section 9(a) and (b) of the Arts Act 2003 provides that the functions of the Arts Council/An Chomhairle Ealaíon include stimulating public interest in the arts and promoting knowledge, appreciation and practice of the arts. The 2012 Arts in Education Charter published by the Department of the Arts, Heritage and the Gaeltacht and the Department of Education and Skills sets down a blue print of action.

In 2014, the follow-on strategy to the National Children's Strategy was launched – Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020. It lays out an ambitious road map for achieving five national outcomes for children and young people up to the age of 24 years in Ireland. Within the Framework, the Government recognises that: 'Early and ongoing exposure to art and culture lays a positive foundation for creativity, an essential component in critical thinking and innovation.' In addition, it commits to 'Enable greater access to sports, arts and culture for all children and young people, including through facilitating collaboration between sports, youth, arts and cultural organisations and schools and preschools to enrich the educational experience of all.' (Commitment 1.14)

The various arts in education programmes run throughout the country play a vital role in ensuring the child's right to cultural and artistic activities under Article 31 is respected, protected and fulfilled and children's talents and abilities are fostered and nurtured as required under Article 29 (aims of education). However, research is needed to assess how Ireland is doing in meeting its obligations under both Article 31 and Article 29. Are sufficient resources being made available to these programmes? Are some children being excluded? Given the rights provided under the Convention and the acknowledged benefits of the arts to children, we must strengthen our support for children's cultural and artistic activities across the country, placing a particular focus on children who are marginalised and disadvantaged.

References:

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The UN Convention on the Rights of the Child can be read in full at this link:
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

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