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Course Assistant
TBA

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 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. 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. It 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 of legal training. 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. Auditors are welcome provided there is space and they complete the readings and are willing to participate in class discussion. 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 pages per class.

Classpage Dropbox
Please put your name on your paper and in the file name before submitting it to the Dropbox.
Course Requirements
There are five requirements:

1. **6 written responses of 500 words or less, posted to the course website and submitted no later than midnight before each class to the class page Dropbox.** Please do not exceed 500 words. The response should not take more than half an hour to do; 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. Students with concerns about writing should raise this issue with the CA.

   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 tradeoffs or solutions would you propose?
   c. What issues would you particularly like to discuss in class?

2. **A 2-page memo as described in class 4 on a preventative intervention in “your” country, region or city promoting child or youth human rights.** You can refer to the cost of inaction framework explicitly if that is relevant to your case.

3. **One short in-class presentation.** During the first week of class the CA 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. The CA will coordinate the sign up process with students within the first weeks of class. 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.

4. **A 15 page (1.5 space) final paper is due on Wednesday, Dec.18 by noon to be submitted via the classpage Dropbox only. No extensions will be granted.** Paper topics, including a half page abstract and a working bibliography are due on Monday, Oct. 5. No extensions will be granted.

5. **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 through the class list, to encourage additional interaction and exchange outside of class. Students needing help with research skills should avail themselves of the services of the HKS library or bring any particular needs to the attention of the course assistant.

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
No laptops will be allowed in class.

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.

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

Readings
Course readings are on the course site and/or linked to the syllabus. Relevant laws are also on the course site and/or linked to the syllabus. If you have any issues with accessing the readings please let Stacy know so the issues can be resolved. Email: stacy_hannell@hks.harvard.edu.

**Required Texts**
Available to purchase at the Coop and on reserve at the HKS library


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

Universal Declaration of Human Rights (UDHR) 1948.


International Covenant of Civil and Political Rights (ICCPR) 1966.


Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.


**Useful Information about Relevant Child Rights Issues**
Swiss Foundation of Terre des hommes (Tdh)

African Child Policy Forum

Save the Children

UNICEF

Women’s Refugee Commission

Population Council

UNFPA

UNHCR Syria

UNHCR Nepal

UNHCR Myanmar

Multilateral treaties deposited with the UN. 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.

CRINmail: Excellent list serve with information on global children’s rights.

Films
The films are on reserve at the HKS library or posted on the class webpage. They will be discussed during the relevant classes. One response paper must include references to material in the films.

El Sistema
The Day I Will Never Forget
Mrs. Goundo’s Daughter
Pakistan’s Taliban Generation/Children of the Taliban
YouTube: Yemeni Child Bride Rebels
What Tomorrow Brings
The Least of These
In this World, section on Afghan Children in Pakistani Refugee Camps
Camino a Casa/The Way Home
Goodbye Baby
Gone Baby Gone
First Person Plural
Not My Life
Born into Brothels
Tales of the Night Fairies
Gem Slaves: Tanzania’s Child Labour
Blood Diamond
Innocent Voices
City of God
Invisible Children

Part I: Introduction, Definitions and Conceptual Frameworks

Class 1: Wednesday, Sept. 2 - 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


Optional:
Class 2: Wednesday, Sept. 9– 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.

Film:
El Sistema

Relevant law:
- CRC Articles 1 and 3
- CRC 2nd Optional Protocol
- African Charter on the Rights and Welfare of the Child (especially Article 2)
- Committee on the Rights of the Child, General Comment No. 5 (2003) (General measures of implementation of the Convention on the Rights of the Child)

Readings:

Optional:

Class 3: Monday, Sept. 14 - 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:
- CRC Arts 12-16; art 30.
- UN Committee on the Rights of the Child General Comment 4
**Readings:**


**Optional:**

**Class 4: Wednesday, Sept. 16 – Children and Youth: From Post Facto Remedies to Prevention Science.**

Whole class: Write a 2 page memo (800 words max) using a prevention science approach for ‘your’ country, state or city to describe an intervention (actual or planned) to benefit children or youth. Using the Cost of Inaction approach if it is helpful to your case, describe the constitutive and consequential benefits.


We will spend the class discussing the readings and then some of your class memos. Please be prepared to present them, with powerpoint if you prefer (optional).

**Class 5: Friday, Sept. 18 (Make-up Session) Adolescent Behavior and the Law – A Case Study: U.S. Approaches to the Punishment of Violent Juveniles Convicted of Homicide**

*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. Students will be selected for this on Sept. 14.*

**Relevant Law:**
[ICCPR Art 6](#)
ICCPR Second Optional Protocol regarding death penalty
CRC Art 37
US Constitution 8th Amendment

Readings:

Miller v. Alabama –Majority Opinion and Alito Dissent


Class 6: Monday, Sept. 21- Adolescence: The Impact of Social, Cultural and Economic Factors on Adolescence and Youth: Roma Adolescents as a Case Study
Like childhood, adolescence is a social construct with different meanings and implications determined by context. In some societies it extends well into adulthood, in others it is an unaffordable luxury; in yet others it signals a radical curtailment in physical and social freedoms. Is this radical divergence consistent with human rights principles supporting freedom of expression and the right to a private life?

Guest: Margareta Matache, Instructor, FXB Center for Health and Human Rights, HSPH

Relevant Law:

Readings:


Class 7: Wednesday, Sept. 23 - 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 analysed the place of migration and its relation to globalization, development and state sovereignty/security? What distinctive issues does the migration of children raise?
Relevant Law:
UDHR Article 13
ICCPR Arts. 12, 13. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

Readings:


**Class 8: Monday, Sept. 28- Citizenship: The Impact on Children**

How is citizenship acquired? What differences are there between states? What role does it play in the life of children? How do children become stateless? What role does birth registration play?

Relevant Law:
CRC Article 7

UDHR Article 15

Readings:
UN Convention on Statelessness (1975).


**Class 9: Wednesday, Sept. 30 - 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:
Flores-Villar v USA: Brief Amicus Curiae of Scholars on Statelessness, in Support of Petitioner

Class 10: Friday, Oct. 2 (Make-up Session) – Building Resilience: A Process and a Goal

Readings
International Federation of Red Cross and Red Crescent Societies, The road to resilience: Bridging relief and development for a more sustainable future (IFRC, 2012). pp. 7-16.

Emilie Combaz, Disaster Resilience (GSDRC. 2014). pp. 1-9; 14-18


The World Bank, “Disproportionate deaths among health care workers from Ebola could lead to sharp rise in maternal mortality last seen 20 years ago” (World Bank Report, July 8, 2015).

PART II: Children, Youth and the Impact of Gender

Class 11: Monday, Oct. 5 - Gender: The Impact on Life Chances and Health - PAPER TOPICS DUE
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
Mrs. Goundo’s Daughter

Relevant Law:
CEDAW
CRC, Arts 2, 24(3), 34

Readings:


Class 12: Wednesday, Oct. 7 - 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?

Guest: Prof. Jennifer Leaning, François-Xavier Bagnoud Professor of the Practice of Health and Human Rights, HSPH; Director, FXB Center for Health and Human Rights; Associate Professor of Medicine, HMS

Film:
Pakistan’s Taliban Generation/Children of the Taliban
YouTube: Yemeni Child Bride Rebels

Relevant law:
CRC

UN Committee on the Rights of the Child General Comment 4 Paras 14-25

Readings:


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?

Guest: Presentation by film maker Beth Murphy

Film:
What Tomorrow Brings

Relevant law:
CRC Art. 28 – 31

Readings:
Wisconsin v. Yoder


Class 14: Friday, Oct. 16 (Make-up Session) -- Child sexual abuse and exploitation

Guest: Maud Buquicchio, UN Special Rapporteur on the sale of children, child prostitution and child pornography
Readings: TBD

Part III: Children, Youth and Exploitation

Class 15: Monday, Oct. 19 - 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

Relevant Law:


Readings:


**Class 16: Wednesday, Oct. 21 – 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?*

Guest: Anne Stetson, Visiting Scientist, FXB Center for Health and Human Rights

**Films:**
- Born into Brothels
- Tales of the Night Fairies

**Readings:**

**Class 17: Monday, Oct. 26 - 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: Tanzania’s Child Labour

**Readings:**

**Class 18: Wednesday, Oct. 28 - 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:
Blood Diamond
Innocent Voices

Relevant law:
CRC Article 12


UN Convention on the Status of Refugees, Art. 1 (especially Art. 1 (a), (f).

Cape Town Principles and Best Practice on the Prevention of Recruitment of Children Into the Armed Forces and Demobilization and Social Reintegration of Child Soldiers in Africa

UN Security Council Resolution 1325

The Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups

Readings:


Part IV– Globalization, Citizenship and the Migration of Children and Youth

Class 19: Monday, Nov. 2 - International Remedies for Children fleeing Gangs or Forced Conscription
Case study. Class discussion: Policy options and strategies. Student groups to debate this.

Film:
City of God
Invisible Children

Legal Readings:

UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.


Jeffrey Corsetti “Marked for Death: The Maras of Central America and those who Flee their Wrath” (Georgetown Immigration Law Journal, 2008)


Rolando Augustine Castellano Chacon v INS, U.S. 6th Circuit Court of Appeals, 2003 (341 F.3d 533). Excerpts: Section I, Section II, and Section VII.

Lukwago v Ashcroft, 329 F.3d 157 (3rd Cir. 2003)

Readings:

Bruce Finley, “Death of a Deportee Back in Guatemala; Teen Slain by Gang he Tried to Escape” in The Denver Post, April 5, 2004.

Optional:

Class 20: Wednesday, Nov. 4- 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?

Guest: Prof. Sarah Dryden- Peterson, Harvard Graduate School of Education

Film:
In this World, section on Afghan Children in Pakistani Refugee Camps

Readings:


Class 21: Monday, Nov. 9 - Do Poor Children Need to Work?
SLATE Case

Class 22: Monday, Nov. 16 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

Relevant law:
ECHR Article 8


Readings:
Ahmut v. The Netherlands (judgment of the European Court of Human Rights) 28 November 1996.


Optional:

Class 23: Wednesday, Nov. 18 - 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?

Guest: Kathleen Hamill

**Relevant Law:**

1951 Convention Relating to the Status of Refugees (“Refugee Convention”) Article 1A(2) (“Definition of the Term ‘Refugee’”).


**Readings:**


Edward Hegstrom, “Teen from China Sees Asylum as Only Hope; Immigrant fears a smuggling gang will kill him if he is deported” in *The Houston Chronicle*, June 8, 2005.


**Class 24: Monday, Nov. 23 – 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:**

Camino a Casa/The Way Home

Goodbye Baby

**Relevant Law:**

CRC Articles 20-1

CRC 1st Optional Protocol Article 3


**Readings:**

Lakshmi Kant Pandey v Union of India, Indian Supreme Court (1984) 2 SCC 244; AIR 1984 SC 469. Excerpts: points 6-8, 10-5, 17.


Class 25: Monday, Nov. 30 - 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:
Gone Baby Gone
First Person Plural

Relevant Law:
CRC Article 21(b)

Readings:


UNICEF's position on Intercountry adoption

UN Resolution adopted by the General Assembly, 64/142, Guidelines for the Alternative Care of Children