

University College Maastricht

UCM SSC2042

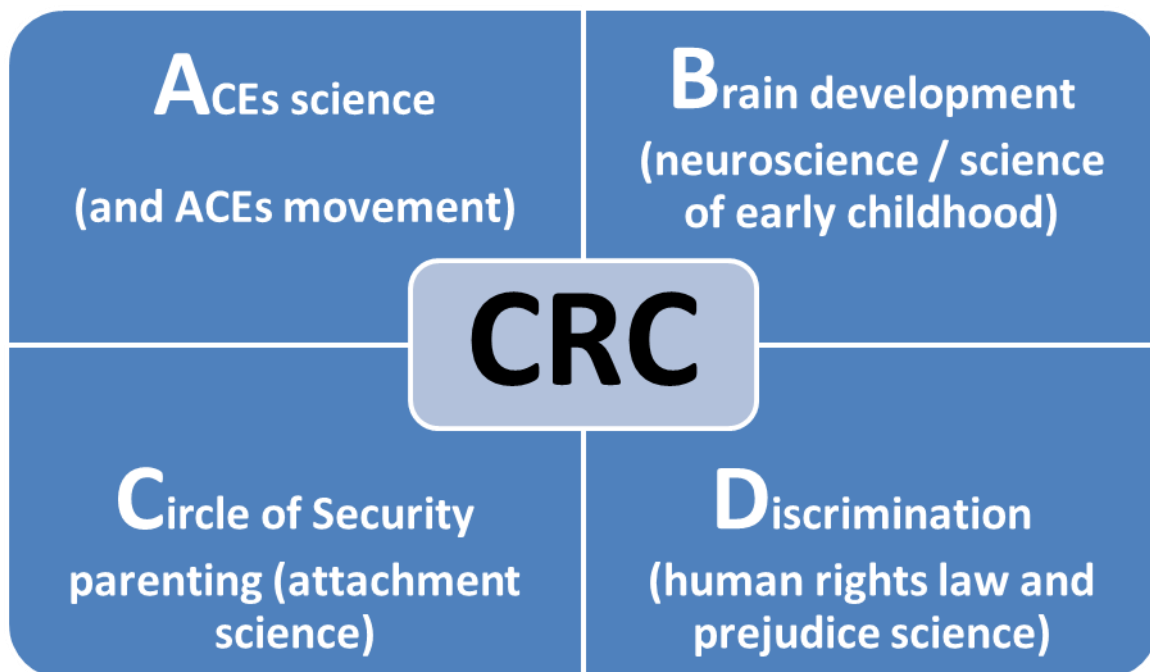
Rights of the Child

Academic Year 2017-2018

April-June 2018

© Jan CM Willems, VU University Amsterdam 2003-2008 (First Dutch Chair in Children's Rights),
Maastricht University (UM and UCM) 2009-2018; 16th – fully revised – edition, UCM 2017-2018

The CRC's ABCD



CRC = Convention on the Rights of the Child
(UN 20 November 1989)

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‘Investing in children’ is a concept now widely accepted as the best guarantee for achieving equitable and sustainable human development, and a fundamental requirement for social and economic priorities of any government.

Committee on the Rights of the Child, Day of General Discussion 2007, Resources for the Rights of the Child – Responsibility of States, para 27.

Advances in neuroscience have proven that when children spend their earliest years in a nurturing, stimulating environment, new neural connections can form at a once-in-a-lifetime speed of 1,000 per second. These connections help determine their health, ability to learn and deal with stress, and even influence their earning capacity as adults.

Research also suggests that exposure to violence and a lack of stimulation and care can prevent neural connections from occurring; and when children positively interact with their fathers, they have better psychological health, self-esteem and life-satisfaction in the long-term.

We must ensure that all parents have the time, resources and knowledge they need to fully support their children’s early development.

Unicef 16 June 2017, https://www.unicef.org/media/media_96458.html)

The Adverse Childhood Experiences (ACE) Study findings represent a paradigm shift in human understanding of the origins of physical, social, mental, and societal health and well-being. We now know that leading causes of disease and disability, learning and productivity problems, and early death have their roots in the cumulative neurodevelopmental impacts of Adverse Childhood Experiences (ACEs).

The momentum around ACEs is stunning. Demand for presentations and education about the ACE concepts and their community applications has grown rapidly.

Join the Movement: Become a leader in the most important public health movement of our time – perhaps of all time.

ACE Interface, <http://www.aceinterface.com/About.html>, <http://www.aceinterface.com/index.html> (accessed 1 March 2018)

UCM Course Manual Rights of the Child 2018

Course co-ordinator and tutor: Jan Willems (Law Faculty), j.willems@maastrichtuniversity.nl

Course books

1. Robin **Grille**, *Parenting for a Peaceful World*, Second edition, Vox Cordis Press: Avalon Beach, New South Wales, Australia, 2013 (€18); well referenced (and/but) written in optimistic ‘manifesto style’ (also see <http://our-emotional-health.com/>)
2. Bruce D. **Perry**, Maia Szalavitz, *The boy who was raised as a dog – And other stories from a child psychiatrist’s notebook; What traumatized children can teach us about loss, love and healing*, Basic Books: New York, Revised and Updated Edition 2017¹ (€15).

Course objectives (also see session 10, box ‘What to know? A top ten checklist’)

- To provide a basic introduction into the science of early childhood and the science of childhood trauma (unified science of human development, or ACEs science).
- To practice critical reasoning on the basis of a trauma-informed (ACEs science) understanding of the normative framework of the Convention on the Rights of the Child.

Description of the course

This course intends to provide a basic introduction into the root causes of large-scale and serious violations of children’s rights all over the world, including in high-income states. ‘Root causes’ refers, on the one hand, to unmet basic developmental needs of children and, on the other hand, to harmful child-rearing practices in the present and the past.

Understanding these root causes, their historical context, and their serious consequences for individuals and society, is seen as essential for further (specialized) study in children’s rights (related to, e.g., migration, trafficking, armed conflict, child labor, etc.). In other words, this course is about child rights fundamentals of an interdisciplinary nature with a specific focus on the formative early years. The international mechanisms in place to monitor all kinds of child rights violations all over the world (UN and regional) are part of the UCM **Human Rights course** (students may choose a child rights monitoring assignment on a specific topic or state in the Human Rights course).

Therefore, this course, on the **Rights of the Child**, aims (A) to introduce students, on an elementary level, into (1) the science of Early Childhood (*Attachment and Brain development*), and (2) the science of Childhood Trauma and Toxic Stress, also called science of Trauma, or ACEs science, based on the ACE Study² (*long-term health and social consequences of Adverse Childhood*

¹ See <http://childtrauma.org/>, https://childtrauma.org/wp-content/uploads/2017/02/BDP_Bio_Jan_2017.pdf, <http://childtrauma.org/category/cta-news/>, and <http://childtraumaacademy.com/>.

² “The ACE Study is part of a new understanding that’s sometimes called a ‘unified science’ of human development. This ACEs science includes:

- the epidemiology of childhood adversity (the ACE Study and subsequent ACE surveys, including 32 U.S. states),
- how toxic stress from childhood trauma can damage a child’s developing brain (neurobiology),
- how toxic stress embeds in a person’s biology to emerge decades later as disease (biomedical consequences of toxic stress),
- how the effects of toxic stress can be passed from parent to child (epigenetics),
- and how resilience research is showing how the brain is plastic and the body wants to heal.”

(Quoted from <http://www.socialjusticesolutions.org/2016/05/26/working-ranch-integrates-aces-animals-treatment-teens/>; also see <https://acetoohigh.com/aces-101/>)

“[T]he bundle of trauma and toxic stress related sciences [is also] call[ed] NEAR: Neuroscience, Epigenetics, Adverse Childhood Experiences (ACEs), and Resilience” (<http://healthygen.org/what-we-do/near-sciences>).

Experiences); and (B) to coach students to relate these new fields of academic knowledge to (3) the *Trias Pedagogica*, that is, the universal normative State-Parent-Child framework of the CRC (Convention on the Rights of the Child, UN General Assembly, 20 November 1989). Thus, this course tries to contribute to a developmentally and trauma-informed understanding of the essence and coherence of children's rights in the CRC.

Course structure

This course involves 20 hours of in-class participation (interaction with other students and tutor), and approximately 80 hours of reading and 20 hours of presentation and paper preparation. The course is based on an active learning approach, including checking (online) sources, with an emphasis on critical (self-)reflection and peer-to-peer learning.

Course method

VBL/PBL (Video- and Problem-Based Learning, including online lectures), and student presentations on case studies with peer questions and feedback by tutor to be used for student papers (to be handed in at the beginning of the next session).

Three levels of readings (listed after each task)

Level 1: obligatory for everyone, to be postdiscussed (see schedule **Tutorials (overview)** below)

Level 2: highly recommended for everyone, discussion preferred (heading: **Check and briefly report**)

Level 3: for those interested, discussion optional (heading: **Additional information**)

Tutorials (overview): see p. 23 below.

Schedule of presentations: see pp. 20-21 below.

Assessment

- 50% presentation + paper, based on Perry and CRC (see session 1 below);
- 50% take home exam, based on all readings and CRC (see session 10 below).

Peer participation grading

In session 9 students may grade each other (anonymously) as pass or fail for participation. Three or more peer fails may lead to an additional assignment (to be decided by tutor after personal consultation with the student concerned).

Attendance

Students may miss two tutorials. Students who have missed three meetings may apply for an extra assignment. Students who have missed four or more meetings will fail the course.

Resit policy

Students whose final grade (paper + take home exam) is below 5.5 may take a resit. This re-examination will replace the original exam grade. A resit may be a written or an oral re-examination, which will be decided by the course co-ordinator on the basis of the number of resits.

Also see <https://developingchild.harvard.edu/science/deep-dives/gene-environment-interaction/>. On the new concept 'genetic nurture' see, e.g., <https://www.theverge.com/2018/1/25/16931782/genetic-nurture-nature-parenting-families> and <http://science.sciencemag.org/content/359/6374/424>.

Course outline and programme

Twice the CRC's four core principles (articles 2, 3, 6 and 12), namely in two elementary levels of interdisciplinary study as indicated at the top of each session (also see below, 'Children's Rights: Introduction to the concept ... and to the course'), as follows:

- Session 1: introduction and organization of presentations.
- Sessions 1-9: pre-discussions (tasks 1-9).
- Sessions 2-10: presentations and post-discussions.

Level I:

Session/task 1. *Art 2 CRC (1A): Discrimination: Past and Present Child-rearing Modes*

Session/task 2. *Art 2 CRC (1B): Discrimination: Child Maltreatment (Child Abuse and Neglect)*

Session/task 3. *Art 3 CRC (1): The best interests of the child: The Science of Early Childhood*

Session/task 4. *Art 6 CRC (1): Survival and Development: ACEs Science and ACEs Movement*

Session/task 5. *Art 12 CRC (1): Participation (children's agency): Babies and School age*

Level II:

Session/task 6. *Art 2 CRC (2): Discrimination: Prejudice Concepts*

Session/task 7. *Art 3 CRC (2): The best interests of the child: Early and Adult Attachment*

Session/task 8. *Art 6 CRC (2): Survival and Development: The right of the child to Competent Parents*

Session/task 9. *Art 12 CRC (2): Participation of every child through Structural Prevention*

Session 10: last presentations and post-discussion, take home instructions, evaluation.

Children's Rights: Introduction to the concept ... and to the course

Children as Subjects of Rights: Three Waves of Emancipation

© Jan CM Willems, UM, July 2017

Emancipation from Patriarchy

Emancipation means liberation from property status, that is, from white, male, and adult privileges. Historic examples are: the abolition of slavery; the mitigation and gradual abolition of patriarchy. But the struggle against prejudice and discrimination (racism, sexism) goes on.

In patriarchal times and cultures women and children were/are the property of men (male privilege). In post-patriarchal cultures men and women have equal rights, and the property status of children has 'progressed' from paternal to parental property. Patriarchy thus progressed towards 'parentiarchy.' However, there is little awareness of children's property status, adult privileges, and related prejudices (juvenile ageism, childism, adultism etc.; discussed in this course, sessions 6 and 7).

Internationally, children were declared subjects of rights by the UN on 20 November 1989, when the (text of) the Convention on the Rights of the Child (CRC) was adopted by the General Assembly. The CRC is the world's leading piece of legislation to combat the structural violation of children's fundamental human rights (protection of dignity, integrity and autonomy) and to advance their special rights (attachment security, emotional health and holistic development). Today, all UN member states except the US are parties to the CRC. The US is a signatory to the CRC, however. It may therefore be argued that, universally, children are subjects of rights – *de jure*. But nowhere in the world are children subjects of rights *de facto*.

Several states made patriarchal ('ratify and ruin') reservations by declaring that their obligations under the CRC are subject to their national constitutions or to traditional (sharia) laws. In the US, there are particular sentiments against the CRC, probably because of adult privacy related and/or parentiarchal beliefs or convictions ('family values' as parentiarchal orthodoxy and/or as adult privacy ideology). But see <http://www.childrightscampaign.org/>.

Emancipation from Parentiarchy

Children, especially newborns, are still seen and treated as parental property all over the world. Nonetheless, the CRC has contributed to a gradual mitigation of parentiarchy. Three waves – and one wavelet – of progress towards a *de facto* subject of rights status of children may be discerned.

Emancipation and the CRC

Five CRC obligations may be seen as crucial in this regard: article 3, article 12, the 9th preambular paragraph *juncto* article 24.2(d), article 24.3 and article 31 CRC. These five provisions are interrelated

with several other articles of the CRC. Some of them also state or reflect Basic Developmental (or Core Emotional) Needs of children (see Core Emotional Needs at the end of this manual). The most relevant interrelated articles are listed below. And all Five Basic Developmental Needs (the 5 L's: Love, Limits, Listening/respect, social-emotional Learning and play/Leisure) are indicated.

1. Article 3 CRC: From Property to Priority

Article 3.1 CRC obliges states to prioritize children's developmental ('best') interests over adults' legal rights and privileges. Higher moral and legal status of children ... in theory?

–Also see article 18.1 CRC: the best interests of the child as parents' basic concern.

–Cf. Basic Developmental Needs 1 and 2: Love + Limits.

2. Article 12 CRC: From Property to Agency

Article 12 CRC gives children the right to be heard and to participate.

–Also see articles 13-17 CRC: freedom of expression, religion, association, privacy – dignity and personal (physical and psychological) integrity – and information.

–Also see article 29 CRC: aims of education: personal and social development.

–Cf. Basic Developmental Needs 3 and 4: Listening (respect for self-expression) + emotional and social Learning (own responsibilities: Competence, Identity, Autonomy).

3. The 9th Preambular paragraph and Article 24.2(d) CRC: From Property to (Belly) Baby Dignity

The 9th preambular paragraph *juncto* (especially) article 24.2(d) CRC obliges states to provide care and protection before and after birth and more specifically prenatal and post-natal health care for mothers.

–Also see (9th preambular paragraph *juncto*) article 6.2 CRC: ensure survival and development of the (unborn) child to the maximum extent possible.

–As a general legal rule, preambular paragraphs can only be invoked in combination with ('*juncto*') substantive treaty articles (articles 1-42 CRC). However, the 9th preambular paragraph of the CRC ('before ... birth' *proviso*) cannot be invoked in combination with article 6.1 CRC (right to life): the regulation of **abortion** is left to national states (see *Travaux préparatoires*: legislative history of the CRC 1979-1989).

4. Article 24.3 CRC: From Property to Integrity and Gender Equality

Article 24.3 CRC obliges states to abolish harmful adult practices and privileges: FGM (Female Genital Mutilation) and boy preference (see *Travaux préparatoires*: legislative history of the CRC 1979-1989). But today several other traditional practices are seen – or are beginning to be seen – as harmful (see General Comments by the CRC Committee and the three waves below).

–Also see article 19 CRC: prevention and intervention to protect the personal (physical and emotional) integrity of the child against all forms of violence.

- Also see article 39 CRC: the right of the child to trauma reparation (physical and psychological recovery if personal integrity is violated).
- Also see article 2 CRC: non-discrimination on the basis of (*inter alia*) sex.

5. Article 31 CRC: From Property to Spontaneity

Article 31 CRC gives children the right to play and to participate fully in cultural and artistic life.
 –Cf. Basic Developmental Need 5: Spontaneity and play.

The History of Childhood: Three Waves from Cruelty to Creativity

The past – and still today: Cruelty

–The child as property (see **Grille**): ‘blood tie’ (biological privileges) and ‘privacy’ (adults’ rights) prevail over the ‘best interests’ (Attachment security, Dignity, Health and Development) of the child.

–But see CEDAW* **González case**: Spain ‘convicted’ after death of Andrea (†24 April 2003, 7 year old), who had been treated by the state (Youth care/Child protection agencies, juvenile/family courts) as the property of her father, who was divorced from her mother Ángela González, and killed Andrea.³

*CEDAW = Committee (treaty body) of CEDAW = Women’s Convention (see OHCHR.org).

–Even manifestly unfit parents having automatic rights: (but) see James **Dwyer** and Jack **Westman** (Task 9). This constitutes inhuman treatment of newborn babies by the state (legislator): see **article 37a CRC** and article 3 ECHR (European Convention on Human Rights).

The future: Creativity

1a. Agency of the child (see above): article 12 CRC (participation).

³ CEDAW/C/58/D/47/2012, <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/JurisprudenceSession58.aspx>. For a blog post on this case (in Dutch) see ‘Kindwaardig ouderschap gaat vóór zogenaamd gelijkwaardig ouderschap’ (posted 17.08.2014), online on ResearchGate Jan Willems. For similar ‘legal torture’ cases – caused by preconceived notions, inflexible standards and institutional and judicial stereotyping – in the Netherlands, see (in Dutch) Ischa Bade *et al.*, Petitie Werkgroep Veilig Opvoeden [Petition to Dutch Parliament] (...) 18 February 2016, <http://www.socialelvraagstukken.nl/behoed-kinderen-voor-beschadigende-bescherming-jeugdzorg/>, Petitie Verbeter Jeugdzorg (Petitie Sharleyne), <https://www.petitie24.nl/petitie/529/verbeter-jeugdzorg>. For the situation in the US, see Dr. Phyllis Chesler, (Part 1) ‘The heroic mothers of lost children’ (10 May 2016), and (Part 2) ‘How mothers are destroyed when they try to protect their children’ (19 May 2016), http://www.huffingtonpost.com/phyllis-chesler/the-heroic-mothers-of-los_b_9873326.html (Part 1), and http://www.huffingtonpost.com/phyllis-chesler/how-mothers-are-destroyed_b_9995354.html (Part 2). Also see Laurie Udesky, ‘Custody in Crisis: How Family Courts Nationwide Put Children in Danger,’ <https://100r.org/2016/12/custody-2/> (“This two-year investigation uncovered stories of children consigned to suffer years of abuse while parents who sought to protect them were driven to the brink financially and psychologically. These parents have become increasingly stigmatized by a family court system that not only discounts evidence of abuse but accepts dubious theories used to undermine the protective parents’ credibility.”) For a case to be decided by the CRC committee (under OP3), see Finland, 6/2016, Granting of custody over children to allegedly violent father and restriction of mother’s visiting rights (articles invoked: CRC 2.1, 3, 6, 7, 9, 12, 13, 14, 19, 24, 29 and 30), <http://www.ohchr.org/Documents/HRBodies/CRC/TablePendingCases.pdf> (Pending cases before the Committee on the Rights of the Child).

- 1b. Agency of the child (social-emotional learning): art 29 CRC (holistic development).
2. ‘Prepared parenthood’: (childhood) trauma reparation and parenting preparation of parents-to-be ... (‘It takes a SMECC to raise a child’).
- Starting point: **articles 18.2** (assistance to parents) and **19.2** (prevention programmes) CRC.
- 1a. (art 12) without 1b. (art 29) and 2. (art 18.2 & 19.2) = non-inclusive (discriminatory, pseudo- or semi-) participation; 1a+1b+2= full or **inclusive participation**.

Wave 1: Mitigating the Trauma Transmission privilege – Phase 1: raising CAN (and harmful practices) awareness

The tradition of automatic parental rights when a child is born (Automatic Authority privilege, see below) perpetuates a culture of Unprepared Parenthood.

Since Unresolved (untreated) Childhood Trauma is transmitted to the next generation one way or the other (transgenerational transmission of trauma, or cycle of ACEs⁴), this culture is extremely harmful to children. As Anderson observes:⁵ “Growing up in a trauma transmitting household changes a part of you that makes it difficult to seek true inner happiness.”

For adults, trauma may be harmful but also a wake-up call, or enhance resilience. Children are formed by trauma! As Martine Delfos observes (*Developmental Perspective on Trauma*, 2014): “Children will not always be traumatised by the same events as adults, and children can be deeply traumatised by events that adults will not consider traumatising because of their knowledge of the world leading to a more mature perspective.”

First Wave Movements

Several movements (some of which pre-date the CRC) have tried and are trying to mitigate the Trauma Transmission privilege of Unprepared Parenthood. Three of these are briefly listed below.

PRECONVENTIONAL PERIOD (BEFORE CRC)

1. The CAN (Child Abuse and Neglect) ‘Prevention’ movement

Responsibilization (child protection laws):

–Leadership 19th century (**child rights hero #1**):⁶ **Etta Wheeler**, NYSPCC **1875** (see Task 1).

Responsibilization (child abuse reporting laws):

–Leadership 20th century (**child rights hero #2**):⁷ **Henry Kempe** (*The Battered Child Syndrome*, **1962**), <http://www.kempe.org/about/history/>, and ‘his’ International Society for the Prevention of

⁴ ACEs = Adverse Childhood Experiences, see <http://www.cdc.gov/violenceprevention/acestudy/index.html>.

⁵ Patrick Anderson, Is it that easy for ‘Overcoming the Three Fears for Success and Happiness’? (16 Feb. 2016), <http://www.acesconnection.com/blog/is-it-that-easy-for-overcoming-the-three-fears-for-success-and-happiness>.

⁶ See John E.B. Myers, *Child Protection in America; Past, Present, and Future*, Oxford University Press 2006, Chapter 2, pp. 27-48.

Child Abuse and Neglect (ISPCAN), established in 1977, <https://www.ispcan.org/who-we-are/history/>.

–Law reform: (Mandatory) Reporting laws.

–Protection/Intervention rather than Prevention (in spite of the NGOs’ names).

CONVENTIONAL PERIOD (CRC)

2. The End FGM (Female Genital Mutilation) movement

Responsibilization (criminalization):

Article 24.3 CRC (*Travaux préparatoires*: legislative history of the CRC 1979-1989).

Data: see http://www.unicef.org/media/media_90033.html. NGOs: see, e.g., <http://www.endfgm.eu/>, <http://integrateuk.org/iuk-projects/myclitoris/> (#myclitoris).

3. The Genital Integrity movement

Ban Baby (and) Boy circumcision, see, e.g., <http://www.icgi.org/> (International Coalition for Genital Integrity), <http://www.genitalautonomy.org/>, <http://www.intactamerica.org/learnmore>, <https://genitale-selbstbestimmung.de/>.

Also see, e.g., <http://www.bailii.org/ew/cases/EWHC/Fam/2016/849.html> (CRINmail 20 March 2016: “An England and Wales high court judge has prevented a father from having his two sons circumcised, ruling that the decision should be left to the boys.”)

Wave 2: Ending the Hitting and Humiliating privilege

The Hitting Ban movement

Hitting and humiliating children in the name of discipline has been – and is – challenged by the End Corporal Punishment movement, see, e.g., The Global Initiative to End All Corporal Punishment of Children, launched in Geneva in 2001, <http://www.endcorporalpunishment.org/about/about-us.html> (see Task 1).

Responsibilization (family law):

–Leadership late 20th / early 21st century (**child rights hero #3**):⁸ **Peter Newell**, Global Initiative to End All Corporal Punishment of Children **2001**, <https://www.youtube.com/watch?v=RvwsTPP3jik>.

⁷ See Myers, *Child Protection in America*, Chapter 4, pp. 81-103.

⁸ See Jo Becker, *Campaigning for Justice: Human Rights Advocacy in Practice*, Stanford Studies in Human Rights, Stanford University Press 2013, Chapter 5, Creating a new international priority: Ending violence against children. Also see: *Evaluation of the Global Initiative to end all corporal punishment of children* (2015), <http://www.endcorporalpunishment.org/assets/pdfs/miscellaneous/GI-evaluation-2015.pdf>; OHCHR.org, News and events 31 January 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/CorporalPunishment.aspx>; John Plummer, Newsmaker: Children’s champion Peter Newell, Co-ordinator, Children are Unbeatable! (9 June 2004), <http://www.thirdsector.co.uk/newsmaker-children-aposs-champion-peter-newell-co-ordinator-children-unbeatable/article/620855>.

–An important pioneer was Murray Straus, see <http://www.unh.edu/unhtoday/2016/05/passing-professor-murray-straus-1926-2016>.

–See article 19 CRC and **General Comment 8** of the CRC Committee.

–A total ban on hitting children (including hitting by parents) now exists in one in four UN member states, progressing towards half of UN membership, <http://www.endcorporalpunishment.org/progress/>.

–Law reform (towards a ‘Total ban on hitting children’): see <http://www.endcorporalpunishment.org/interactive-map>.

Empowerment of parents:

–Policy reform (towards ‘Informed parenthood’): see <http://www.endcorporalpunishment.org/implementation/>.

–Also see <https://www.endviolenceagainstchildren.org/>.

–Target 16.2 of the Sustainable Development Agenda 2030 (“End abuse, exploitation, trafficking and all forms of violence against and torture of children”), <https://sustainabledevelopment.un.org/sdg16>.

–Council of Europe, Strategy for the Rights of the Child 2016-2021 (“[A] life free from violence for all children”), <http://www.coe.int/en/web/children/sofia2016>.

–Also see <http://www.coe.int/en/web/children/corporal-punishment>.

“Newell also felt that corporal punishment had a much deeper significance. ‘It’s not simply about child protection,’ he says, ‘It’s a highly symbolic issue in society. The fact that it’s legal to hit children reflects a concept of ownership of children. Once issues like that are apparent, you can’t leave them until you have won them’.”

Interview with Peter Newell (April 19, 2011) in Jo Becker, *Campaigning for Justice: Human Rights Advocacy in Practice*, Stanford Studies in Human Rights, Stanford University Press 2013, pp. 104-105, at p. 104.

Wave 3: Mitigating the Trauma Transmission privilege – Phase 2: raising ACE (childhood trauma and toxic stress) awareness

The ACEs (Trauma) movement

–ACE Study (Vincent Felitti), ACEs science and the ACEs movement (Nadine Burke Harris).

–The ACE Study, <http://www.cdc.gov/violenceprevention/acestudy/index.html> (accessed 2 February 2017): “Childhood experiences, both positive and negative, have a tremendous impact on future violence victimization and perpetration, and lifelong health and opportunity. As such, early experiences are an important public health issue. Much of the foundational research in this area has been referred to as Adverse Childhood Experiences (ACEs). ACEs can be prevented.”

–What you should know about ACEs, 5 min video (produced by KPJR Films, <http://kpjrfilms.co/>), posted 5 April 2016 at <https://acestoohigh.com/2016/04/05/five-minute-video-primer-about-adverse-childhood-experiences-study/>.

–ACEs Connection (source: <http://www.acesconnection.com/pages/about>): “ACEs Connection is a social network that accelerates the global movement toward recognizing the impact of adverse childhood experiences in shaping adult behavior and health [**Prevention**], and reforming all communities and institutions – from schools to prisons to hospitals and churches – to help heal and develop resilience [**Reparation**] rather than to continue to traumatize already traumatized people.”

Professionalization and empowerment of parents:

–Leadership (**child rights hero #5**): **Nadine Burke Harris** (founder of the Center for Youth Wellness 2012, <http://centerforyouthwellness.org/>). See <http://www.drnadineburkeharris.com/>.

–See her TED talk at <http://acestoohigh.com/2015/02/17/nadine-burke-harris-how-childhood-trauma-affects-health-across-a-lifetime>; discussed in this course, sessions 4 and 5 (see Task 4).

–As one author puts it:⁹

“The only way to change the direction of our society that continues to pass on dysfunction, and simply throw more resources at future social services is to suck up our courage and find the understanding to give every incoming pediatric parent the ACE test. Then and only then will we pierce the veil of shame and vulnerability that prevents us from facing the rising epidemic of lost and lonely children that are dropped off at our schools ... not ready to learn because of their ACE issues.”

–Test your own ACE score: <http://acestoohigh.com/got-your-ace-score>.

–See the Adverse Early Experiences (AEE) and Resiliency Surveys by APPPAH, <https://birthpsychology.com/press-room/apppah-introduces-new-adverse-early-experiences-and-resiliency-survey>.

“What if one area of research could prevent some of society’s biggest problems? Researchers say an ever-expanding pool of data on the effects of childhood trauma – and how to counteract those effects – might be the key to alleviating countless societal problems. These include criminality, substance abuse, mental health problems and some of the leading causes of death.”

Chelsey Perkins, ‘Could research on childhood trauma change society?’ (*Brainerd Dispatch*, 29 May 2016), <http://www.brainerddispatch.com/news/4042791-building-brainerds-resilience-could-research-childhood-trauma-change-society>

⁹ John R. Trayser, *The ACEs Revolution: The impact of Adverse Childhood Experiences* (<http://noACEs.club>, <http://www.johntrayser.com>), Amazon (<https://www.createspace.com/6026360>), 2016, pp. 6-7.

POSTCONVENTIONAL PERIOD?

A Wavelet: Ending Denialism of the Automatic Authority privilege (structural prevention & inclusive participation)

- No movement yet, but a modest beginning: Hans Van Crombrugge and the Upbringing Pledge.¹⁰
- Vincent Felitti: primary prevention ... but personal ghosts (denialism):¹¹

“A serious question is what **primary prevention** would look like. One suspects that improving parenting skills across the nation might be the crucial issue here. The number of adults is myriad – including physicians – who have had no firsthand experience of supportive parenting. How might we address that serious lack on a population basis? The impact of a successful approach here might be as great as that of a major vaccine. Resistance to obtaining and acting on this information from childhood is to be expected. It will be the result of several factors: the awakening of **personal ghosts**, discomfort in breaking taboos, lack of training or knowledge, concern over upsetting parents, and perceived lack of time and reimbursement.”

Empowerment of children, responsabilization and empowerment of parents, and professionalization:

- A comprehensive ‘Prepared parenthood’ approach: Structural prevention (SMECC, Willems).
- SMECC = empowerment of children (S/SMECC) + responsabilization of parents (M/SMECC) + empowerment of parents (EC₁/SMECC) + professionalization (C₂/SMECC).

–Structural Prevention: Water, Sanitation and Hygiene:

- *Water*: information: positive parenting education (Council of Europe).
- *Sanitation*: therapy: public mental health (Andries van Dantzig, RAAK¹²), (Schema) therapy.
- *Hygiene*: a legal norm as “a critical foundation for changing social norms”¹³ (the M of SMECC).

Responsibilization (‘hygiene’) proposals:

- Several authors have challenged the harmful tradition of **automatic** parental rights when a child is born, thus trying to move the Automatic Authority privilege out of the ‘**denialism**’ stage and into the **awareness and advocacy stages** of human rights implementation,¹⁴ such as:

- James Dwyer (lawyer and philosopher)
- Hugh LaFollette (philosopher)
- Mark Vopat (philosopher)
- **Jack Westman** (psychiatrist, president of Wisconsin Cares¹⁵), *Parent Power 2013: child rights hero #6*

¹⁰ See Hans Van Crombrugge, ‘The Upbringing Pledge as a framework for the parent-child relationship,’ in *Shared Pedagogical Responsibility*, Antwerp-Oxford-Portland: Intersentia 2008, pp. 5-15.

¹¹ Vincent Felitti, quoted by Veronique Mead, blog posted 20 March 2015,

<http://chronicillnessblog.com/adverse-childhood-experiences-and-chronic-illness-boydhood/>; Felitti, V.J., ‘Adverse childhood experiences and adult health,’ *Academic Pediatrics* 2009, pp. 131-132.

¹² See (Dutch) <http://resources.huygens.knaw.nl/bwn1880-2000/lemmata/bwn6/dantzig>.

¹³ Cf. <http://endcorporalpunishment.org/news/06/2016/resolution-to-speed-progress-to-end-all-corporal-punishment-adopted-at-high-level-global-conference.html>.

¹⁴ See for ‘Ten stages of human rights implementation,’ The CRC at 25: Theory, Reality, Ideology, Opportunity (...), <http://www.allianceforchildhood.eu/improving-the-quality-of-childhood-in-europe-volume-6>, Chapter 10.

- Jan Willems (human rights lawyer).

They will be discussed in this course, sessions 9-10 (see Task 9).

–Moving from the Automatic Authority privilege towards a system of Prepared Parenthood is discussed in two articles which are part of the readings for this course (Willems 2012, ‘It takes a SMECC to raise a child’; and Willems 2016, ‘The CRC at 25: A TRIO review’).

–A system of Prepared Parenthood is a CRC based ‘**Trias Pedagogica**’ of State-Parent-Child in which the state creates the conditions for **competent** (authoritative, sensitive and responsive) **parenting** and (thus) for meeting the **basic developmental needs** of all children in its jurisdiction.

–This is fully possible in **high-income states**, where at present **one in three children is not securely attached** to their caregiver(s), and **one in ten (or more) are abused, neglected and exploited** (have 4 or more ACEs). Under articles 4 and 6.2 CRC (maximum extent of national resources) the obligations for high-income states are the most far-reaching and therefore the most interesting for critical analysis.

Empowerment of children:

–Structural Prevention contributes to **Inclusive Participation**: participation of **every** child, including the insecurely attached/traumatized/multiple-ACEs children.

–A pioneer in this field is **Willemijn Dupuis (child rights hero #4)**, founder of the *KinderrechtenNU* (ChildRightsNow) foundation (2009) and author of several child rights participation instruments such as the Child Rights Checklist and Children’s Reporting Code (see Task 5).¹⁶

Where to from here?

These are exciting times, especially in relation to the ACEs movement, which may very well develop into an ACEs revolution in the century-old field of child protection (CenterForYouthWellness.org, ACEsTooHigh.com, ACEsConnection.com, Campaign for Trauma-Informed Policy and Practice, CTIPP.org).¹⁷ This may happen if the ACEs movement leads to trauma-informed child rights research and advocacy – which in turn would influence and even change the human rights project, as our understanding grows of the historical roots (Grille 2013¹⁸) and pervasiveness (Westman 2013¹⁹; Willems 2016²⁰) of prejudice and discrimination against children. Is ‘continued social evolution’ possible, as **Grille** seems to believe?²¹ Or will ‘relational poverty in the modern world’²² lead us towards ‘socio-cultural devolution,’ as **Perry** warns?²³

¹⁵ See <http://www.jackwestman.com/index.html> and <http://www.wisconsincares.net/about-us/>.

¹⁶ See her blog post on <https://kennisnetjeugd.nl/blog/418-kinderrechten-niet-zonder-kinderparticipatie>.

¹⁷ Also see G. Huebner *et al.*, Beyond Survival: The Case for Investing in Young Children Globally, National Academy of Medicine (NAM Discussion Paper, 16 June 2016), <https://nam.edu/beyond-survival-the-case-for-investing-in-young-children-globally/>.

¹⁸ Robin Grille, *Parenting for a Peaceful World*, Second edition, Vox Cordis Press: Avalon Beach, New South Wales, Australia, 2013 (earlier editions 2005 and 2008).

¹⁹ Jack C. Westman, *Parent Power: The Key to America’s Prosperity*, CreateSpace/Amazon: North Charleston, South Carolina, 2013.

²⁰ Jan CM Willems, ‘Too Close to Home: The Denial of Prejudice and Discrimination Against Children,’ in: Roland Moerland, Hans Nelen, Jan CM Willems (eds.), *Denialism and Human Rights* (Maastricht Series in Human Rights), Cambridge-Antwerp-Portland: Intersentia, 2016, pp. 69-96.

²¹ Grille (2005 ed. and 2013 ed.), p. 391 (paperback ed. 2008, p. 393).

Human rights are a universal language intended to end discrimination and violence, reduce human suffering and promote human development. The implementation of children's rights may prove crucial for the success of the human rights project. We are beginning to understand why this may be so, due in large part to the science of Early Childhood, ACEs science, and related new – theoretical and practical – approaches to the prevention of childhood emotional trauma. So, what does science tell us? Let's start the 'state of the art' conversation.

1. Intervention / Protection (first child protection laws):

1875 **Etta Wheeler** NYSPCC (Mary Ellen case) child rights hero #1

2. Intervention / Professionalization (reporting laws):

1962 **Henry Kempe** *The Battered Child Syndrome* (ISPCAN) child rights hero #2

3. Responsibilization (hitting ban) + Empowerment (positive parenting):

2001 **Peter Newell** Global Initiative to end all corporal punishment child rights hero #3

4. Participation (in school and community):

2009 **Willemijn Dupuis** KinderrechtenNu (Child Rights Checklist) child rights hero #4

5. Professionalization + Empowerment (trauma-informed care):

2012 **Nadine Burke Harris** Center for Youth Wellness (ACEs science) child rights hero #5

6. Responsibilization / Prevention (banning automatic parental rights):

2013 **Jack Westman** *Parent Power* (juvenile ageism, parenthood pledge) & Wisconsin Cares
child rights hero #6

7. Structural prevention / Inclusive participation (SMECC model):

'It takes a SMECC to raise a child' (Willems 2012): integrating 3, 4, 5 and 6 above – and more ...

(SMECC: S=4, M=6, E=3, C₁=?, C₂=5)

²² Bruce Perry, 'Relational Poverty in the Modern World' (abstract keynote Lexington, Kentucky, 7-8 May 2008), <http://www.uky.edu/CTAC/Events?7> (accessed 18 May 2016): "The development of a child is profoundly influenced by experience. Experiences shape the organization of the brain, which, in turn, influences the emotional, social, cognitive and physiological activities. Insights into this process come from understanding brain development. The modern approach to education, care giving and therapeutic services is inherently disrespectful of two main neurobiological gifts of humankind: our fundamental relational nature and our rapid organization during the first years of life. The current educational and care giving models in the West are generally ignorant of, or openly disrespectful to, these gifts. The results are catastrophic; the result is too many aggressive, selfish, materialistic, amoral and emotionally empty children. Increases in emotional, physical, social and behavioral problems can all be traced to adverse experiences in childhood and to a lack of social fabric."

²³ See 'Interview with Bruce Perry (Child Trauma Academy)' in Jan CM Willems (ed.), *Children's Rights and Human Development: A Multidisciplinary Reader*, Antwerp-Oxford-Portland: Intersentia, 2010, pp. 420-423.

CRC's *4 P's, CRC's °4 core principles and *SMECC's 5 building blocks

Art 2 CRC (*RESPONSIBILIZATION*): end prejudice and **discrimination** against children (*childism*) by legislating parental responsibilities including setting minimum standards for (the exercise of) parental responsibilities (CRC's **Prevention**, SMECC's M)

Art 3 CRC (*PRIORITIZATION*): end harmful adult privileges and practices by legislating and implementing prioritization of healthy childhood development (*the best interests of the child*) over adult interests (CRC's **Protection**, SMECC's SECC)

Art 6 CRC (*EMPOWERMENT*): end (transgenerational) emotional poverty and ignorance by investing in early childhood (survival and) **development** and empowering (future) parents (CRC's **Provision**, SMECC's SECC)

Art 12 CRC (*INCLUSION*): end children's parental property status by legislating and implementing inclusion and **participation** of children (CRC's **Participation**, full SMECC)

*4 P's: see (academic and other) literature on "the four P's" of children's rights, e.g., <https://kindredbond.com/parenting/Should-children-be-protected-from-Decision-Making-in-their-Lives>

°4 core principles: see Committee on the Rights of the Child, *Treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties (...)*, para 3 (General principles: arts. 2, 3, 6 and 12), <http://ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>, Periodic reports

*SMECC (Willems SMECC model): see Willems, 'It takes a SMECC to raise a child' (online 2012), <http://pub.maastrichtuniversity.nl/2bde406f-987e-456e-9463-94453a464143>

Invoking the principles: a transformative agenda

Child rights NGOs and research: from non-inclusive participation to CRITICs: Child Rights Informed and Trauma-Informed Changemakers

The ACE Study (1998)

ACEs comes from the CDC-Kaiser Permanente Adverse Childhood Experiences Study (ACE Study), groundbreaking research that looked at how 10 types of childhood trauma affect long-term health. They include: physical, emotional and sexual abuse; physical and emotional neglect; living with a family member who's addicted to alcohol or other substances, or who's depressed or has other mental illnesses; experiencing parental divorce or separation; having a family member who's incarcerated, and witnessing a mother being abused.

The ACE Study found that the higher someone's ACE score – the more types of childhood adversity a person experienced – the higher their risk of chronic disease, mental illness, violence, being a victim of violence and several other consequences. The study found that most people (64%) have at least one ACE; 12% of the population has an ACE score of 4. Having an ACE score of 4 nearly doubles the risk of heart disease and cancer. It increases the likelihood of becoming an alcoholic by 700 percent and the risk of attempted suicide by 1200 percent. (For more information, go to ACEs Science 101. To calculate your ACE and resilience scores, go to: Got Your ACE Score?)

Laurie Udesky (26 February 2018), <https://acestoohigh.com/2018/02/26/a-kaiser-pediatrician-wise-to-aces-science-for-years-finally-gets-to-use-it/>

The CRC's Trias Pedagogica: Responsibilization and Empowerment

In constitutional law and political systems, *Trias Politica* refers to relationships of checks and balances between three State powers: the government, the legislator and the judiciary. In a similar vein, *Trias Pedagogica* refers to the relationships between the three main actors in the CRC: the State (all three powers), parents and the child. These relationships are pedagogical, that is, about the child's healthy development, rather than about checks and balances. These relationships are also legal, that is, they refer to rights and duties between the three actors.

Rights refer to the rights of the child, but may also refer to parental entitlements (to empowerment) in relation to child rearing.

Duties refer to obligations of the state, but may also refer to parental responsibilities. The state has two general obligations, namely to Responsibilization and to Empowerment. Parents have duties under national law. It is the state's duty to translate parental responsibilities in the CRC into national legal duties. This is called Responsibilization.

Parents have rights or entitlements under national law. In the CRC, parental entitlements serve the purpose of promoting and protecting the rights of the child. It is the state's duty to guarantee parental entitlements in the CRC in the national legal system. This is called Empowerment.

In the CRC's *Trias pedagogica*, Responsibilization and Empowerment (the principles of articles 2 and 6 CRC) are related to (future) parents (State-Parent relationship), whereas Prioritization and Inclusion or Participation (the principles of articles 3 and 12 CRC) are *prima facie* child-related (State-Child relationship). Several specific CRC articles relate to (one or more of) these four principles.

The most important specific *Responsibilization* articles are:

- article 5 CRC: the state must legislate that parents have to provide (affection-based) direction and guidance;
- article 18.1 CRC: the state must legislate that parents have to put the child's 'best interests' (ADHD rights: Attachment, Development, Health and Dignity) first;
- article 19.1 CRC: the state must legislate that parents have to provide non-violent discipline (ban on hitting and humiliating; positive parenting).

The most important specific *Empowerment* articles are:

- article 18.2 CRC: the state must provide child-rearing information, assistance and support to parents;
- article 18.3 CRC: the state must provide (parental leave and) child-care services and facilities;
- article 27.3 CRC: the state must provide material/financial assistance to parents.

The most important specific *Prioritization* articles are:

- article 9: 'best interests' (ADHD rights) prevail in child protection, custody and contact cases (and the child must be heard/observed in these cases);
- article 24.3: health (ADHD rights) prevails over culture, religion and tradition;
- article 29.2: emotional and social learning prevails over culture, religion and tradition.

The most important specific *Participation (inclusion)* articles are:

- article 29.1 CRC: the child's entitlement to emotional and social learning in school;
- article 31 CRC: the child's entitlement to play and creativity;
- article 39 CRC: the child's entitlement to therapy in case of childhood trauma (ACEs).

Level I

Session 1: *Discrimination: Past and Present Child-rearing Modes*

Article 2 CRC (1A)

Discrimination: Violence and Prejudice Against Children (violence directed at or disproportionately affecting children). Past and present: Child-rearing modes (Grille)

1. Getting started: Personal introduction.

- What is your name and nationality? • Which year are you in at UCM? • Have you met other students in the group before? • Do you need specific assistance?
- Where and what did you study before? Any law courses? Psychology? Neuroscience? Human Rights? Child development? Child rights? ACEs science?
- Do you have any questions or concerns about the course or the course manual at this point?
- What do you expect or hope to learn in this course?

2. Introduction to the CRC within the UN human rights framework: OHCHR.org.

- The Convention on the Rights of the Child (preamble and articles 1-42) is the core text for this course. • How to find the text of the CRC, and General Comments (and jurisprudence) by the CRC Committee, on the website of the Office of the High Commissioner for Human Rights (OHCHR).
- How to reference these documents?

3. Organization of work: VBL/PBL pre- and post-discussions + presentations.

- Video/problem based tasks, readings (books and other sources, additional information)
- Text boxes to highlight, illustrate, elaborate or explain certain topics or points (self-study) and/or for critical (self-)reflection.
- Presentations: see below sub 5.

4. Exam: • 50% presentation + paper (see below sub 5); • 50% take home exam: what to expect? (See old exams at/and session 10.)

5. Presentations and papers:

- Introduction first case for presentation + paper: Mary Ellen case (1875) and the New York Society for the Prevention of Cruelty to Children (online search).

- Introduction second and following cases (Perry chapters 1-10).

- If more than 11 students, one or more of the following:

- ♥ CEDAW Andrea González case (†24 April 2003, 7 years old; facts and ruling);
- ♥ CRC-OP3 case (if relevant cases have been decided; facts and ruling);
- ♥ Victoria Climbié case (†25 February 2000, 8 years old; facts and findings);
- ♥ Dutch case (1): Sharleyne (Hoogeveen) (†8 June 2015, 8 years old; facts and findings);
- ♥ Dutch case (2): Papillon (Heerlen) (†1 March 2015, 7 years old; facts and findings);
- ♥ Case from another state (check, e.g., Saskia Guddat, Michael Tsokos, *Deutschland misshandelt seine Kinder*, München: Droemer Knaur, 2014 (see box at the end of session 2).

6. Case presentation + paper: what is required?

Paper max. 2,000 words (footnotes not included).

- ♦ Paper to be emailed to tutor before next session (otherwise not graded).
- ♦ Hard copy to be handed in at the beginning of the next session.
- ♦ Attach PowerPoint (or other) presentation slides prints (hand-out mode max 4 per page) at the end of your hard copy.
- ♦ Exact referencing (in footnotes) is crucial! ♦ **Do use subheadings!**

Structure of presentation and paper on case/chapter in Perry (Mary Ellen case/history of NYSPCC only the facts of the case and later developments in child protection):

(1) **Introduction:** general introduction to your paper and plan of treatment (structure→subheadings).

(2) **Facts of the case** (refer to pages in footnotes or in APA style references).

(3) **Science aspects of the case** (as explained by Perry in the case's chapter, refer to pages):

- ♦ *Science of Early Childhood:* Attachment science and/or Neuroscience/early brain development (e.g., sensitive and responsive caregiver(s), quantity and quality of interaction/communication, *versus* ACEs, toxic stress, childhood trauma).
- ♦ Diagnosis/therapies used.
- ♦ Outcome.

(4) **Normative aspects of the case** (CRC preamble and substantive articles, assigned as follows):

- each student briefly discusses (subject to change depending on the number of students in a group):

session 2	1 st presentation	Mary Ellen case (facts+legend)	[Child Protection laws]
session 3	2 nd presentation	Perry Chapter 1–Tina	CRC preamble §1-6
session 4	3 rd presentation	Perry Chapter 2–Sandy	CRC preamble §7-13
session 5	4 th presentation	Perry Chapter 3–Branch Davidian children	CRC articles 1-5
session 6a	5 th presentation	Perry Chapter 4–Laura	CRC articles 6-10
session 6b	6 th presentation	Perry Chapter 5–Leon	CRC articles 11-15
session 7a	7 th presentation	Perry Chapter 6–Justin and Connor	CRC articles 16-20
session 7b	8 th presentation	Perry Chapter 7–Satanic panic children	CRC articles 21-25
session 8a	9 th presentation	Perry Chapter 8–Amber and Ted	CRC articles 26-30
session 8b	10 th presentation	Perry Chapter 9–James	CRC articles 31-36
session 9a	11 th presentation	Perry Chapter 10–Peter	CRC articles 37-42
session 9b	12 th presentation	Andrea González case (facts+ruling)	CRC+CEDAW articles
session 10a	13 th presentation	Sharleyne or Papillon case (facts+findings)	relevant CRC articles
session 10b	14 th presentation	Victoria Climbié (or other) case	relevant CRC articles

- and addresses the question (Perry chapters): Which guidelines (if any) do **these** CRC preambular paragraphs and CRC articles provide to **prevent** similar cases in the future and/or improve **intervention** and trauma **reparation**?

- ♦ Optional after session 5, required after session 7: Are **any other** CRC articles (more) relevant? The core principles: art 2, 3.1, 6.2, 12? Preamble §9 and art 9, 19, 29, 39? Art 3.2, 3.3, 4, 5, 16? Art 18.2, 18.3, 24.2, 24.3, 27.3, 27.4? Art 20.2, 20.3, 21, 25? Art 31, 37a-d, 42?
- ♦ In case of more than 11 presentations: which CRC articles are relevant in relation to **prevention, intervention** and **reparation**? (Check articles above, especially.)
- ♦ In relation to Andrea González case **also**: which CEDAW articles have been violated?

(5) **Conclusion/student's opinion:** any added (critical) sources, feelings, own experiences or other comments by student.

Schedule of presentations: what do you prefer as to case and/or date?

Step 1: Each group: Copy the first schedule below on the board, fill in your names, mark preferences.

Step 2: Discuss and negotiate (if necessary) preferences and then fill in the presentations schedule on the next page for your group.

Your name↓	Mary Ellen	Perry ch.1	Perry ch.2	Perry ch.3	Perry ch.4	Perry ch.5	Perry ch.6	Perry ch.7	Perry ch.8	Perry ch.9	Perry ch.10	An	Sh	Vi
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														

Session/Case/CRC	Group 1 Name presenter	Group 2 Name presenter	Group 3 Name presenter	Group 4 Name presenter	Date presentation (sessions 2-10)
1. Introduction	x	x	x	x	x
2. <i>Mary Ellen</i> Child protection laws	1	1	1	1	
3. Ch 1– <i>Tina</i> CRC preamble §1-6	2	2	2	2	
4. Ch 2– <i>Sandy</i> CRC preamble §7-13	3	3	3	3	
5. Ch 3– <i>Branch</i> <i>Davidian children</i> CRC articles 1-5	4	4	4	4	
6a. Ch 4– <i>Laura</i> CRC articles 6-10	5	5	5	5	
6b. Ch 5– <i>Leon</i> CRC articles 11-15	6	6	6	6	
7a. Ch 6– <i>Justin</i> <i>and Connor</i> CRC articles 16-20	7	7	7	7	
7b. Ch 7– <i>Satanic</i> <i>panic children</i> CRC articles 21-25	8	8	8	8	
8a. Ch 8– <i>Amber</i> <i>and Ted</i> CRC articles 26-30	9	9	9	9	
8b. Ch 9– <i>James</i> CRC articles 31-36	10	10	10	10	
9a. Ch 10– <i>Peter</i> CRC articles 37-42	11	11	11	11	
9b. <i>Andrea</i> <i>González</i> (Spain) CRC+CEDAW	12	12	12	12	
10a. <i>Sharleyne</i> <i>and/or Papillon</i> (Netherlands)	13	13	13	13	
10b. <i>Victoria</i> <i>Climbié</i> (UK) CRC articles	14	14	14	14	

Preamble* Convention on the Rights of the Child (UN, 20 November 1989)

* The preamble serves as an interpretative tool for the substantive obligations in articles 1-42.

The States Parties to the present Convention,

[1.] Considering that, in accordance with the principles proclaimed in the Charter of the United Nations [1945], recognition of the **inherent dignity and of the equal and inalienable rights of all members** of the human family is the foundation of freedom, justice and peace in the world,

[2.] Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in **fundamental human rights and in the dignity and worth of the human person**, and have determined to promote social progress and better standards of life in larger freedom,

[3.] Recognising that the United Nations has, in the **Universal Declaration of Human Rights** [10 December 1948] and in the International Covenants on Human Rights [ICCPR and ICESCR, 1966], proclaimed and agreed that **everyone is entitled to all the rights and freedoms** set forth therein, **without distinction of any kind**, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

[4.] Recalling that, in the Universal Declaration of Human Rights [article 25.2 UDHR], the United Nations has proclaimed that [motherhood and] **childhood** [are] is entitled to **special care and assistance**,

[5.] Convinced that the **family**, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary **protection and assistance** so that it can fully assume its responsibilities within the community,

[6.] Recognising that the child, for the **full and harmonious development of his or her personality**, should grow up in a family environment, in an atmosphere of **happiness, love and understanding**,

[7.] Considering that the child should be **fully prepared to live an individual life in society**, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

[8.] Bearing in mind that the need to extend particular care to the child has been stated in the **Geneva** [League of Nations, 1919] **Declaration of the Rights of the Child of 1924** and in the [UN, 1945] **Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959** and recognised in the Universal Declaration of Human Rights [1948], in the International Covenant on Civil and Political Rights (in particular in Articles 23 and 24 [ICCPR, 1966]), in the International Covenant on Economic, Social and Cultural Rights (in particular in Article 10 [ICESCR, 1966]) and in the statutes and relevant instruments of specialised agencies and international organisations concerned with the welfare of children,

[9.] Bearing in mind that, as indicated in the [preamble of the UN] Declaration of the Rights of the Child [20 November 1959], ‘the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, **before as well as after birth**,’

[10.] Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to **Foster Placement and Adoption** Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

[11.] Recognising that, **in all countries in the world**, there are children living in exceptionally difficult conditions, and that such children need special consideration,

[12.] Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

[13.] Recognising the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows: (...).

[Definition of child, article 1; **States Parties’ obligations, articles 2-42**; Committee on the Rights of the Child, articles 43-45; formal treaty law, articles 46-54. For a **summary** of articles 1-42 see at the end of this manual.]

Tutorials (overview)

Ses- sion #	CRC's 4 core principles (violated/to be fully implemented by states)	General theme of this session	Task #	Subject	Grille (ch. for post- discussion)	Additional reading (for postdiscussion)
1	<i>Level I:</i> Non-discrimination (art 2)	Cruel childrearing modes; Violence against children	1	Origin of Child protection	intro+ch.1-4	UN violence study
2	Non-discrimination (art 2)	Child maltreatment / Child Abuse+Neglect (CAN)	2	Past cruel- ty, peace- ful future?	ch.5-9	Lancet, Longscan
3	Best interests of the child (art 3)	Science of Early Childhood (SEC)	3	Key SEC concepts	ch.21-23	Perry Intro+App., Nakazawa
4	Survival+development (art 6)	ACEs Science and ACEs movement	4	ACEs, The ACE Study	(ch.16-20)	ACEsTooHigh CDC.gov Nadine Burke
5	Participation (art 12)	Children's agency, Social-Emotional Learning	5	Babies as actors, school age	(ch.24-29)	SMECC, CRC General com- ments1+12
6	<i>Level II:</i> Non-discrimination (art 2)	Prejudice concepts, prejudice against children, parentarchy	6	Childism (Juvism Onion)	(ch.10-15)	SMECC (transism), TRIO review
7	Best interests of the child (art 3)	Early + Adult attachment; Basic developmental needs	7	Soothing + Adult coping	→→→→→	Attachment science, Schema therapy theory
8	Survival+development (art 6)	Competent (authori- tative) parenting (<i>'I want my rights'</i>)	8	Limiting parental rights	ch.30-31	Perry ch.11, Bloom, US bills, SMECC
9	(Inclusive or 'full') Participation (art 12)	Mitigating automatic rights over children (<i>No one's property</i>)	9	Licensing and other proposals	→→→→→	LaFollette, Vopat (M of SMECC), Westman
10	–	Conclusion/evaluation	–	(last post- discussion)	–	–

Task 1

View: **The stranger who cared:** The story of Etta Wheeler & Mary Ellen Wilson (by Cassie Glover, 7th grade, American Heritage School Boca/Delray),
<https://www.youtube.com/watch?v=GG3OI2JwaYY>

And then pre-discuss:

After the Mary Ellen case CSOs (NGOs) were created for the Prevention of Cruelty against children (violence against children, abuse and neglect/maltreatment of children). This led to laws and systems of 'Child Protection' to Intervene in family privacy (fatherly, later parental 'property'). But does Intervention work? What do we know about violence against children today? Where are we today? (From Property to 'Protection').

Reading (for post-discussion): Grille, intro (A Few Words...+Foreword+Preface) and chapters 1-4 (historical developments); also see 'Founding years of some NGOs' at the end of this manual, and 'Children as Subjects of Rights: Three Waves of Emancipation' (introduction to the course) above

After World War II, the UN was created, which led to human rights treaties and obligations for states to Prevent violations (see Preamble Charter UN 1945 and UDHR 1948 on UN.org, Documents; and see OHCHR.org, Human Rights Bodies). But 'Child Protection' still operates under the paradigm of Intervention rather than Prevention. The CRC (1989) introduced more specific Prevention obligations for states (such as articles 18.2, 19.2, 24.2, 27.3, and 12 and 29). New NGOs tried to use the CRC to progress towards Prevention (from Property to 'parentarchal' Prevention) and/or to Participation (from Property to 'parentarchal' Participation). EndCorporalPunishment has been the most successful one thusfar in lobbying for a hitting ban as legal basis for Positive Parenting.

Check and briefly report on these sources (for post-discussion):

–UN (and SRSG): <http://www.unviolencestudy.org> and <http://srsg.violenceagainstchildren.org>

–Children's History Society, <http://shcyhome.org/2015/07/horrible-histories/>

–UNICEF: *Hidden in Plain Sight: A statistical analysis of violence against children*,
http://www.unicef.org/publications/index_74865.html

–US (data): <http://www.cdc.gov/violenceprevention/vacs/index.html> and
<http://www.cdc.gov/violenceprevention/childmaltreatment/index.html>

–NGO: <https://www.childhelp.org/child-abuse-statistics>

–NGO ('Wave 2,' introduction above): <http://www.endcorporalpunishment.org/>,
<http://www.endcorporalpunishment.org/interactive-map>,
<http://www.endcorporalpunishment.org/progress/countdown.html>, and
<http://www.endcorporalpunishment.org/implementation/>.

Session 2: *Discrimination: Child Maltreatment (Child Abuse and Neglect)*

Article 2 CRC (1B)

Discrimination: Violence and Prejudice Against Children (violence directed at or disproportionately affecting children). Past and present: Child-rearing modes (Grille, ctd). Child Maltreatment or CAN (Child Abuse and Neglect): *The Lancet* Series, Longscan Classification, WHO, NGOs

- first presentation (Mary Ellen case and the NYSPCC, past and present)
- post-discussion of session 1 (Grille + learning goals, reporting on sources checked)
- pre-discussion of:

Task 2

View and pre-discuss video by Grille (read by Aja Swafford at age 10): **Parenting for a peaceful world**, http://www.naturalchild.org/videos/parenting_peaceful_world.html, or: <https://www.youtube.com/watch?v=KlayZqWRZ-g>

Examples of the helping mode are Positive Parenting and Attachment Parenting. But children's basic human rights to attachment security/healthy development (art 6.2 CRC), respect for freedom to express themselves (art 12 and 13 CRC), personal integrity (art 16 CRC), non-violent/positive parenting (art 19 CRC), health (art 24 CRC), dignity (art 28.2 CRC), and human treatment and non-humiliation (art 37a CRC) are still violated on a large scale. These violations have been studied, to some degree (see definitions), by the UN (UN violence study) and academia (CAN/child abuse and neglect, or child maltreatment). Is there really significantly less violence against children today? Much less violence in general in today's world? The costs of maltreatment are enormous, maybe this could lead to (better) prevention rather than (more) intervention?

Reading:

- Grille chapters 5-9 (historical developments)

Check and briefly report on these sources (for post-discussion):

- Charles Kenny, '2015: The Best Year in History for the Average Human Being', http://www.theatlantic.com/international/archive/2015/12/good-news-in-2015/421200/?utm_source=nl_link8_121815

According to *The Lancet*, only 1% of maltreated children is put into safety by 'Child Protection':

- The Lancet, Child Maltreatment Series 2008, Summaries:

- [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(08\)61706-7/abstract](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(08)61706-7/abstract)
- [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(08\)61709-2/abstract](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(08)61709-2/abstract)

- Longscan: LONGitudinal Studies of Child Abuse and Neglect, Classification of CAN:

<http://www.unc.edu/depts/sph/longscan/pages/maltx/index.htm>, Measurement, Maltreatment Coding, MMCS Modified Maltreatment Classification System, PDF

- WHO (1): <http://www.who.int/mediacentre/factsheets/fs150/en/>

–WHO (2): http://www.who.int/violence_injury_prevention/violence/child/en/

–US: Child Welfare Information Gateway, <https://www.childwelfare.gov/aboutus/>,
<https://www.childwelfare.gov/topics/can/>

–UK (1): NSPCC, <https://www.nspcc.org.uk/>, <https://www.nspcc.org.uk/services-and-resources/research-and-resources/statistics/incidence-prevalence/> (CAN statistics)

–UK (2): WAVE Trust (70/30 CAN reduction campaign), <http://wavetrust.org/our-work/campaigns/7030-campaign>

–Child Abuse Costs Nations Billions of Dollars a Year, <http://consumer.healthday.com/kids-health-information-23/misc-kid-s-health-news-435/child-abuse-costs-aaas-meeting-uwaterloo-release-batch-2526-707891.html>

–US costs: <http://www.cdc.gov/violenceprevention/childmaltreatment/economiccost.html>

Deutschland misshandelt seine Kinder

Saskia Guddat, Michael Tsokos, *Deutschland misshandelt seine Kinder*, München: Droemer Knaur, 2014, www.droemer-knaur.de/buch/7875471/deutschland-misshandelt-seine-kinder

Jeden Tag werden in Deutschland mehr als 500 Kinder von Erwachsenen aus ihrem familiären Umfeld misshandelt. Fast jeden Tag wird ein Kind durch körperliche Gewalt getötet. Und erschreckend hoch ist die Zahl der Opfer, die später selbst zu Tätern werden.

Michael Tsokos und Saskia Guddat schildern aus ihrer rechtsmedizinischen Praxis die dramatischen Gewalterfahrungen von Kindern in ihren Familien. Und sie unterbreiten Vorschläge, wie das deutsche Kinder- und Jugendschutzsystem verbessert werden kann, um das gesetzlich verankerte Recht der Kinder auf gewaltfreie Erziehung zu sichern. Vor allem aber fordern sie beherztes Einschreiten gegen Kindesmisshandler – und gegen all jene, die die alltägliche Misshandlung von Kindern durch Wegschauen, Verharmlosen und Tabuisieren begünstigen.

Germany abuses its Children

Michael Tsokos & Saskia Guddat

Each year, more than 200 000 children are victims of violence by adults. The federal system for protection of minors fails to protect those children with cruel regularity. Even in obvious cases of abuse, social workers and doctors do not step in and judges give defendants the benefit of the doubt all too easily. Renowned forensic medical experts Michael Tsokos and Saskia Guddat reveal the outrageous state of affairs and show how childrens' health and rights can be better protected.

(http://www.ava-international.de/autoren/mtsokos_en.php?lang=en, accessed 17 May 2016)

Session 3: *The best interests of the child: The Science of Early Childhood*

Article 3 CRC (1)

The best interests of the child: The Science of Early Childhood (early brain development)
(Harvard videos; Perry, *The Boy ...* Introduction+Appendix)

- second presentation (Perry chapter 1, Tina’s World); –pre-discussion of:
- post-discussion (Grille, Kenny + learning goals, reporting on sources checked)

Task 3

View and pre-discuss these Harvard videos:

- **Key concepts** of child development, <http://developingchild.harvard.edu/science/key-concepts/>;
- **A Theory of Change**, <http://developingchild.harvard.edu/resources/building-adult-capabilities-to-improve-child-outcomes-a-theory-of-change/>; and
- **Building Core Capabilities** for Life, <https://developingchild.harvard.edu/resources/video-building-core-capabilities-life/>

Is the CRC flexible enough to incorporate this new knowledge? The CRC as a comprehensive instrument: **General principles**. The CRC as a ‘living instrument’: **General comments**.

Reading:

- Grille chapters 21-23; relate Grille’s ‘continued social evolution’ optimism (in ‘manifesto style’) to:
 - Brain power: From Neurons to Networks (Let it Ripple: Mobile Films for Global Change, 10 min), <http://www.letitripple.org/films/brain-power/>
 - Perry, Introduction (pp. xxiii-xxix) and Appendix (pp. 293-304)
 - Donna Jackson Nakazawa, 7 ways childhood adversity changes a child’s brain (8 Sep 2016), <https://acestoohigh.com/2016/09/08/7-ways-childhood-adversity-changes-a-childs-brain/>

Check and briefly report on these sources:

- Annie Murphy Paul, What we learn before we’re born (TED talk July 2011), https://www.ted.com/talks/annie_murphy_paul_what_we_learn_before_we_re_born?language=en
- Harvard, 8 Things to Remember about Child Development, <http://developingchild.harvard.edu/resources/8-things-remember-child-development/>
- How Brains are Built (4 min video), <https://www.youtube.com/watch?v=LmVWOe1ky8s>
- Alasdair Palmer, What’s the difference between these two brains? (28 Oct. 2012), <http://www.telegraph.co.uk/news/health/children/9637682/Whats-the-difference-between-these-two-brains.html>
- Brain under construction (‘12 tips ...’), www.unitedwaympc.org/brain-under-construction-zone

Additional information:

- First impressions: A virtual experience of the first year of life, <https://www.theguardian.com/gnm-press-office/2017/apr/11/guardian-launches-new-virtual-reality-project-first-impressions>

–Dr Bruce Perry, The ChildTrauma Academy YouTube Channel and Seven SlideSeries:
www.youtube.com/channel/UCf4ZUGIXyxRcUNLuhimA5mA?feature=watch

–Genie (‘feral child’): Wild Child: The Story of Feral Children (She was not a wild child, she was an extremely abused child), <https://www.youtube.com/watch?v=VjZolHCrC8E>

–Child of Rage (Beth Thomas): google.

[T]he core story of development (...) is grounded in the following key concepts (...):

1. Child development is a foundation for community development and economic development, as capable children become the foundation of a prosperous and sustainable society.
2. Brain architecture is constructed through an ongoing process that begins before birth and continues into adulthood. As it emerges, the quality of that architecture establishes either a sturdy or a fragile foundation for all the capabilities and behavior that follow.
3. Skill begets skill as brains are built in a hierarchical fashion, from the bottom up. Increasingly complex circuits and skills build on simpler circuits and skills over time.
4. The interaction of genes and experience shapes the circuitry of the developing brain. Young children serve up frequent invitations to engage with adults, who are either responsive or unresponsive to their needs. This ‘serve and return’ process (what developmental researchers call contingent reciprocity) is fundamental to the wiring of the brain, especially in the early years.
5. Cognitive, emotional, and social capacities are inextricably intertwined and learning, behavior, and both physical and mental health are highly interrelated over the life course. You cannot address one domain without affecting the others.
6. Although manageable levels of stress are normative and growth promoting, toxic stress in the early years (e.g., from severe poverty, serious parental mental health impairment such as maternal depression, child maltreatment, and/or family violence) can damage developing brain architecture and lead to problems in learning and behavior, as well as increased susceptibility to physical and mental illness.
7. Brain plasticity and the ability to change behavior decrease over time. Consequently, getting it right early leads to better outcomes and is less costly, to society and to individuals, than trying to fix it later. We can pay now or we will pay more later for society’s failure to promote healthy development in the earliest years of life.
8. Effectiveness factors make the difference between early childhood intervention programs that work and those that do not work to support children’s healthy development. These factors can be measured and can inform wise investments in effective policies and programs.

Jack P. Shonkoff and Susan Nall Bales, ‘Science does not speak for itself: Translating child development research for the public and its policymakers,’ *Child Development* 2011 (Issue 82:1), pp. 17-32, at p. 23 (<http://onlinelibrary.wiley.com/doi/10.1111/j.1467-8624.2010.01538.x/pdf>)

Session 4: *Survival and Development*: ACEs Science and the ACEs Movement

Article 6 CRC (1)

Survival and Development: ACEs Science and the ACEs Movement

–presentation(s) + post-discussion Early brain development; –pre-discussion of:

Task 4

View and pre-discuss: **ACE Study, ACEs Science and the ACEs movement**

- Public Health Wales, ACE animation, 6 min video, posted on ACEsTooHigh.com, 1 May 2017, <https://acestoohigh.com/2017/05/01/england-and-wales-produce-new-animation-about-aces-resilience/>
- What you should know about ACEs, 5 min video (produced by KPJR Films, <http://kpjrfilms.co/>), posted on ACEsTooHigh.com, 5 April 2016, <https://acestoohigh.com/2016/04/05/five-minute-video-primer-about-adverse-childhood-experiences-study/>
- Felitti video, <http://bigthink.com/videos/vincent-felitti-on-childhood-trauma>

How to use the CRC to make the world ‘ACE-aware’ and ‘trauma-informed’? To change attitudes, laws and policies? What is the ‘ACEs movement’? Is it ‘child rights informed’? What has been achieved thus far? Have laws already been changed? (For the US see session 8.)

Reading/viewing (check and report back):

- ACEs Science: <https://acestoohigh.com/aces-101/>
- What’s Your ACE Score? What’s Your Resilience Score?, <http://acestoohigh.com/got-your-ace-score>
- ACE Interface, <http://www.aceinterface.com/About.html>
- <http://www.cdc.gov/violenceprevention/childmaltreatment/index.html>
- <http://www.cdc.gov/violenceprevention/acestudy/about.html>, The ACE Pyramid, Data & Statistics, Major Findings
- WHO, Adverse Childhood Experiences International Questionnaire (ACE-IQ): http://www.who.int/violence_injury_prevention/violence/activities/adverse_childhood_experiences/en/
http://www.who.int/violence_injury_prevention/violence/activities/adverse_childhood_experiences/questionnaire.pdf?ua=1
- Nadine Burke Harris, How childhood trauma affects health across a lifetime (TED talk Sept 2014), <http://acestoohigh.com/2015/02/17/nadine-burke-harris-how-childhood-trauma-affects-health-across-a-lifetime>
- Benjamin Perks (https://www.unicef.org/montenegro/overview_15135.html), How Do We Stop Childhood Adversity from Becoming a Life Sentence (TEDx March 2015), <https://www.youtube.com/watch?v=qp0kV7JtWiE> or <https://vimeo.com/137450259>
- Sara Langworthy, Toxic Stress and the Adverse Childhood Experiences (ACEs) Study (5 min video), https://www.youtube.com/watch?v=GovY11G_d3w
- Jane Ellen Stevens, The practice of ACEs science in the time of Trump, 20 Feb 2017, <https://acestoohigh.com/2017/02/20/the-practice-of-aces-science-in-the-time-of-trump/>

Check and briefly report on (some of) these sources:

–Nadine Burke Harris (*New York Times* interview by David Bornstein, 30 Jan 2018), Treating the Lifelong Harm of Childhood Trauma, <https://www.nytimes.com/2018/01/30/opinion/treating-the-lifelong-harm-of-childhood-trauma.html>

–Stress Health movement, Center for Youth Wellness, <https://www.stress-health.org/>

–Childhood Trauma: America’s Hidden Health Crisis, 5 min. video (posted January 2016), <https://www.youtube.com/watch?v=QwdQJcnJ1L4>

–Everything we think we know about addiction is wrong, 6 min video (posted February 2016), <https://www.youtube.com/watch?v=ao8L-0nSYzg>

–Jane Ellen Stevens, We can’t stop sex harassment by firing or incarcerating our way out; we can stop it by using ACEs science (20 December 2017), <https://acestoohigh.com/2017/12/20/stop-sex-harassment-through-aces-science/#more-7495>

–Olga Khazan, ‘The Second Assault’: Victims of childhood sexual abuse are far more likely to become obese adults (15 Dec. 2015), http://www.theatlantic.com/health/archive/2015/12/sexual-abuse-victims-obesity/420186/?utm_source=nl_link5_121815

–Christine Cissy White (16 March 2017), How facing ACEs makes us happier, healthier and more hopeful, <https://acestoohigh.com/2017/03/16/how-facing-aces-makes-us-happier-healthier-and-more-hopeful/#more-6047>

–CAN narratives (slides) at <http://www.canarratives.org/>

–Carole Ulanowsky and Denis Pereira Gray, Infant Mental Health – Evidence for Enquiry: factors affecting optimal development, APPG [All-Party Parliamentary Groups] for Conception to Age 2: **The First 1001 Days** (What About The Children? The 1001 critical days between conception to age 2), <http://www.1001criticaldays.co.uk/~criticaldays/UserFiles/files/Watchappgsubmissionfinalwithheaderfeb15%281%29.pdf>

–Grille chapters 16-20 (parenting styles and communication skills)

Note: “Robin [Grille]’s work is animated by his belief that humanity’s future is largely dependent on the way we collectively relate to our children.” (Back flap 2nd ed.) However, according to Grille himself, his “book is not intended to be a parenting manual.” (Author’s note, 2nd ed., p. ix.) Chapters 16-20 should be read as comments to inform public policy on the importance of parenthood and on (better) preparing, informing, assisting and supporting parents as stipulated in articles 4, 5 (on ‘evolving capacities’), 6.2, 18.2, 18.3, 19.2, 24.2d-f, 24.3, 27.3, 29.1 and 42 CRC. They should not be read as blaming our own parents or passing judgement on parents as in the ‘mommy wars’ (Perry, p. 266; also see text box at the end of this course manual, and Grille in sources to check below).

–Robin Grille, Does *Time Magazine* have, er... ‘Attachment Issues’? (4 September 2012), <http://kindredmedia.org/2012/09/does-time-magazine-have-er-attachment-issues-by-robin-grille/>

–Burke Harris, Nadine, *The Deepest Well: Healing the Long-Term Effects of Childhood Adversity*, Boston-New York: Houghton Mifflin Harcourt, 2018

Additional information:

Online lecture: Dr Vincent Felitti, 'The Lifelong Effects of Adverse Childhood Experiences' (Juneau, Alaska, Feb. 2016, 1:36 min), <https://vimeo.com/155143547>

Documentary: 'Resilience: The Biology of Stress & The Science of Hope' (one hour), see <http://kpjrfilms.co/resilience/>

Video: 'A tribute to Dr. Vincent Felitti' (14 June 2016, 20 min), <https://www.youtube.com/watch?v=q22Zt6aGwsA&feature=youtu.be>

Lawsuit: Robin Urevich, 'Schools should recognize Trauma as a Disability, Compton lawsuit says' (*KQED News*, 22 Feb. 2016), <http://ww2.kqed.org/stateofhealth/2016/02/22/schools-should-recognize-trauma-as-a-disability-lawsuit-says/>; Jeremy Loudonback, 'Compton trauma lawsuit near resolution?' (*LA School Report*, 9 June 2016), <http://laschoolreport.com/compton-trauma-lawsuit-near-resolution/>

Childhood is the most fragile and impressionable period of human development. During childhood we are more dependent on others than at any other time in our lives, yet this vulnerable period of development provides the foundation for our entire human journey. Our experiences in childhood shape our attitudes and behaviors, our likes and dislikes, our passions and interests, our personalities, and our moral character. Childhood is an essential time of life when we establish the direction for who and what we will become. The long-term effects of an unhealthy childhood will weaken a world that needs creative and compassionate individuals who offer mature insights in order to solve complex human problems. Humanity cannot and will not progress if the state of childhood is left unaddressed.

Global Summit on Childhood, 28-31 March 2012, Washington, DC, <http://arcyp.ca/archives/557> (accessed 20 February 2013)

Primary Attachment Figures

Why is the primary attachment figure the best carer in the first three years?

In most cases, the mother's [**primary attachment figure's**] behaviours bring pleasure, comfort and nourishment to the infant. Loving attention 'fires' synaptic growth and begins the process of building the links between neurons, and thus building the brain (Schore, 2001). The primary attachment figure will foster optimum brain development in the infant.

Separation from the primary carer causes an infant to feel stressed and this stress elevates cortisol levels (Ahnert, 2004). Research shows that persistent raised levels of cortisol in infants over an extended period of time have a detrimental impact on the developing brain (Gunnar, 2003).

That's not to say a mother shouldn't have a few hours break every now and again, leaving the baby with another attachment figure. In fact, it's important for the mother to have some time to herself.

(www.whataboutthechildren.org.uk/primary-attachment-figures, accessed 3 June 2014)

Session 5: *Participation (children's agency): Babies and School age*

Article 12 CRC (1)

Participation (children's agency, children as actors, children as active subjects of rights):

Baby communication; School age: Child Rights Checklist (participation as empowerment)

–presentation(s) + post-discussion ACEs; –pre-discussion of:

Task 5

View: **Still Face Experiment** (Dr Edward Tronick),

<https://www.youtube.com/watch?v=apzXGEbZht0>

Read: **Children's participation and Children's rights** (Willemijn Dupuis),

<http://www.kinderrechtennu.nl/downloads/english-downloads>

The **Children's Rights Checklist** informs school-age children (age 9-13) about their rights, lets them talk in class about their feelings and experiences on their needs, rights and responsibilities, and on what to do when needs are not met and rights are violated. The Checklist is part of several instruments intended to stimulate and support children “to map their own social environment (...), discover their talents and become aware of their social network.” And thus to empower them to participate in society. (Private initiative by Dutch child participation pionier Willemijn Dupuis.)

Participation in the family and in school: Relate the Still Face video and the Checklist to:

- (1) Stages of early childhood emotional development (Grille, see reading)
- (2) Basic Developmental Needs (Willems, see reading)
- (3) Natural (or Attachment) parenting
- (4) Education for Democratic Citizenship and Human Rights Education (Council of Europe)

In session 7 we will return to this (*Schema Therapy*: Core Emotional Needs, or Big Five Needs)

Reading:

–CRC articles (how do they relate?): general principles (art 2, 3, 6 and 12); art 5: evolving capacities; art 29: holistic/social and emotional development, preparation for responsible life (including citizenship and parenthood?): how is this implemented in your home state's school curriculum?

- Briefly check CRC Committee, General comment 1 (on art 29) and General comment 12 (on art 12), see OHCHR.org; look up **definition of participation** in General Comment 12)

–Circle of Security International, **Connection**,

<https://www.circleofsecurityinternational.com/animations>

–Willems 2012, It takes a SMECC to raise a child (**Part 1: Basic Developmental Needs** of Young Children), <http://pub.maastrichtuniversity.nl/2bde406f-987e-456e-9463-94453a464143>

–Brian Leaf, The Seven B's of Attachment Parenting (...) with Some Commentary (blog updated 30 May 2014), http://www.huffingtonpost.com/brian-leaf/the-seven-bs-of-attachment-parenting_b_5060425.html

–Council of Europe, Education for Democratic Citizenship and Human Rights Education (EDC/HRE), www.coe.int/edc

–UN Security Council adopts historic Resolution on Youth, Peace and Security (9 Dec. 2015), <http://www.un.org/youthenvoy/2015/12/un-security-council-adopts-historic-resolution-on-youth-peace-and-security/>

–Grille chapters 24-29 (natural or attachment parenting)

Note: do not read as parenting manual ('blaming parents' or passing judgement on parents as in the 'mommy wars'), but rather as comments to inform public policy on the importance of parenthood and on (better) preparing, informing, assisting and supporting parents as stipulated in articles 4, 5 (on 'evolving capacities'), 6.2, 18.2, 18.3, 19.2, 24.2d-f, 24.3, 27.3, 29.1 and 42 CRC.

Additional information:

–Grille on resistance to the attachment message, <https://www.youtube.com/watch?v=AJ2UYKazHpo>

–Tronick, Catch our children before they fall, <https://www.youtube.com/watch?v=bwDEoWN9NM8>

–Willemijn Dupuis, The Children's Rights Checklist in the class, KinderrechtenNu (Child Rights Now Foundation), <http://www.kinderrechtenu.nl/downloads/english-downloads>

–Why be kind (3 min video), kids discussing kindness, <http://www.karmatube.org/videos.php?id=7433> or <https://www.youtube.com/watch?v=UCCb85TgeEU>

–Every Opportunity (4 min video), Atlanta Speech School, Rollins Center for Language & Literacy, <https://www.youtube.com/watch?v=VxyxywShewI>

–Future of Children (School of Public and International Affairs Princeton University and Brookings, <http://www.futureofchildren.org/about>): "Evidence is growing that disparities in social and emotional skills are just as important as academic disparities" (<http://www.futureofchildren.org/news/social-and-emotional-learning>, 31 May 2017)

–SEL (Social Emotional Learning) legislation (ACEs-informed), <http://housedemocrats.wa.gov/tana-senn/rep-tana-senn-introduces-legislation-to-help-students-gain-social-and-emotional-skills-reduce-summer-learning-loss/>

–The Kindness School (Dec. 2017), 4 min video, <http://www.karmatube.org/videos.php?id=6789>: "Most schools have academics as a part of a core curriculum and focus on developing character as a secondary motive [contrary to Article 29 CRC, jw]. However, the Kindness School has a different approach to student learning. The Puget Sound Community School in Seattle, Washington is a 5-day-a-week school rooted in helping kids from grades 6-10 build character and learn to be kind. There are no required academic classes, but classes where students take subjects that interest them. When you concentrate on building character, academic learning takes place naturally. Students get to go into their community to help spread love and kindness to learn how to put their passions into action."

–Kent Hoffman *et al.*, *Raising a Secure Child: How Circle of Security Parenting Can Help You Nurture Your Child's Attachment, Emotional Resilience, and Freedom to Explore*, 2017

–Circle of Security International, <https://www.circleofsecurityinternational.com>, <https://www.circleofsecurityinternational.com/originators>

–Kent Hoffman, Every Person has Infinite Worth (TEDx), <https://www.tedxspokane.com/?p=4501>

Level II

Session 6: *Discrimination*: Prejudice Concepts

Article 2 CRC (2)

Discrimination: Violence and Prejudice against children (exclusion of children: unequal protection);
Prejudice concepts (children as ‘morally inferior’ beings): The Juvism Onion*

–presentation(s) + post-discussion Early childhood emotional development and Participation (articles 5, 12 and 29 CRC); –pre-discussion of:

Task 6

Childism: Prejudice against children?

Racism and sexism are understood as ideological prejudices [with historical roots in slavery and patriarchy, JW]. Why don't we have a similar understanding of the root of child abuse?

(Source: Elisabeth Young-Bruehl, Childism: The Unacknowledged Prejudice Against Kids, 26 April 2012, <http://ideas.time.com/2012/04/26/childism-the-unacknowledged-prejudice-against-kids>)

When we read in the newspaper that a child in New Jersey has died from neglect from an untreated broken leg, or that a child in Florida's protective services could just disappear without a trace, or that molestation of children has been covered up in yet another diocese of the Catholic Church, we do not say there is prejudice against children at work. Abuse, neglect, sanctioned pedophilia – we don't put these together in our minds with stories about child abduction and enslavement, child trafficking, inadequate schooling, malnutrition and junk-food-induced obesity, cigarette advertising to minors, child pornography or the rising numbers of child soldiers worldwide. But we should.

April is Child Abuse Prevention Month. Unfortunately, the messages about child abuse will not be grounded in an understanding that it arises out of prejudice against children – the way Black History Month in February reminds us of prejudice against people of color. Similarly, sexism is understood as an ideology and a prejudice, and all kinds of discrimination and violence against women are united in our minds by the concept.

Why don't we have a similar understanding of the root of child abuse? In 1989, the United Nations issued a Convention on the Rights of the Child, which brings together in one document descriptions of many forms of maltreatment but does not make us think of children – all the world's children – as a group. It is about “the Child,” an abstraction.

Childism is the hardest form of prejudice to recognize because children are the one group that, many of us think without thinking, is naturally subordinate. Until they reach a stipulated age, they are the responsibility of their parents or guardians – those who have custody. But what does custody permit? What distinguishes it from ownership? One of the essential ingredients of childism is a claim by adults to the effect that children are ours to do with exactly as we see fit, or children exist to serve, honor and obey adults. These claims make a subordination doctrine out of natural dependency, out of the fact that children are born relatively helpless and need to be taken care of until they can take care of

themselves. It seems normal to insist “honor thy father and thy mother” without any reciprocal “honor thy children.”

Childism takes many forms. In the half-century-old field called Child Abuse and Neglect (CAN), four main types of child maltreatment have been identified: physical abuse, neglect, sexual abuse and emotional abuse. But these categories do not reflect how frequently the four types are combined in a given case. Listening to my adult patients in psychoanalysis who were maltreated as children, I have heard basically three stories: they were not wanted, they were controlled and manipulated or they were not allowed to be who they felt they were. So I have come to think in terms of childism that intends 1) to eliminate or destroy children, 2) to make them play roles no child should play or 3) to dominate them totally, narcissistically erasing their identities. Survivors make it clear that the worst part of their experience – the most difficult to heal from, the least forgivable – was that no one protected them from it. They often make it clear, as well, that they have internalized the prejudice and direct it toward themselves.

Childism, sexism and racism share many arguments about natural subordination. Similarly, these prejudices share the ingredient that the targeted group is in some way bad or defective. Like women and people of color, children are said to be born wild, sexually anarchic, in need of punishment to keep them in line (“Spare the rod, spoil the child”). Some who are prejudiced against children consider them a burden; they are mouths to feed and too big a drain on financial or emotional resources. Neglect often follows from this assumption, and poverty and neglect are highly correlated. In economically secure homes, neglect and parental depression are highly correlated, as they are in homes where unemployment has suddenly and disorientingly erased security.

But unlike most of those who suffer from racism or sexism, children are not yet political thinkers and actors. They depend upon adults for the articulation and protection of their rights, and they depend on adults for survival and loving care. Every adult citizen is, in this sense, a representative for children. It’s a social and political responsibility for all adults – and it is childist to shirk that responsibility. It is time for us to stop being blind to the prejudice that fuels, justifies or even sanctions child abuse and neglect. Giving it a name is the first step.

Note (jw). Elisabeth Young-Bruehl was an American academic (Prejudice Studies), psychoanalyst and award-winning author. She died on 1 December 2011, at age 65, shortly before the publication of her book on childism (*Childism; Confronting Prejudice Against Children*, New Haven and London: Yale University Press, 2012), ‘which builds upon her 1996 volume *The Anatomy of Prejudices*.’

Reading:

–Grille chapters 10-15 (on ‘**patriarchy**’; *discussion*: from childism at home to holocaust?)

–Jens Peter de Pedro (Play Designer, Toca Boca), Defining ‘**childism**’ and its opposite force, ‘**adulthood**’ (n.d.), <https://tocaboca.com/magazine/childism-definition/>

–Willems 2012, It takes a SMECC to raise a child – **Part 2** (on ‘**parentiarchy**’ and ‘**transism**’/‘transgenerational discrimination’), online ResearchGate Jan Willems (or google)

–Willems 2016, The CRC at 25: Theory, Reality, **Ideology**, Opportunity – A TRIO Review, <http://www.allianceforchildhood.eu/improving-the-quality-of-childhood-in-europe-volume-6>, Ch. 10

* *Additional information on denial of prejudice and the Juvism Onion prejudice model:*

Violence against women is seen as discrimination but violence against children is no less *structural* (cultural denial of parentarchy), *systemic* (personal/moral denial of childism) and *institutional* (official denial of transism and academic denial of adultism). Isn't this **denialism**?

See: Jim Dwyer, 'Diagnosing and dispelling denialism regarding children' (pp. 51-68) and Jan Willems, 'Too Close to Home: The Denial of Prejudice and Discrimination Against Children' (pp. 69-96), in: *Denialism and Human Rights* (2016); online on ResearchGate Jan Willems

Young-Bruehl's definition of childism is:

"a prejudice against children on the ground of a belief that they are property and can (or even should) be controlled, enslaved or removed to serve adult needs."

Elisabeth Young-Bruehl, *Childism; Confronting Prejudice Against Children*, New Haven and London: Yale University Press, 2012, p. 37

These immature adult needs may be of a narcissistic (as with sexism), obsessional (as in anti-semitism) and/or hysterical (as in racism) nature.
(See *Childism*, pp. 44, 47, 35, 308.)

According to Jack **Westman**, "**juvenile ageism [juvism]** exists when adults use their superior power to mistreat children as inferior persons in order to further their own needs and desires."
(*Parent Power*, p. 79.)

1923: "No social problem is as universal as the oppression of the child. (...) No slave was ever so much the property of his master as the child is of his parent. (...) Never were the rights of man ever so disregarded as in the case of the child." (*Maria Montessori**)

* Maria Montessori (1870–1952), *Das Kind in der Familie* (1923)/*The Child in the Family* (1929).

2014: "Despite the generally accepted child-friendly attitudes in society and the claim that children are the future, the most astonishing phenomenon is the general invisibility of children in our societies. This invisibility is joined by a widely held sentiment that children are really inferior and do not matter. This attitude is so well camouflaged by the ostensible interest in children and like all stereotypes and prejudices incredibly difficult to bring into the open and challenge it." (*Gertrud Lenzer**)

* Education Update Online March/April 2014, Women Shaping History 2014: Dr. Gertrud Lenzer, Founding Director, Children's Studies Center at Brooklyn College (accessed 15 November 2014), www.educationupdate.com/archives/2014/MAR/HTML/cov-Gertrud_Lenzer.html#.VGde90Z0xjo.

Session 7: *The best interests of the child: Early and Adult Attachment*

Article 3 CRC (2)

The best interests of the child: Early attachment and Adult attachment representations (Encyclopedia), Big Five Needs of children (Schema therapy): what happens later in life if they are unmet?

–presentation(s) + post-discussion Childism (prejudice concepts); –pre-discussion of:

Task 7

View:

1. **Circle of security:** <https://www.circleofsecurityinternational.com>, Watch Now (or go to <https://www.circleofsecurityinternational.com/animations>, “Good Enough”)
2. **Strange situation test:** <https://www.youtube.com/watch?v=QTsewNrHUHU> (also at <http://www.simplypsychology.org/mary-ainsworth.html>)

Then read and pre-discuss:

Introduction: Self-soothing, attachment and brain development

Adult self-soothing (coping styles or coping strategies in stressful situations) is ultimately based on early experiences (with trust and comforting) in infancy ... which determine attachment (in)security and (un)healthy brain development in early childhood ... which determine, or at least influence, later (adequate or destructive) coping mechanisms, attachment styles, parenting styles ... and (adequate or harmful) self-soothing in adulthood ...

How do YOU ‘Self-Soothe’? (Developmental Needs and Adult Coping)

(Source: The Mule 30 January 2013, <http://www.the-mule.com/2013/01/how-do-you-self-soothe.html>)

The question of whether or not babies can learn to ‘self-soothe’ continues to divide parenting writers and experts. Does a baby left to cry alone in their cot eventually find ways to comfort themselves, to make themselves feel better? Or do they simply stop crying after a while because they realise that nobody will come and that there is nothing they can do about it – they learn that they are helpless? Let’s look at this from a fresh angle. Regardless of where you stand on this issue, let me ask you a question: How do YOU ‘self-soothe’? Think for a moment.

The shit is hitting the fan. You are distressed. You have lost your job. Your relationship flounders. Someone close to you is sick. The usual suspects. You feel ‘emotional’; you are upset, jangled, stirred. What do you do? How do you try to regulate yourself, to bring yourself back into balance?

You might sit with your difficult feelings for a while, aware that they are part of life’s pattern and will pass. You might cry, alone or in the arms of someone who cares. You might go for a run, or distract yourself with a project. Perhaps you stare into space. Maybe you pretend it’s not happening. Maybe you eat. You might pour a drink. But do you stop at just one? And do you stop at just a drink?

Do you find ‘comfort’? Are you ever fully ‘soothed’? For some, this place is never reached, and attempts to find it become increasingly desperate – perhaps using drugs, self harm or other destructive behaviours. If this is you, you might not describe them as destructive, because you truly believe that they are helpful to you and that you will eventually find the inner peace that you seek in them. The

choices we make when our world is in turmoil are not simply genetic or the luck of the draw. They are a direct result of how we were treated as children.

If the adults around us could tolerate our distress, respond to it consistently, and bring us comfort, then we will now, as adults, be able to do this for ourselves. We will still feel distress, but we will not be afraid that it will overwhelm us or kill us or swallow us up. If the adults in our childhood were inconsistent, unresponsive, or worse still, abusive, we may well have difficulty in responding healthily to difficult feelings or situations. We will be more likely to be overwhelmed by life, seek comfort in unhealthy places, and take longer to recover from hard times, if we are able to recover at all.

In fact, the debate over whether babies learn to ‘self-soothe’ should become obsolete. Because the fact of the matter is – they do. We all learned to ‘self-soothe’ when we were babies, all of us. Every time we felt distress, we learnt a little bit more about comfort. Every time we were held, shooshed, rocked, nursed, sung to, kissed or hugged, we learned something. Every time we were ignored, left alone, told to stop crying, shouted at, shamed or threatened, we learned something. We learned to stay with our feelings and let them slowly shift, or to find ways to bury them, deny them or disown them.

Yes, babies learn to self-soothe. A baby who cries in the night and is quickly enveloped in loving arms learns to soothe themselves quickly and with love. A distressed baby who is left alone learns to soothe themselves by switching off their feelings, minimising them, disassociating. The more such lessons are repeated the better they will be learnt.

Perhaps those ‘experts’ who advocate leaving babies to cry it out have a difficult relationship with their own distress – a childhood lacking in comfort which they now wish to play out through their books in the homes of strangers. It might be interesting to ask them the same question, ‘How do YOU self-soothe?’

Learning goals (guidance): Needs-Rights-Responsibilities-Obligations in the Trias Pedagogica

Rights and needs (‘interests’): “A has a human right to X = A has a basic interest in X that society should effectively protect against threats.” (Gustavo Arosemena, lecture slides IIHR 26.10.2015.)

Trias pedagogica: needs, rights, responsibilities and obligations in the State-Parent-Child relationship:

Needs (child): which basic (emotional) developmental needs are involved?

Rights (child): are these needs recognized (‘codified’) in the CRC?

–In specific provisions (e.g., art 5, 18.2, 18.3, 19.2, 20.3, 24.2, 27.3, 29.1, 39, 42 CRC)?

–Implied: in or under the umbrella of one or more of the four core principles (art 2, 3.1, 6.2, 12 CRC), or other principles/general provisions (e.g., art 3.2, 3.3, 4, 9.1, 16, 18.1, 19.1, 24.1, 24.3, 37a CRC)?

Responsibilities (parents): which parental responsibilities are involved? Where/how are the codified?

Obligations (state): which state obligations are involved?

–State empowerment obligations: where/how are the codified?

–State responsabilization obligations: where/how are the codified?

Reading:

–relevant CRC articles: see above box ‘Learning goals guidance’ (also see headings above task)

–Circle of Security International, **Being-With** and **Shark Music**,
<https://www.circleofsecurityinternational.com/animations>

In brief (for more background see David Howe):²⁴

–On Attachment (infant-caregiver and adult attachment representations/organization):

- Infants’ ABCD: Avoidant, Balanced (Best=secure), Clinging (ambivalent), Disorganized.

How do we know: Strange Situation procedure

- Adults’ DEFU: Dismissing (idealizing, avoidant), Enmeshed (Entangled, anxious, preoccupied), Free (secure), Unresolved childhood trauma.

How do we know: Adult Attachment Interview (AAI)

- (1) <http://www.child-encyclopedia.com/attachment>
- (2) Jan CM Willems (ed.), *Children’s Rights and Human Development: A Multidisciplinary Reader*, Antwerp-Oxford-Portland: Intersentia, 2010, pp. 407-415
- (3) Selection of slides Rights of the Child (Student Portal, My Courses)

In brief (for more background see Gitta Jacob *et al.*):²⁵

–On Schema Therapy: <http://www.schematherapy.com/>, <http://www.schematherapy.com/id30.htm>, and <http://www.schematherapysociety.org/Schema-Therapy>

–On Unmet needs and destructive coping styles (‘schemas’): ‘Five core emotional/developmental needs’ (at the end of this manual)

–On ‘The connection between childhood experiences and adult problems’: Marcia Sirota (17 Feb. 2016), http://www.huffingtonpost.ca/marcia-sirota/the-connection-between-childhood-experiences_b_9212340.html

Check and briefly report on these sources:

–Willems 2016, The CRC at 25: **Theory**, Reality, Ideology, Opportunity – A TRIO Review, <http://www.allianceforchildhood.eu/improving-the-quality-of-childhood-in-europe-volume-6>, Ch. 10

–James Kenny and Daniel Pollack, ‘Bonding’ in the child placement process: A psychological and legal perspective, *Policy & Practice* (APHSa.org, Resources, Publications), December 2015, pp. 5 and 30-31, <http://adoptioninchildtime.org/updates/bonding-in-the-child-placement-process>

–Kathy Brous, The Adult Attachment Interview (AAI): Mary Main in a Strange Situation (blog posted 21 March 2014), <http://attachmentdisorderhealing.com/adult-attachment-interview-aai-mary-main>

–Kent Hoffman, *eightysevenminutes*: What we were never told about why we suffer and how to live with tenderness (2015) at <http://www.eightysevenminutes.com/>

²⁴ For more background on Attachments in Childhood and in Adulthood, see: David Howe (2011), *Attachment across the Lifecourse; A Brief Introduction*, pp. 3-65 (Part I: Attachment Theory, Models and Measures; Part II: Attachment Patterns, Types and Styles).

²⁵ For more background on Schema Therapy Theory, see: Gitta Jacob *et al.* (2015), *Breaking Negative Thinking Patterns; A Schema Therapy Self-Help and Support Book*, pp. 1-104 (Introduction and Part I: Become Familiar with Your Modes).

–Suzanne Zeedyk, How attachment helps us make sense of terrorism (blog posted 19 Nov. 2015), <http://suzannezeedyk.co.uk/wp2/2015/11/19/how-attachment-helps-us-make-sense-of-terrorism/>

–Carol Dweck, The power of believing that you can improve (TED talk November 2014), https://www.ted.com/talks/carol_dweck_the_power_of_believing_that_you_can_improve?

–What About The Children?, <http://www.whataboutthechildren.org.uk/>:

Sometimes these days you hear people complain about ageism,

<http://blog.whataboutthechildren.org.uk/2017/05/30/sometimes-these-days-you-hear-people-complain-about-ageism/>

A special bond, a special time: the first three years,

http://www.whataboutthechildren.org.uk/downloads/stress-in-infancy/special_bond_watch_2011.pdf

–Gitta Jacob et al., *Breaking Negative Thinking Patterns; A Schema Therapy Self-Help and Support Book*, 2015 (recommended reading: Introduction and Part I: Become Familiar with Your Modes)

–Kent Hoffman et al., *Raising a Secure Child: How Circle of Security Parenting Can Help You Nurture Your Child's Attachment, Emotional Resilience, and Freedom to Explore*, 2017 (Chapter 1)

How Do I Love Thee? Attachment and Romantic Relationships

Beyond the realms of mother-infant relationships, attachment theory has been expanded greatly to help describe and understand many other types of relationships, including friendships, teacher-child relationships, workplace relationships, and even relationships with pets! Hazan and Shaver (1987)* sought to characterize romantic relationships from an attachment perspective. They surveyed over 600 adults and had them indicate which series of statements most described their views and expectations about romantic relationships. Their results indicated that 56% of respondents described themselves as 'secure' (e.g., *I find it relatively easy to get close to others, I am comfortable depending on them and having them depend on me*).

The rest of the participants were characterized as 'insecure,' describing themselves as either 'avoidant' (25%, e.g., *I am uncomfortable being close to others, I find it difficult to trust others, I am nervous when anyone gets too close*) or 'ambivalent' (19%, e.g., *I worry that my partner doesn't really love me or won't want to stay with me*).

Individuals with secure attachment views were happier, more trusting, and more likely to be in positive romantic relationships that lasted longer. In contrast, those with insecure views were less satisfied with their relationships, reported more fear of intimacy and jealousy, and were more likely to be divorced.

* Cindy Hazan and Phillip Shaver, 'Romantic love conceptualized as an attachment process,' available at http://tulsasa.org/refbase-0.9.5/files/hazan/1987/23_Hazan+Shaver1987.pdf (accessed 15 August 2011)

Melanie Killen and Robert J. Coplan (eds.), *Social Development in Childhood and Adolescence; A Contemporary Reader*, Chichester: Wiley-Blackwell, 2011, p. 114

From Infant Attachment (*Strange Situation*) to Adult Attachment (AAI)

Only 55% of us have “secure attachment” – a number which would worry us all if we knew what it meant – according to research on over 2,000 infant-parent pairs during 1970-1996. And the level of attachment we get as infants continues all our lives in our relationships.

The math says the other 45% of us suffer “insecure attachment.” That means 45% can’t handle a committed, stable relationship with anyone, from childhood to the rest of our lives, as of 1996. We also pass this emotional pain to our children, who turn out similarly. A National Institute of Health article summarizes the secure rate: “Infants with secure attachment greet and/or approach the caregiver and maintain contact but are able to return to play, which occurs in 55% of the general population.”

This is the blockbuster result of Dr. Mary Ainsworth’s 1970-1978 “**Strange Situation**” study of babies, as completed by her student Mary Main. Main’s research led to shocking conclusions. (...) Main discovered so many babies were peculiar, she got concerned about the parents. So in 1982 she created the **Adult Attachment Interview (AAI)** to study the adults, releasing results 1984-96. (...).

This huge “insecure” figure is a predictor of broken homes and broken hearts for half the nation. It starts to explain why we’ve got a 50% divorce rate. If you’re like me and have tried “over 40” internet dating after a divorce, it won’t surprise you to hear that science shows 50% of adults out there can’t carry on a secure, committed, loving relationship. You’ve already experienced it.

And if 45% of us were “insecurely attached” in 1996, what’s the percent in 2014? In 1996 most of us hadn’t heard of the Internet. In almost 20 years since, email, texting, and so on have further trashed our ability to relate in person. Several psychotherapists interviewed for this blog said that a round number of “about 50%” is a conservative estimate for how many Americans lack secure attachment today. Many believe it’s much higher.

It gets worse; check out another “about 50%” shocker. The 1998 **Adverse Childhood Experiences (ACE) Study** showed that two-thirds (64-67%) of 17,421 middle class subjects had one or more types of childhood trauma, and 38-42% had two or more types. In less privileged populations, these numbers are far higher. A national average of all economic groups would likely show 50% or more suffer severe trauma from ACEs.

The ACE Study lists physical and sexual abuse and 8 other types, including traumas that happen even to **newborns** like physical and emotional neglect. Such trauma by definition puts children into technical “fight-flight,” a chronic state biologically proven to shut down the organism’s capacity for feelings of attachment and love. Think soldier in a battle ramped up in “fight-flight” – he can’t really feel much love for the other side.

And it doesn’t go away. Continued fight-flight puts the nervous system into freeze: our vagus nerve starts shutting down bodily functions (...). So ACEs create the conditions underlying the top 10 medical causes of death in the U.S.

Half of us are in serious emotional health and bio-medical trouble – and don’t even know it. Let’s get informed – then we can heal. If we didn’t get securely attached as kids, we can develop “earned secure attachment.” (...)

Kathy Brous, ‘The Adult Attachment Interview (AAI): Mary Main in a Strange Situation’ (blog posted March 2014), <http://attachmentdisorderhealing.com/adult-attachment-interview-aai-mary-main> (accessed 16 June 2015)

Kent Hoffman, *Eighty Seven Minutes*

In coining the phrase, *holding environment*, Winnicott gave voice to every infant's core need: personal access to a primary relationship (one or several) that recognizes the child's absolute dependence and offers sensitive and committed caregiving. Winnicott was unequivocal in his belief that at the heart of this first relationship is the fact that each child requires consistent, predictable, and soothing presence, especially during times of distress. (...)

The experience of holding is somewhere on a continuum for each of us. Yet, in subjective perception we either have access to a holding environment or we do not. To the degree that we have access to a holding environment [*presence, being-with*], we feel safe and secure. To the degree that we do not have access to this holding [*absence, being-without*], we increasingly experience life as difficult unto impossible. (...) To the degree that we know presence (along a vast continuum), we are at home in our lives. To the degree that absence defines our experience (along a vast continuum), we suffer.

The homeless street kid, the diligent university student, and the celebrated professional all live within the same condition: trust is the lived experience of presence and suffering is the lived experience of absence. (...) I do not exaggerate when I say that the internal hell (self-loathing, harsh expectations, certainty about being alone) of many students I have worked with at the university level is often equal to, if not more extreme, than the agony of the homeless teens I've come to know through the years. (...)

In the face of so much that feels impossible and overwhelming, current neuroscience is now able to offer a clue to both understanding and working with our internal uncertainty. (...) Affective neuroscience is now helping us find a hidden source of our internal struggles. We call it procedural memory. It might be called the neuroscience of learned presence and learned absence. Some are fortunate to experience an abundance of presence in their formative years. But, for many, presence didn't always show up in the way it was most needed. This was the absence we likely still can't comprehend. (...)

Procedural memory is memory outside of words, because it began before we had words. All infants and young children are building memory based on patterns of micro-interactions with their caregivers. Every moment of experience informs every child's expanding procedural memory (...).

A young boy lies in a hospital bed. He is frightened and in pain. Burns cover 40 percent of his small body. Someone has doused him with alcohol and then, unimaginably, has set him on fire.

He cries for his mother.

His mother has set him on fire. (...)

We were each born with approximately 100 billion brain cells. By the time we were three years old, those cells had migrated into 1,000 trillion neural pathways. Building at a rate of millions of neural pathways per second, infants and young children are creating the structure of their brains based upon what they experience with their caregivers. This is the basis of procedural memory: our experience is literally built into the architecture of our brains. (...)

Here's the part many of us aren't sure we really want to know: Infants need presence. Infants are exquisitely sensitive, in a moment-to-moment way, to the presence or absence of their caregivers. Like the air we breathe, presence isn't a luxury, it's an absolute requirement. All current infant research agrees that our emotional stability and sense of security depend upon trusting in the consistent and caring availability of another. (...)

Just like the little boy set ablaze by his mother, we can't not be connected. (...)

Once we become aware of the presence/absence paradigm, we begin to have choice. Said simply: We are either strengthening our procedural mind [*destructive coping, jw*], or finding ways to build a new one. But to build a new mind, we must recognize how the old mind has us currently stuck.

Kent Hoffman, <http://www.eightysevenminutes.com/one>, <http://www.eightysevenminutes.com/two> (accessed 20 February 2018)

Session 8: *Survival and Development*: The right of the child to competent parents

Article 6 CRC (2)

Survival and Development: The right of the child to competent parents – and adults' rights. But how to prevent parental incompetence?

- Human rights of children and adults' responsibilities: Articles 3.1, 18.2 and 19.1 CRC
- Structural prevention (1): Prenatal courses and counseling? (Where to from here?)

–presentation(s) + post-discussion Attachment and Schema theory; –pre-discussion of:

Task 8

Why Do Some Countries Regulate Baby Names?

(Source: BBC News Magazine 1 February 2013, www.bbc.co.uk/news/magazine-21229475)

A 15-year-old Icelandic girl has won the right to keep her first name, despite it being “unapproved” by the state. Why do some countries restrict baby names? Parents-to-be often find it hard enough to find a name they both like, let alone one the state might also be in favour of. Bjork Eidsdottir had no idea when, in naming her newborn girl Blaer 15 years ago, she was breaking the law. In the eyes of the authorities Blaer, which means “light breeze”, was a male name and therefore not approved. It meant that for her entire childhood, Blaer was known simply as “Girl” on official documents. But Reykjavik District Court ruled on Thursday that it could indeed be a feminine name. “Finally I’ll have the name Blaer in my passport,” she said after the ruling.

Several countries – such as Germany, Sweden, China and Japan – also restrict names. Why? In the case of Iceland, it’s about meeting certain rules of grammar and gender, and saving the child from possible embarrassment. Sometimes, although not in every case, officials also insist that it must be possible to write the name in Icelandic. There is a list of 1,853 female names, and 1,712 male ones, and parents must pick from these lists or seek permission from a special committee. Similar concerns about child welfare are present in Germany, where a Turkish couple were not allowed to call their baby Osama Bin Laden. One couple named their baby Berlin after the city in which they met, prompting the registrar to mount an objection. He eventually relented after the family’s lawyer pointed out that the courts had allowed the name London. Gender confusion prevented a German boy being [named] Matti, because the sex of the baby wouldn’t be obvious. And you won’t find any Germans named Merkel, Schroeder or Kohl, either, because surnames are banned as first names.

The name 4Real fell foul of authorities in New Zealand, because names cannot start with a number. A judge there also made a young girl a ward of court so that she could change the name she hated – Talula Does The Hula From Hawaii.

When Japanese parents register their newborns, the local authorities can say no if they don’t think the name is appropriate. In 1993, the name Akuma, meaning “devil”, was not permitted. And in China, people have been forced to change their names because they were deemed too obscure. The UK and the US have much more liberal [libertarian? childist? parentiarthal?– JW] naming laws. American parents can pretty much name their child anything, says Michael Sherrod, co-author of *Bad Baby Names: The Worst True Names Parents Saddled Their Kids With*. In fact, he says, parents see it as an

important expression of their freedom of speech, enshrined in the US Constitution. “When I discovered the restrictions that other countries have, I was absolutely astounded.” Strange names are nothing new, he says. Census records in the 18th and 19th Centuries revealed people named King’s Judgement, Noble Fall and Cholera Plague. “In all, there have been 20 people named Noun, 458 named Comma, 18 called Period but only one called Semicolon.” Getting on to more risqué territory, Ima and Wanna are also popular, especially with surnames like Mann, Hoare or Pigg, he says. More offensive names have also been allowed. But why would parents do that to their children?

“A lot of parents say they want their kids to be unique. They think it’s fun and differentiates their child from everyone else, and gives them a personality,” says Sherrod. “Americans are also very proprietary about their children and take the attitude, ‘We can do whatever with our children and if they don’t like it they can change it when they’re older’.” Children with unusual names tend to get a lot of abuse at school but then embrace it when they’re older, he says. There is no question that some of the more offensive names could be considered as child abuse, but that doesn’t mean legislation is the answer, says Sherrod. “I’m not saying courts should not intervene, but I would prefer they do so only when parents cannot agree and the item gets taken to court. “I think, for the most part, parents are pretty good at compromise. I would say, anecdotal evidence is that the number of cases considered abusive is so tiny as to not require much law, if any.” But courts have stepped in on occasion. (...)

Reading:

–relevant CRC articles and text boxes (also see headings above task)

–Grille chapters 30-31; Perry chapter 11 (Community & Connection)

- *discussion*: ‘continued social evolution’²⁶ or ‘socio-cultural devolution’²⁷?

–Sandra L. Bloom, Advancing a national cradle-to-grave-to-cradle **public health agenda**, *Journal of Trauma & Dissociation* 2016, pp. 383-396, <http://dx.doi.org/10.1080/15299732.2016.1164025>

–California Legislature 2013-2014, Assembly Concurrent Resolution No. 155, Relative to childhood brain development, http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_0151-0200/acr_155_bill_20140528_introduced.htm

–Resolution Urging Governor Bill Walker to join with the Alaska State Legislature to respond to the public and behavioral health epidemic of Adverse Childhood Experiences by establishing a statewide policy and providing programs to address this epidemic, 5 Feb. 2016, http://www.legis.state.ak.us/basis/get_fulltext.asp?session=29&bill=HCR21

–Elizabeth Prewitt, States produce a bumper crop of ACEs bills in 2017 – nearly 40 bills in 18 states, ACEsTooHigh 25 April 2017, <https://acestoohigh.com/2017/04/25/states-produce-a-bumper-crop-of-aces-bills-in-2017-nearly-40-bills-in-18-states/>

–US Congress Resolution 13 July 2017, <http://ctipp.org/Portals/0/xBlog/uploads/2017/7/17/BILLS-115hres443ih.pdf>

–ACEResponse.org, http://aceresponse.org/give_your_support/Legislation_16_52_sb.htm

–Willems 2012, It takes a SMECC to raise a child (**Part 2: Meeting Basic Developmental Needs – Structural Prevention through SMECC**), online ResearchGate Jan Willems (or google)

²⁶ Grille (2005 ed. and 2013 ed.), p. 391 (paperback ed. 2008, p. 393).

²⁷ See the interview with Bruce Perry in Jan CM Willems (ed.), *Children’s Rights and Human Development: A Multidisciplinary Reader*, Antwerp-Oxford-Portland: Intersentia, 2010, pp. 420-423.

–Willems 2016, The CRC at 25: Theory, **Reality, Ideology** [adult privileges], **Opportunity** (...), <http://www.allianceforchildhood.eu/improving-the-quality-of-childhood-in-europe-volume-6>, Ch. 10

Check and briefly report on these sources:

–WHO: <http://www.who.int/mediacentre/news/notes/2016/new-strategies-violence-children/en/>

–Council of Europe (2006), **Recommendation on policy to support Positive Parenting**: <https://wcd.coe.int/ViewDoc.jsp?id=1073507>

–US/Gov.: <http://www.cdc.gov/ncbddd/childdevelopment/positiveparenting/>

–US/APA: <http://pediatrics.aappublications.org/content/early/2016/07/14/peds.2016-1298>

–NGO: API, <http://www.attachmentparenting.org>, API's Eight Principles of Parenting: <http://www.attachmentparenting.org/principles/api>

–Campaign for Trauma-Informed Policy and Practice, <http://ctipp.org/>

–Sam Vickery, <https://loveparenting.org/2013/02/25/continuum-parenting-and-attachment-parenting-whats-the-difference-and-what-is-love-parenting-really-all-about/>

–Dr. Allison Jackson, A Call to Connection: Making Childhood Trauma Personal, TEDx talk 17 May 2016, <https://www.youtube.com/watch?v=-HG8H4n2j9I>

Do we know what competent parenting is?

We do: since at least **1994** (source: Dave Riley, Some Principles for Designing **Effective Parenting** Education/Support Programs, in: *Can Government Promote Competent Parenting?* University of Wisconsin-Madison, Center for Excellence in Family Studies, School of Human Ecology, **1994**, p. 9, www.familyimpactseminars.org/s_wifis03report.pdf):

Much of the complex picture of parenting that is painted by research findings can be summarized in terms of: (1) the development of a **secure attachment** between the child and one or more parents in **infancy**, and: (2) the use of **authoritative parenting** in the years of **childhood and adolescence**.

[Ad (1):] Secure attachments derive from parenting that is **sensitively responsive** and **reliably available** to the **infant**.

[Ad (2):] **Authoritative parenting** is a style that combines high **demandingness** (high expectations for the child (**after infancy**), a willingness by the parent to exert authority, set rules, act consistently), and high **responsiveness** (expression of warmth with the child, a willingness to listen to the child's point of view, to engage in verbal give-and-take with the child, a willingness to explain the reasons for the parent's rules).

The CRC sets standards for parenting and creates obligations for states to see to it that people can meet them. But how to prevent people who do not want to or cannot meet them from exercising parental responsibilities? Two concepts have been put forward: *positive parenting* and *competent parenting*.

POSITIVE PARENTING – WORK IN PROGRESS (UN and Council of Europe):

Preventing *relative* incompetence:

A ban on corporal punishment in family law to create a legal framework for (raising awareness on) positive parenting. [*Netherlands article 1:247 Civil Code*]

COMPETENT PARENTING – WORK TO BE DONE (academic proposals):

Preventing *absolute* incompetence (Michele, task 9):

A minimum standard for exercising parental responsibilities in family law to create a legal framework for (raising awareness on) competent parenting. [*Netherlands article 1:246 Civil Code, to be adapted to explicitly include Vopat's criteria (see Willems, FJR 2011:161, Prikpil of prenatale aanpak)*]

ABSOLUTE AND RELATIVE INCOMPETENCE

A distinction should be made between **absolute** and **relative** parental incompetence.* One to five percent of biological parents may be absolutely incompetent, that is, not able to meet a minimum standard (dependent on its rigidity), but another ten to twenty percent is relatively incompetent, that is, would probably not have caused developmental damage to their children to occur, if they had been timely and adequately informed, counseled or supported.

But is it not a violation of fundamental rights (esp. the prohibition of cruel, inhuman or degrading treatment: **art 37a CRC**), by the state (the state's legislature, agencies, courts), to put a baby under the care of parents the state knows, or should know, to be absolutely incompetent? As well as a violation of the state's obligation to ensure necessary protection and care under **art 3.2 CRC**?

* For Child Abuse Risk Evaluation (parent factors), see CARE-NL (www.corinederuijter.eu/risk.php).

Emotional care is a basic need of children; if parents or other primary caregivers do not [or can not*] fulfill the child's emotional needs, action must be taken so that the child develops a **secure attachment**. (...)

* [T]he **precautionary principle** (...) requires assessing the possibility of future risk and harm (...).

Committee on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (article 3.1), para 72 and 74.

Session 9: *Participation* of every child through Structural Prevention (Inclusive participation)

Article 12 CRC (2)

Participation of all children (inclusion of children: a *de facto* subject of rights status of children) through Structural Prevention: replacing (20th century) paternalism and intervention (traditional Child Protection) by Responsibilization and Empowerment (Trias pedagogica, SMECC)

- Structural prevention (2): How to hear a newborn (article 12 CRC) when his/her birth parents are ‘manifestly unfit’? (“*My parents can’t take care of me. I want competent caregivers at my cradle! I want my rights!*”)

Academic proposals:

1. Parenthood Pledge/Parenthood Certification (Westman), or ... Licensing Parents (LaFollette)
2. ‘It takes a SMECC’:
 - Youth Care & Child Protection paradigm shift towards Prenatal Care & Protection (Prepared Parenthood)
 - Unprepared Parenthood Ban: Abolition of Automatic Authority as legal basis for Promoting Prepared Parenthood
 - Responsibilization: making laws to specify CRC responsibilities of adults, e.g. Parent-Child: CRC preamble §6 jo. articles 5 and 19.1 (affection-based non-violent direction and guidance, that is, love+limits)
 - Empowerment: e.g. State-Parent: CRC articles 18.2-3 and 27.3; State-Child: CRC articles 2, 3, 6, 12 (respect), 24, 29 (learning), 31 (play), 39 (therapy); preamble §9 jo. articles 3.2 and 19.2 (prenatal care+protection)

–presentation(s) + post-discussion Structural prevention (1)

–pre-discussion of:

Task 9

Introduction

Does the CRC limit state power to put children into dependent relationships that (cannot but) violate their rights? If so, how and to which degree?

- Michele’s right to ‘competent carers at her cradle’ (articles 5, 19.1 and 37a CRC, *inter alia*?) and her parents’ Automatic Parental Rights at her birth (national family law): can they be balanced? Or do they contradict?
- Structural prevention (2): if structural prevention (1) fails, can or should there be prenatal (voluntary or court ordered) arrangements towards (open*) adoption at birth? On the basis of which CRC articles?

(Imagine you are) Michele

(Source: James Dwyer, <http://law.wm.edu/news/stories/2010/dwyer-excerpt-constitutional-birthright.php>)

[Mother: ‘demonstrably unfit to parent’ (psychiatric)]

Michele [is] just born. Her birth mother Jane has struggled with a serious mental illness for many years and has mostly lived on the street or in abandoned buildings. Four months ago a court terminated

her parental rights as to two other children, because she had abused and neglected them and then failed to respond to rehabilitative services provided by the local child protection agency. She is no better prepared to parent today; in fact, the termination threw her into a state of deep despondency and suicidal ideations.

[Father: ‘demonstrably unfit to parent’ (psychopath?²⁸)]

Michele’s biological father John went to prison six months ago to serve a three year sentence for sexually molesting Michele’s older sister when the sister was four years old. He has been drug addicted for many years, and his rights with respect to that older sister were terminated.

[Relatives/extended family]

Jane’s and John’s extended family members live in the drug- and crime-infested neighborhood where Jane and John grew up, and many of them are addicts also.

[Qualified/screened parents]

The local adoption and social services agencies have long lists of highly qualified couples wanting to adopt a newborn baby.

[Serious damage?]

[If the state does not protect her rights (articles 16, 19 and 37a CRC, *inter alia*?)] Michele will likely experience material and affective deprivation, the trauma of abuse, and the travails of foster care, in turn depriving her of a secure attachment with a consistent, nurturing caregiver and causing her to suffer serious neurological, psychological, emotional, and social damage. This early damage from deficient parenting, coupled with growing up in an inhospitable and unstable environment, will severely undermine Michele’s life prospects. Her childhood, adolescence, and adulthood will likely be marred by numerous dysfunctions ...

[Adoption at birth?]

Thus, current state parentage statutes [national family laws] dictating the family lives of babies born to manifestly unfit birth parents predictably and substantially endanger babies’ wellbeing and severely undermine their chances for a happy and fulfilling life. States do this to babies even though they could avoid doing so without great difficulty and could in addition save taxpayers a lot of money by leaving such children free for family formation with different, fit parents at the outset. (...)

Parents’ Interests

(...) The practical difference for children arises from the fact that states currently react to parental unfitness typically only after a child is harmed. ... Opponents of child welfare interventions often suppose simplistically that all parents are always better off having custody of their offspring rather than not, but that ignores the real costs to parents of the state putting them in a position to damage their offspring and also ignores, on the other hand, the consolation birth parents can experience if the child they create is adopted before being damaged and goes on to live a healthy, flourishing life. (...)

Conclusion

For the state to force any persons into intimate relationships that are very likely to be seriously detrimental to them is an unconstitutional abuse of state power, and never more so than when those

²⁸ See Risk Assessment Instruments such as Hare’s Psychopathy Checklist on the website of Corine de Ruiter, <http://www.corinederuiter.eu/>, <http://www.corinederuiter.eu/risk.php>.

persons are in the developmentally crucial period of infancy [violation of articles 3, 6, 16, 19, 24 and 37a CRC, *inter alia*?]. Courts should recognize that newborn babies, much more clearly than birth parents, have fundamental interests at stake in the state's selection of legal parents ... [article 3.1 CRC, *inter alia*?].

*** Open adoption:**

1. The child keeps his or her name in accordance with article 7.1 CRC (the right to know his or her parents) and article 8.1 CRC (the right to preserve his or her identity: name + family relations).
2. The parents keep contact with the child if in accordance with article 9.3 CRC (the right of the child to maintain relations + contact).

Reading:

–relevant CRC articles and text boxes (also see headings above task)

–Hugh LaFollette, 'Licensing Parents Revisited,' in: *Journal of Applied Philosophy* 2010 (Issue 27:4), pp. 327-343, online: <http://onlinelibrary.wiley.com/doi/10.1111/j.1468-5930.2010.00497.x/pdf>

–Mark C. Vopat, Parent Licensing and the Protection of Children, in: Samantha Brennan and Robert Noggle (eds.), *Taking Responsibility for Children*, Waterloo, Ontario, Canada: Wilfrid Laurier University Press, 2007, pp. 73-96, online: http://www.academia.edu/3199700/Parent_Licensing_and_the_Protection_of_Children

–Jack C. Westman, Parenthood Certification as the Prerequisite for Parental Rights, http://www.academia.edu/4228954/Parenthood_Certification

–Jack C. Westman, Parenthood Pledge Brochure, www.jackwestman.com, Documents, Parenthood Pledge Brochure, direct: http://jackwestman.com/Parenthood_Pledge_BROCHURE.pdf; or check www.wisconsincares.net, Info

–Jan CM Willems, Children as Subjects of Rights: Three Waves of Emancipation (Introduction to this manual, above)

Check and briefly report on these sources:

–Wisconsin Cares (Jack Westman), *The Right of Newborn Babies: An Opportunity to Succeed in Life (Is a newborn baby a person or property?); A proposal for affirming parental rights by a parenthood pledge*, available at <http://apha.confex.com/apha/138am/webprogram/Paper217562.html>; or check www.wisconsincares.net, Info

–Jack C. Westman, *Parent Power: The Key to America's Prosperity*, CreateSpace/Amazon: North Charleston, South Carolina, 2013

–Tonier Cain, <https://acestoohigh.files.wordpress.com/2017/09/tonier-bio.jpg>, <http://healingneen.com/>

A Note on Westman's book *Parent Power*

Westman's book *Parent Power* is written for a US audience, and in a rather 'patriotic' tone, but is outstanding in the way it both explains discrimination against children as a group (introducing the concept of **juvenile ageism**) and addresses the **root causes** of gross human rights violations (GHRV) against newborn babies and children: unprepared parenthood and inadequately supported new parents – which, according to Grille, may very well be the root causes of many other gross human rights violations as well.

The author also attempts to open up the debate on one of the world's greatest taboos: the (gradual) abolition of automatic legal parental rights. He does this by proposing parenthood certification and a parenthood pledge, which may be an important step in the direction of ending our failure to prevent the gross violation of children's rights, not only in the US but everywhere – including the EU and other high-income states and rich economies.

Westman's book is about **justice, accountability and reform**. Justice for children conceived by adults who are not qualified to take care of a child. Accountability of adults as (future) parents, professionals, bystanders, and citizens qualified to vote. And reform of parental rights (family law) and Child Protection (*Parenthood Pledge*). The title of the book should be read as *Parent Empowerment to end Parent Power Abuse*.

Jack Westman is child rights hero #6.

“[W]e have national programs to train soldiers to effectively take life – and we have pensions for them. By contrast, we have no national programs for training women and men to effectively care for children – even though we have solid scientific knowledge about what is and is not effective and humane childcare.”

Riane Eisler (author of *The Real Wealth of Nations; Creating a Caring Economics*, San Francisco, 2007, 2008), *Building Cultures of Partnership and Peace: Four Cornerstones* (2010), p. 7 (available at www.partnershipway.org, accessed 10 August 2011)

Session 10: Conclusion and evaluation

–Last post-discussion + presentation(s)

–Post-discussion Structural prevention (2): Paradigm shift from (20th century) Child Protection to (21st century?) ‘Prepared Parenthood’

–Take home exam (for old take home exams, see next page):

- When will the take home exam be posted?
- When and how to hand in and email the take home in the Exam week?
- What will be the exam instructions (number of words, footnotes/referencing etc.)?

–The take home exam’s overall aim is:

- to test a student’s academic ability to work with the CRC and
- to link its principles and provisions to interdisciplinary concepts and related knowledge.

–Course evaluation + suggestions

- Course objective are clear?
- Course is well organized?
- Workload not too much?
- Expectations have been met?
- VBL/PBL format is suitable?
- Tasks are clear?
- Tasks stimulate discussion?
- Presentations stimulate discussion?
- Group meetings are useful qua: Tasks? Presentations? Post-discussions?
- Books/readings are useful?
- Video and other additional sources are useful?

WHAT TO KNOW? A TOP TEN CHECKLIST

For an adequate understanding of children’s rights, basic knowledge of the following is required:

1. ACEs (consequences of toxic stress in early childhood): ACEs science and the ACEs movement (a *trauma-informed* scientific basis).
2. Science of early childhood (brain development and development of attachment security).
3. Schema therapy theory: basic developmental needs (‘love, limits, listening, learning, play’) and adult outcomes (‘love science’: adult attachment representations in romantic/intimate relationships).
4. (Psycho)history of childhood (Grille) and harmful adult/parental privileges (esp. ‘reasonable chastisement’ and automatic parental rights/unprepared parenthood).
5. Parenting concepts: competent parenting, sensitive + responsive parenting, positive parenting (Council of Europe), attachment parenting, authoritative parenting – versus authoritarian parenting, abusive parenting (narcissistic, hysterical, obsessional), neglectful parenting, permissive parenting.
6. Prejudice concepts (a *prejudice-informed* scientific basis): the juvism onion model (children as objects/property of parents, that is, not empowered by competent parenting, parents not empowered to be competent) and the CRC concept of *non-discrimination*.
7. CRC concepts: affection-based *direction and guidance* (‘love and limits’), *evolving capacities* and *participation* (‘respect’ for freedom to express needs and feelings), *holistic development* and *aims of education* (emotional and social ‘learning’ and ‘play’); *best interests of the child* (all five basic needs).
8. CRC-based approaches to change (responsibilization and empowerment): *Trias pedagogica* model of the CRC and the preventative SMECC model (and some other proposals, such as parent licensing, parenthood certification/pledge, relationship rights).
9. Stages of human rights implementation (TRIO review of CRC 1989-present).
10. (Some of the) General Comments and Concluding Observations by CRC treaty body (Committee on the Rights of the Child).

Old Take Home Exams Rights of the Child

Exam 2016: Children's core needs and basic rights: but what if birth parents cannot take care of them?

Exam instructions and grading

1. Use the UCM cover sheet and fill in course and coordinator/tutor (if hard copy is required).
2. Do not forget to put your name + ID on (the UCM sheet and) your title page.
3. Add sending date and word count.
4. The maximum total word count is 2,500 (10% rule does not apply).
5. Refer to exact CRC articles (article+paragraph), and exact page numbers in other texts (as in your papers), referring to books or book chapters is not enough (always refer to pages).
6. Exception: for General comments, Concluding observations or treaty body jurisprudence refer to paragraphs, not page numbers.
7. Mentioning CRC articles (article+paragraph) suffices, you need not quote full articles.
8. Reference in full (name of author(s), editor(s) etc., etc.) in footnotes (not included in word count; bibliography also not included in word count), or in APA/reference-in-text style (only bibliography not included in word count).
9. You may use and refer to all materials/literature/documents used in the course including materials put on My Courses (Student Portal).
10. The exam will be graded on the basis of exactness of formulation (including referencing and use of sources), brevity and clarity of explanations, and depth of insight in the CRC normative framework and relevant (multi- and interdisciplinary) concepts.

Exam

Please read the excerpt of an article by James Dwyer following this link:

<http://law.wm.edu/news/stories/2010/dwyer-excerpt-constitutional-birthright.php>.

Then answer all three questions below.

Question 1. (max 3 points; 600-750 words)

Dwyer bases the arguments for his proposal on the US Constitution, maybe because the US is not a party to the CRC. Briefly explain Dwyer's proposal. Which articles (articles and/or article paragraphs) in the CRC could be invoked to support his arguments? Mention three articles and briefly explain.

Question 2. (max 5 points; 1,000-1,250 words)

According to Dwyer, if the state does not protect her rights "Michele will likely experience material and affective deprivation, the trauma of abuse, and the travails of foster care, in turn depriving her of a secure attachment with a consistent, nurturing caregiver and causing her to suffer serious neurological, psychological, emotional, and social damage." Could you provide evidence to corroborate this. Refer to the ACE Study findings [ACEs science], the science of Early Childhood, Schema therapy theory and/or any other pertinent source.

Question 3. (max 2 points; 400-500 words)

According to Dwyer, "Many people speak as if there is a well-recognized constitutional right of biological parents per se to become legal parents." Does the CRC contain a right of birth parents to

have parental rights over their child and/or to raise their child? Please refer to two articles in the CRC that may be invoked either in favour or contrary to such a right, or both. Briefly explain.

Exam 2017: ‘Failing states’ and ‘child rights heroes’

Exam instructions and grading

1. No hard copy required, **Microsoft Word-documents** only (**no PDF files**), attach to email to tutor before [date].
2. Do not forget to put your name + ID number on the title page.
3. Add sending date and word count.
4. The maximum total word count is 2,500 (10% rule does not apply).
5. Refer to exact CRC articles (article+paragraph), and exact page numbers in other texts (as in your papers), referring to books or book chapters is not enough (always refer to pages).
6. Exception: for General comments, Concluding observations or treaty body jurisprudence refer to paragraphs, not page numbers.
7. Mentioning CRC articles (article+paragraph) suffices, you need not quote full articles.
8. Reference in full (name of author(s), editor(s) etc. in footnotes (not included in word count; bibliography also not included in word count), or in any reference-in-text style (only bibliography not included in word count).
9. You may use and refer to all materials/literature/documents/slides used in the course including all materials put on My Courses (Student Portal).
10. The exam will be graded on the basis of exactness of formulation (including referencing and use of sources), brevity and clarity of explanations, and depth of insight in the CRC normative framework and relevant (multi- and interdisciplinary) concepts.

Exam

This take home exam consists of two questions, both have to be answered (max. 2,500 words for both, each approx. 1,250, that is, between 1,000 and 1,500 – no 10% rule).

Question 1 (max. 5 points; approx. 1,250 words)

Go to OHCHR.org, Human Rights by Country, and select one of the following 8 countries (dates refer to concluding observations, see below):

–CAR	08.03.2017;
–Estonia	08.03.2017;
–Saudi Arabia	25.10.2016;
–New Zealand	21.10.2016;
–UK	12.07.2016;
–Peru	02.03.2016;
–Ireland	01.03.2016;
–France	23.02.2016.

Scroll to Most recent concluding observations, and open the one by the CRC treaty body (expert committee on the rights of the child, hereafter: committee).

Search for recommendations by the committee (in bold) which relate to any of the following:

- Early childhood development and/or basic developmental needs;
- Child maltreatment (CAN and/or ACEs);
- Prepared parenthood and/or Positive parenting;

- Harmful practices by or privileges of adults;
- Child participation.

1.1 Choose one of the 5 topics mentioned above and mention which CRC obligations, in the view of the committee, have not been (fully) met and/or need to be (further) implemented by the country of your choice. What are the committee's arguments and/or concerns? (Refer to paragraph numbers!)

1.2 Would you agree? Why/why not?

Question 2 (max. 5 points; approx. 1,250 words)

2.1 In the introduction to the course manual several 'child rights heroes' are mentioned. Choose one and explain his or her contribution to the social and legal emancipation (mitigation of property status) of children.

2.2 What would be needed for the full emancipation (abolition of property status) of children?

2.3 Would that be possible on the basis of the CRC, or would it require a new convention – on the elimination of all forms of discrimination against children (such as ICERD and CEDAW, see OHCHR.org, The Core International Human Rights Instruments)? Why/why not?

Consequences of [Child] Maltreatment

- Increases in violent behavior
- Increases in neuropsychiatric disorders
- Increased risk of substance abuse
- Increased risk for teenage pregnancy
- Increased risk for anti-social/criminal actions
- Increased risk of becoming perpetrators of abuse
- Increased risk of becoming victims of other abuse

Bruce D. Perry, ChildTrauma.org 2002, slide presentation *The Neurodevelopmental Impact of Childhood Trauma*, slide 61, www.childtrauma.org/CTAMATERIALS/trauma_dis_02.pdf

“If 20 million people were infected by a virus that caused anxiety, impulsivity, aggression, sleep problems, depression, respiratory and heart problems, vulnerability to substance abuse, antisocial and criminal behavior, retardation and school failure, we would consider it an urgent public health crisis. Yet, in the United States alone, there are more than 20 million abused, neglected and traumatized children vulnerable to these problems [circa 30% of minors, amounting to one million in The Netherlands, JW]. Our society has yet to recognize this epidemic, let alone develop an immunization strategy.”

Bruce D. Perry, www.childtrauma.org/ourImpact/our_impact.asp

ADDENDA

1.1 Founding years of some NGOs

Antislavery

- 1823 Society for the Mitigation and Gradual Abolition of Slavery throughout the British Dominions
- 1833 American Anti-Slavery Society
- 1839 Anti-Slavery Society (UK), see www.antislavery.org/english/what_we_do/our_history.aspx

Cruelty to Animals

- 1824 Society for the Prevention of Cruelty to Animals (England), see www.spcai.org/about-us/our-history.html
- 1866 Society for the Prevention of Cruelty to Animals (Henry Bergh, US), see www.asPCA.org

Cruelty to Children

- 1875 New York Society for the Prevention of Cruelty to Children, see www.nyspcc.org/nyspcc
- 1889 National Society for the Prevention of Cruelty to Children (UK), see www.nspcc.org.uk

1.2 IGO initiatives/progress

Rights of the Child

- 1924 League of Nations (Geneva) Declaration of the Rights of the Child
- 1959 United Nations (New York) Declaration of the Rights of the Child
- 1989 United Nations (New York) Convention on the Rights of the Child

Violence against Women

- 1993 UN Declaration on the Elimination of Violence against Women
- 1994 Inter-American Convention on the prevention, punishment and eradication of violence against women
- 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence

Violence against Children (abuse, neglect and exploitation in the home and other settings)

- 2006 UN Study on Violence against Children
- 2009 Special Representative of the Secretary-General (SRSG) on violence against children
- 2011 Committee on the Rights of the Child, General Comment No. 13: The right of the child to freedom from all forms of violence

1.3 Animal and children's rights in the Netherlands

- 2006 Party for the Animals elected to parliament for the first time in the world
- 2007 Ban on corporal punishment and other forms of humiliating treatment of children by parents
- 2011 First Dutch Children's Ombudsman (Marc Dullaert, www.dekinderombudsman.nl)
- 2011 Dutch Children's Ombudsman calls for mandatory parenting education on positive parenting for all new parents
- 2011 Party for the Animals calls for ban on cruel religious slaughter methods
- 2011 Royal Dutch Medical Association calls for ban on (cruel and degrading) religious practice of circumcision of (baby) boys
- 2011 Call for a legal minimum standard for competent parenthood published in Dutch legal journal by Jan CM Willems (*Tijdschrift voor Familie- en Jeugdrecht* 2011:161-163)
- 2012 and in the *European Yearbook of Disability Law* (Vol. 3, 2012:59-100); online version: Willems, It takes a SMECC to raise a child.

2.1 Five core emotional/developmental needs (Schema therapy)

The way the brain will develop depends on the way the signals of the child to get attention for his needs are understood by his carers (*sensitivity*) and met by them (*responsiveness*).

A.M. Weterings, in collaboration with Jan C.M. Willems, 'Denial of developmental needs of foster children by Dutch youth care services.' In: Roland Moerland, Hans Nelen, Jan CM Willems (eds.), *Denialism and Human Rights*. Cambridge-Antwerp-Portland: Intersentia, 2016, pp. 97-118, at p. 104.

Schema therapy (Jeffrey Young) compared to six parenting modes (DeMause/Grille)

1-2. Infanticidal + Abandoning mode (vs. **sensitive + responsive**) ↔ *attachment security need*.

[↔ LOVE]

3. Ambivalent mode (unpredictable, double messages, violence) ↔ *autonomy (identity) need*.

[↔ LEARNING]

4. Intrusive mode (over-controlling) ↔ *need for freedom to **express** needs and emotions*.

[↔ LISTENING/RESPECT]

5. Socializing mode (extreme disciplining, **authoritarian**) ↔ *need for **spontaneity** and joy*.

[↔ PLAY]

6a. Helping mode-**permissive** (over-protective) ↔ *need for **boundaries** [including (high but realistic) expectations and own tasks and responsibilities]*.

[↔ LIMITS]

6b. Helping mode-emotionally literate (**authoritative**) → → all five needs adequately met.

Historically dominant but still more or less prevalent: 1-5. Today dominant: 6a; emerging: 6b.

Unmet needs and destructive coping styles ('schemas')

1. Gitta Jacob, Hannie van Genderen, Laura Seebauer, *Breaking Negative Thinking Patterns*, 2015

2. **Schema therapy**, www.schematherapysociety.org/Schema-Therapy, Jeffrey Young, 2003 (posted by George Lockwood, 2008; accessed 26 December 2014/22 June 2015; order adapted as indicated):

SCHEMA THERAPY

"The most basic concept in Schema Therapy is an Early Maladaptive Schema. We define schemas as: 'broad, pervasive themes regarding oneself and one's relationship with others, developed during childhood and elaborated throughout one's lifetime, and dysfunctional to a significant degree.' Schemas develop in childhood from an interplay between the child's innate temperament, and the child's ongoing damaging experiences with parents, siblings, or peers.

Because they begin early in life, schemas become familiar and thus comfortable. We distort our view of the events in our lives in order to maintain the validity of our schemas. Schemas may remain dormant until they are activated by situations relevant to that particular schema.

We have identified 18 schemas thus far. (...) We have grouped these 18 schemas into 5 broad developmental categories of schemas that we call schema domains. Each of the **five domains** represents an important component of a **child's core needs**. Schemas interfere with the child's attempts to get the core needs met within each domain.

“DISCONNECTION & REJECTION [↔ LOVE]

[1. *Parents/parenting*: Abandoning mode; *Child's need*: Attachment security]

Expectation that one's needs for security, safety, stability, nurturance, empathy, sharing of feelings, acceptance, and respect will not be met in a predictable manner.

Typical family origin is detached, cold, **rejecting**, withholding, lonely, explosive, **unpredictable**, or abusive. (...)

“IMPAIRED AUTONOMY & PERFORMANCE [↔ LEARNING]

[2. *Parents/parenting*: Ambivalent mode; *Child's need*: Autonomy (identity)]

Expectations about oneself and the environment that interfere with one's perceived ability to separate, survive, function independently, or perform successfully.

Typical family origin is **enmeshed**, undermining of child's confidence, **overprotective**, or failing to reinforce child for performing competently outside the family. (...)

“OTHER-DIRECTEDNESS [↔ LISTENING/RESPECT]

[3. *Parents/parenting*: Intrusive mode; *Child's need*: Freedom to express needs and emotions]

An excessive focus on the desires, feelings, and responses of others, at the expense of one's own needs – in order to gain love and approval, maintain one's sense of connection, or avoid retaliation. Usually involves suppression and lack of awareness regarding one's own anger and natural inclinations.

Typical family origin is based on **conditional acceptance**: children must suppress important aspects of themselves in order to gain love, attention, and approval. In many such families, the parents' emotional needs and desires – or social acceptance and status – are valued more than the unique needs and feelings of each child. (...)

“OVERVIGILANCE & INHIBITION [↔ PLAY]

[4. *Parents/parenting*: Socializing mode/authoritarian; *Child's need*: Spontaneity and joy]

Excessive emphasis on suppressing one's spontaneous feelings, impulses, and choices, or on meeting rigid, internalized rules and expectations about performance and ethical behavior – often at the expense of happiness, self-expression, relaxation, close relationships, or health.

Typical family origin is grim, demanding, and sometimes **punitive**: performance, duty, perfectionism, following rules, hiding emotions, and avoiding mistakes predominate over pleasure, joy, and relaxation. There is usually an undercurrent of pessimism and worry – that things could fall apart if one fails to be vigilant and careful at all times. (...)

“IMPAIRED LIMITS [↔ LIMITS]

[5. *Parents/parenting*: Helping mode/permissive; *Child's need*: Boundaries]

Deficiency in internal limits, responsibility to others, or long-term goal-orientation. Leads to difficulty respecting the rights of others, cooperating with others, making commitments, or setting and meeting realistic personal goals.

Typical family origin is characterized by permissiveness, **overindulgence**, lack of direction, or a sense of superiority – rather than appropriate confrontation, discipline, and limits in relation to taking responsibility, cooperating in a reciprocal manner, and setting goals. In some cases, child may not have been pushed to tolerate normal levels of discomfort, or may not have been given adequate supervision, direction, or guidance. (...)

International Society of Schema Therapy

(www.SchemaTherapySociety.org), www.isstonline.com/introduction (accessed 11 January 2015):

“The four main concepts in the Schema Therapy model are: Early Maladaptive Schemas, Schema Domains, Coping Styles, and Schema Modes.

–The 18 Early Maladaptive Schemas are self-defeating, core themes or patterns that we keep repeating throughout our lives.

–The Schema Domains define **5 broad categories of emotional needs of a child** (connection [*love*], mutuality [*respect*], reciprocity [*limits*], flow [*play*] and autonomy [*learning*]). When these needs are

not met, schemas develop that lead to unhealthy life patterns. The 18 schemas are grouped into these 5 categories, that correspond to specific emotional needs.

–Coping Styles refer to the ways a child adapts to damaging childhood experiences. For example, some surrender to their schemas [*fright/freeze*]; some find ways to block out or escape from pain [*flight*]; while others fight back or overcompensate [*fight*].

–Schema Modes are the moment-to-moment emotional states and coping responses that we all experience. Our maladaptive schema modes are triggered by life situations that we are oversensitive to (our ‘emotional buttons’). Many schema modes lead us to over- or under-react to situations and, thus, to act in ways that end up hurting us or others.

The goal of schema therapy is to help patients get their core emotional needs met. Key steps in accomplishing this involve learning how to:

–Stop using maladaptive coping styles and modes that block contact with feelings.

–Heal schemas and vulnerable modes through getting needs met in and outside of the therapeutic relationship.

–Incorporate reasonable limits for angry, impulsive or overcompensating schemas and modes.

–Fight punitive, overly critical or demanding schemas and modes.

–Build healthy schemas and modes.”

Coping Styles

By George Lockwood, posted on 4 January 2009, www.isstonline.com/coping-styles (accessed 11 January 2015):

“We cope with the pain associated with the neglect and abuse that leads to the development of schemas and modes using one or more of three major coping styles:

1. **Surrendering** by accommodating to the way we are treated and acting as if, and believing, it is the way things should be. [*Fright/freeze*]

2. **Avoiding** by disconnecting emotionally or physically from the people who mistreat us and/or by disconnecting from our own emotions. [*Flight*]

3. **Overcompensating** by attempting to fight against the schema and prove it is not true by, for example, trying to do things perfectly so that we don’t feel defective or trying to get control over others so that we don’t get left “at the short end of the stick” or taken advantage of. [*Fight*]

While each of these three ways of coping help to reduce pain in the short run, they become the way we unwittingly, but actively, perpetuate schemas and modes in the long run. Those of us who lean towards surrendering will need help to learn to fight against mistreatment and neglect, those of us who lean towards avoidance will need help to gain the courage to face painful feelings and challenging situations and those of us who lean towards overcompensation will need help to gain the courage to become more vulnerable.”

Limited Reparenting

By George Lockwood, posted on 27 December 2008, www.isstonline.com/limited-reparenting, (accessed 11 January 2015):

“Meeting Needs and Establishing a Secure Attachment

Limited reparenting flows directly from schema therapies assumption that early maladaptive schemas and modes arise when **core needs [in early childhood] are not met**. Schema therapy’s aim is to meet these needs by helping the patient find the experiences that were missed in early childhood that will serve as an antidote to the damaging experiences that led to maladaptive schemas and modes. Limited reparenting, **paralleling healthy parenting**, involves the establishment of a **secure attachment** through the therapist, within the bounds of a professional relationship, doing what she can to meet these needs. Research spanning a wide range of disciplines supports the notion that **secure attachment is at the root of adaptive functioning, well-being and flourishing.**”

2.2 Five core emotional needs (CRC articles added)

(Kevin Standish, www.slideshare.net/kevins299/lecture-2-schema-therapy-overview-early-maladaptive-schemas, accessed 13 January 2015)

“Five core emotional needs considered universal:

- 1. **Secure attachment** to others that leads to safety and stability. [*LOVE*]
Preamble CRC 6th paragraph: “**love**, happiness and understanding”; as basis for holistic development: articles 3.1, 6.2, 18.1 and 27.1 CRC.
- 2. **Autonomy**, competence and a sense of identity. [*LEARNING*]
Personhood, **participation**: art 12 (school: art 29); personal integrity, **privacy**: art 16 CRC.
- 3. Freedom to express valid needs and emotions [**self-expression**]. [*LISTENING/RESPECT*]
Listening to (hearing) children: art 12 CRC; freedom of **expression**: art 13 CRC.
- 4. **Spontaneity** and play. [*PLAY*]
Right to **play**: art 31 CRC.
- 5. Realistic **limits** and self-control.” [*LIMITS*]

Limits = boundaries, demands, expectations, tasks and responsibilities:

- 1) **direction and guidance** by parents consistent with the child’s **evolving capacities**: art 5 CRC;
- 2) **participation**, child having his/her own tasks and responsibilities in family, school, community and society: art 12 CRC (definition in General Comment 12);
- 3) **preparation for responsible life**: tolerance, equality of sexes, friendship among ethnic and religious groups: art 29 CRC (see General Comment 1);
- 4) **development of respect**: for parents, human rights, other cultures, nature: art 29 CRC.

2.3 Developmental (*Schema*) needs: an *aide-mémoire*

Finger model of the Big Five Developmental Needs (Willems, ‘The CRC at 25: A TRIO review’):

–It takes two hands to care for a child – one of each parent ... or two of one parent ...

–Each hand should have fingers strong and sensitive enough to provide or promote:

Love, Limits, Listening/respect, (social and emotional) Learning & Leisure/play:

1. *thumb*: Love = attachment security (*thumb up*: ‘you’re OK kid’).
2. *index finger*: Limits = boundaries (*behave! watch out!*).
3. *middle finger*: Listening to the child/respect = (respect for) self-expression (“Respect is a gesture made by extending the index, middle, and ring fingers of one hand at another person with the middle finger raised slightly higher than the index and ring fingers”; *Wikipedia*, list of gestures).
4. *ring finger*: (social and emotional) Learning = (stimulating emotional and social learning means promoting) Competence, Identity, Autonomy.
5. *little finger (pinky)*: Leisure+Play = spontaneity.

3. Three forms of security in the CRC

1. Environmental Security

- art 2 (non-discrimination in society; *nota bene*: childism is discrimination by society)
- art 3.3 (professional/institutional quality/safety)
- art 17e (media)
- art 24.2c (malnutrition)
- art 24.2c (pollution)
- art 24.2e (sanitation)
- art 27.3 (national conditions of living, nutrition, housing [healthy food; safe neighborhoods])
- art 29.1e (school curriculum)
- art 41 (highest standard prevails in either national or international law)
- art 42 (child rights made widely known [throughout society] to adults and children).

2. Economic Security

- art 4 (maximum investment in social and economic rights and international co-operation)
- art 6.2 (maximum investment in [holistic] development)
- art 26 (social security)
- art 27.1-3 (standard of living, family income/finances adequate for child's holistic development)
- art 28 juncto art 32 (school education and child work [versus child labour]).

3. Emotional Security (including Attachment Security)

- 6th preambular paragraph (love and understanding; responsiveness)
- 9th preambular paragraph (protection [against toxic stress] before birth)
- art 3.1 and art 18.1 (best interests of the child as state/professional and parental priority)
- art 3.2 (full care and protection in Trias pedagogica)
- art 5 (direction and guidance in line with evolving capacities; autonomy/competence and boundaries)
- art 6.2 ([holistic: physical/brain-emotional-social-moral-intellectual] development)
- art 7.1 (right to know and be cared for by parents)
- art 8.1 (formal/external identity [personal identity/integrity in art 16])
- art 9.1 (no separation against child's will unless in best interests)
- art 9.3 (contact with both parents unless not in best interests)
- art 12 (express views, being heard, participation)
- art 13 (express feelings and needs)
- art 16 (privacy, personal/psychological integrity)
- art 18.2 (child-rearing assistance)
- art 3.3 juncto art 18.3 (high-quality child care)
- art 19.1 (protection against all forms of violence, abuse, neglect, exploitation, maltreatment)
- art 19.2 (prevention and support programmes, treatment, follow-up; Youth Care, Child Protection)
- art 20 (special safeguards for children in alternative/institutional care)
- art 24.1, 24.2d-f ([mental] health care, including prenatal care, breastfeeding*, guidance for parents)
- art 24.3 (abolition of harmful [traumatic] practices)
- art 25 (periodic review of treatment of children in alternative/institutional care)
- art 29.1a (personality development)
- art 31 (play; spontaneity)
- art 37a (protection against inhuman treatment by the state; e.g. newborns put (or left) in the care of manifestly unfit parents, that is, forced by state law (to stay) into harmful dependent relationships)
- art 39 (childhood trauma reparation).

* Also see 'Breastfeeding a matter of human rights' (Geneva 22 Nov 2016),
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20904&LangID=E>.

FIVE HISTORICAL DEVELOPMENTS

From past to present to future (more or less progress)

1. *Image of the child*: from parental **property** to subject of **rights** (CRC).
2. *Childrearing*: from infanticidal to helping (Grille).
3. *Child needs*: from **blood-tie (myth)** to **attachment** security (science of Early Childhood).
4. *Public policy*: from state **intervention** after harm (Child Protection) to (gradually more) **structural prevention** (Council of Europe: Positive Parenting recommendations; ACEs movement/Campaign for Trauma-Informed Policy and Practice: US legislative initiatives; academic proposals: Upbringing Pledge, Parenthood Pledge, Prepared Parenthood).
5. *Child rights (implementation)*: from Denialism (James Dwyer) and Juvenile Ageism (Jack Westman) to awareness-raising and SMECC advocacy (Jan Willems).

SEVEN TERMS WHICH MORE OR LESS OVERLAP

1. Adverse Childhood Experiences (ACE)
2. Child Abuse and Neglect (CAN)
3. Child Maltreatment (CM)
4. Toxic stress (traumatic stress)
5. Childhood trauma
6. Systematically unmet Core Emotional Needs (Schema Therapy)
7. Systematically violated core/basic child rights (CRC 1989)
and/or fundamental human rights of (both adults and) children
(civil rights, UDHR 1948, ICCPR 1966)

The very idea of ...

“Parentage laws in many countries now pay little or no heed to the welfare of children, and they are the ultimate cause of so much suffering for children and of so many societal problems that they cry out for reform.”

One reform proposal is the mandatory parental licensing idea, “often attributed to Hugh LaFollette [1980]. (...) [T]here are innumerable analogies one can draw to other practices of professions for which one must secure a license from (...) the state – including, most tellingly, parenthood by adoption. But the very idea of state licensing of every parent would be so offensive to so many people that it is politically pointless to push it.”

James G. Dwyer, *The Relationship Rights of Children*, Cambridge University Press, 2006, pp. 253-254 and p. 343 note 1.

Replace ‘the very idea of state licensing of every parent’ by:

Circa 1800: ‘the very idea of abolishing slavery ...’

Circa 1900: ‘the very idea of equal rights of men and women ...’

Circa 1950: ‘the very idea of children having rights ...’

‘Mommy wars’: Are you mom enough?

The question should not be, ‘Are you mom enough?’ The questions should be:

- Are you responsively parenting your child in a timely way?
- Are you attuned to his or her individual needs?
- Are you providing a safe, protected, and predictable environment?
- Do you understand and respond to the developmental differences between infants, toddlers, and older verbal children?
- Are you available and empathetic when your child needs you or is under stress?

If the answer is ‘yes’ to these questions, you are practicing Attachment Parenting. You can reasonably expect that your child will become emotionally secure, will be able to give and receive affection, and will lead a productive and successful life.

Isabelle Fox, PhD, author of *Growing Up: Attachment Parenting from Kindergarten to College*, in response to *Time magazine*’s feature article ‘Are you Mom Enough?’ on May 21, 2012 (Attachment Parenting International 7 June 2012, e-list).

Also see Robin Grille, ‘Does Time Magazine Have, er ... “Attachment Issues”?’ (4 September 2012), <http://kindredmedia.org/2012/09/does-time-magazine-have-er-attachment-issues-by-robin-grille/>

4. Convention on the Rights of the Child – A Summary*

Note: use this summary by Unicef with caution; always check and refer to the full official text of the CRC at the OHCHR website.

* Source: http://www.unicef.org/easterncaribbean/children_23539.htm

Article 1 (*Definition of the child*): The Convention defines a ‘child’ as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.

Article 2 (*Non-discrimination*): The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn’t matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor. No child should be treated unfairly on any basis.

Article 3 (*Best interests of the child*): The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.

Article 4 (*Protection of rights*): Governments have a responsibility to take all available measures to make sure children’s rights are respected, protected and fulfilled. When countries ratify the Convention, they agree to review their laws relating to children. This involves assessing their social services, legal, health and educational systems, as well as levels of funding for these services. Governments are then obliged to take all necessary steps to ensure that the minimum standards set by the Convention in these areas are being met. They must help families protect children’s rights and create an environment where they can grow and reach their potential. In some instances, this may involve changing existing laws or creating new ones. Such legislative changes are not imposed, but come about through the same process by which any law is created or reformed within a country. Article 41 of the Convention points out the when a country already has higher legal standards than those seen in the Convention, the higher standards always prevail.

Article 5 (*Parental guidance*): Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly. Helping children to understand their rights does not mean pushing them to make choices with consequences that they are too young to handle. Article 5 encourages parents to deal with rights issues ‘in a manner consistent with the evolving capacities of the child.’ The Convention does not take responsibility for children away from their parents and give more authority to governments. It does place on governments the responsibility to protect and assist families in fulfilling their essential role as nurturers of children.

Article 6 (*Survival and development*): Children have the right to live. Governments should ensure that children survive and develop healthily.

Article 7 (*Registration, name, nationality, care*): All children have the right to a legally registered name, officially recognised by the government. Children have the right to a nationality (to belong to a country). Children also have the right to know and, as far as possible, to be cared for by their parents.

Article 8 (*Preservation of identity*): Children have the right to an identity – an official record of who they are. Governments should respect children’s right to a name, a nationality and family ties.

Article 9 (*Separation from parents*): Children have the right to live with their parent(s), unless it is bad for them. Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt the child.

Article 10 (*Family reunification*): Families whose members live in different countries should be allowed to move between those countries so that parents and children can stay in contact, or get back together as a family.

Article 11 (*Kidnapping*): Governments should take steps to stop children being taken out of their own country illegally. This article is particularly concerned with parental abductions. The Convention's Optional Protocol on the sale of children, child prostitution and child pornography has a provision that concerns abduction for financial gain.

Article 12 (*Respect for the views of the child*): When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This does not mean that children can now tell their parents what to do. This Convention encourages adults to listen to the opinions of children and involve them in decision-making – not give children authority over adults. Article 12 does not interfere with parents' right and responsibility to express their views on matters affecting their children. Moreover, the Convention recognizes that the level of a child's participation in decisions must be appropriate to the child's level of maturity. Children's ability to form and express their opinions develops with age and most adults will naturally give the views of teenagers greater weight than those of a preschooler, whether in family, legal or administrative decisions.

Article 13 (*Freedom of expression*): Children have the right to get and share information, as long as the information is not damaging to them or others. In exercising the right to freedom of expression, children have the responsibility to also respect the rights, freedoms and reputations of others. The freedom of expression includes the right to share information in any way they choose, including by talking, drawing or writing.

Article 14 (*Freedom of thought, conscience and religion*): Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should help guide their children in these matters. The Convention respects the rights and duties of parents in providing religious and moral guidance to their children. Religious groups around the world have expressed support for the Convention, which indicates that it in no way prevents parents from bringing their children up within a religious tradition. At the same time, the Convention recognizes that as children mature and are able to form their own views, some may question certain religious practices or cultural traditions. The Convention supports children's right to examine their beliefs, but it also states that their right to express their beliefs implies respect for the rights and freedoms of others.

Article 15 (*Freedom of association*): Children have the right to meet together and to join groups and organisations, as long as it does not stop other people from enjoying their rights. In exercising their rights, children have the responsibility to respect the rights, freedoms and reputations of others.

Article 16 (*Right to privacy*): Children have a right to privacy. The law should protect them from attacks against their [dignity and personal integrity, including their] way of life, their good name, their families and their homes.

Article 17 (*Access to information; mass media*): Children have the right to get information that is important to their health and well-being. Governments should encourage mass media – radio, television, newspapers and Internet content sources – to provide information that children can understand and to not promote materials that could harm children. Mass media should particularly be encouraged to supply information in languages that minority and indigenous children can understand. Children should also have access to children's books.

Article 18 (*Parental responsibilities; state assistance*): Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments must respect the responsibility of parents for providing appropriate guidance to their children – the Convention does not take responsibility for children away from their parents and give more authority to governments. It places a responsibility on governments to provide support services to parents, especially if both parents work outside the home.

Article 19 (*Protection from all forms of violence*): Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them. In terms of discipline, the Convention does not specify what forms of punishment parents should use. However any form of discipline involving violence is unacceptable. There are ways to discipline children that are effective in helping children learn about family and social expectations for their behaviour – ones that are non-violent, are appropriate to the child's level of development and take the best interests of the child into consideration. In most countries, laws already define what sorts of punishments are considered excessive or abusive. It is up to each government to review these laws in light of the Convention.

Article 20 (*Children deprived of family environment*): Children who cannot be looked after by their own family have a right to special care and must be looked after properly, by people who respect their ethnic group, religion, culture and language.

Article 21 (*Adoption*): Children have the right to care and protection if they are adopted or in foster care. The first concern must be what is best for them. The same rules should apply whether they are adopted in the country where they were born, or if they are taken to live in another country.

Article 22 (*Refugee children*): Children have the right to special protection and help if they are refugees (if they have been forced to leave their home and live in another country), as well as all the rights in this Convention.

Article 23 (*Children with disabilities*): Children who have any kind of disability have the right to special care and support, as well as all the rights in the Convention, so that they can live full and independent lives.

Article 24 (*Health and health services*): Children have the right to good quality health care – the best health care possible – to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy. Rich countries should help poorer countries achieve this.

Article 25 (*Review of treatment in care*): Children who are looked after by their local authorities, rather than their parents, have the right to have these living arrangements looked at regularly to see if they are the most appropriate. Their care and treatment should always be based on ‘the best interests of the child’ (see ... article 3).

Article 26 (*Social security*): Children – either through their guardians or directly – have the right to help from the government if they are poor or in need.

Article 27 (*Adequate standard of living*): Children have the right to a standard of living that is good enough to meet their physical and mental needs. Governments should help families and guardians who cannot afford to provide this, particularly with regard to food, clothing and housing.

Article 28 (*Right to education*): All children have the right to a primary education, which should be free. Wealthy countries should help poorer countries achieve this right. Discipline in schools should respect children’s dignity. For children to benefit from education, schools must be run in an orderly way – without the use of violence. Any form of school discipline should take into account the child’s human dignity. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect. The Convention places a high value on education. Young people should be encouraged to reach the highest level of education of which they are capable.

Article 29 (*Goals of education*): Children’s education should develop each child’s personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect (...) their parents, and education should aim to develop respect for the values and culture of their parents. The Convention does not address such issues as school uniforms, dress codes, the singing of the national anthem or prayer in schools. It is up to governments and school officials in each country to determine whether, in the context of their society and existing laws, such matters infringe upon other rights protected by the Convention.

Article 30 (*Children of minorities/indigenous groups*): Minority or indigenous children have the right to learn about and practice their own culture, language and religion. The right to practice one’s own culture, language and religion applies to everyone; the Convention here highlights this right in instances where the practices are not shared by the majority of people in the country.

Article 31 (*Leisure, play and culture*): Children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities.

Article 32 (*Child labour*): The government should protect children from work that is dangerous or might harm their health or their education. While the Convention protects children from harmful and exploitative work, there is nothing in it that prohibits parents from expecting their children to help out at home in ways that are safe and appropriate to their age. If children help out in a family farm or business, the tasks they do be safe and suited to their level of development and comply with national labour laws. Children’s work should not jeopardize any of their other rights, including the right to education, or the right to relaxation and play.

Article 33 (*Drug abuse*): Governments should use all means possible to protect children from the use of harmful drugs and from being used in the drug trade.

Article 34 (*Sexual exploitation*): Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

Article 35 (*Abduction, sale and trafficking*): The government should take all measures possible to make sure that children are not abducted, sold or trafficked. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

Article 36 (*Other forms of exploitation*): Children should be protected from any activity that takes advantage of them or could harm their welfare and development.

Article 37 (*[Degrading treatment or] punishment*): No one is allowed to [treat or] punish children in a cruel or harmful way. Children who break the law should not be treated cruelly. They should not be put in prison with adults, should be able to keep in contact with their families, and should not be sentenced to death or life imprisonment without possibility of release.

Article 38 (*War and armed conflicts*): Governments must do everything they can to protect and care for children affected by war. Children under 15 should not be forced or recruited to take part in a war or join the armed forces. The Convention's Optional Protocol on the involvement of children in armed conflict further develops this right, raising the age for direct participation in armed conflict to 18 and establishing a ban on compulsory recruitment for children under 18.

Article 39 (*Rehabilitation of child victims*): Children who have been neglected, abused or exploited should receive special help to physically and psychologically recover and reintegrate into society. Particular attention should be paid to restoring the health, self-respect and dignity of the child.

Article 40 (*Juvenile justice*): Children who are accused of breaking the law have the right to legal help and fair treatment in a justice system that respects their rights. Governments are required to set a minimum age below which children cannot be held criminally responsible and to provide minimum guarantees for the fairness and quick resolution of judicial or alternative proceedings.

Article 41 (*Respect for superior national standards*): If the laws of a country provide better protection of children's rights than the articles in this Convention, those laws should apply.

Article 42 (*Knowledge of rights*): Governments should make the Convention known to adults and children. Adults should help children learn about their rights, too. (See also article 4.)

Articles 43-54 (*[treaty body monitoring, and formal treaty law]*) ...

5. What are Human rights?

Human rights are international legal norms. Since 1945, the UN has been working to create these norms and make them binding upon states. This is done in a treaty making process. Today, we have nine UN human rights treaties. That is, nine treaties with monitoring bodies: one treaty body in and for each treaty (see OHCHR.org, The Core International Human Rights Instruments and their monitoring bodies, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>).

These treaties are binding on the states that have become parties to those treaties. States become parties by signing-and-ratifying treaties, or by acceding to treaties. They are then obliged to send state reports on the progress they make to the monitoring body of the treaty. Human rights organizations (NGOs/CSOs: non-governmental/civil society organizations) may send alternative reports, allowing the treaty bodies to critically, yet diplomatically, examine governments' policies (for CRC, see OHCHR.org, Human rights by country [country X], Reporting Status; also see CRIN.org).

In democratic states, this may, at times, be an effective process. In not so democratic states, additional international scrutiny, through other mechanisms or procedures, or ultimately through shaming and blaming (in exceptional cases leading to Security Council intervention), may be warranted. Apart from optional individual complaint procedures (and even then), the whole process is political and psychological rather than (strictly) legal.

Children Learn What They Live – The Recovery Version

(Tian Dayton, ACEsConnection 22 Feb 2017)

If children live with parents who are high ...	They learn that people are unpredictable and unreliable.
If children live with denial ...	They learn to mistrust what they feel and sense.
If children live with shame ...	They learn to hide who they really are.
If children live with rage ...	They learn to be afraid or act out themselves.
If children live with emotional abuse ...	They learn to feel bad about who they are.
If children live with trauma ...	They learn to become anxious and despondent.
If children live with addiction ...	They learn to become addicts.
If children live with recovery ...	They learn that people can change for the better.
If children live with parents who ask for help ...	They learn to reach out for help too.
If children live with amends ...	They learn to forgive.
If children live with peace in the home ...	They learn to feel safe inside.
If children live with dependability ...	They learn to trust.
If children live with honesty ...	They learn to tell the truth.
If children live with emotional maturity ...	They're allowed to be children.

“One good thing about the Convention on the Rights of the Child is that it is the only convention which is based on the idea that **human beings need love and care**, and that this is something fundamental in the development of human beings. If the Convention was respected, the world would be a much happier place. (...) If I had to sum up children’s rights in one word, it is the foundation of a better society, basically it’s a better world.”

Shirin Aumeeruddy-Cziffra, Ombudsperson for Children for the Republic of Mauritius, interview, Crinmail 28 November 2008 – Update: The Secretary-General’ Study on Violence against Children 40; www.crin.org

“Understanding child development [Grille, Perry, Shonkoff/Harvard] and the consequences of violence [Perry, Felitti/ACE Study] are as important as understanding the concept of child rights.”

Listening, Learning, Acting; Preventing and responding to violence against children in homes and communities, Save the Children Sweden, Regional Office for South and Central Asia, 2008
(www.crin.org/resources/infoDetail.asp?ID=19755&flag=report, 3 March 2009)

“We have [long] known about the social class differences in health and learning outcomes,” says Dr. Jack Shonkoff, director of the Center on the Developing Child at Harvard University. But neuroscience has now linked the environment, behavior and brain activity – and that could lead to a stunning overhaul of both educational and social policies, like rethinking Head Start-style programs that have traditionally emphasized early literacy. New approaches, he says, could focus on **social and emotional development** as well, since science now tells us that relationships and interactions with the environment sculpt the areas of the brain that control behavior (like the ability to concentrate), which also can affect academic achievement (like learning to read). “We are living in a revolution in biology now,” Shonkoff says, one in which new findings are finally giving us a real understanding of the interaction between **nature and nurture**.

Erika Hayasaki, How poverty affects brains, <http://europe.newsweek.com/how-poverty-affects-brains-493239> (25 August 2016)

Also see: <https://www.heartlandalliance.org/povertyreport/>

6. A NOTE ON UNIVERSALITY – By Jan CM Willems (revised 7 July 2013)

Universal values, standards and tools

Law, especially human rights law, intends to protect the powerful and the lucky against the temptation to take advantage of their fortune at the expense of the less powerful and the vulnerable. Human rights are an *acquis* in international law (as imperfect as international law itself), but far from a reality in national practice. In most states, human rights are not manna from heaven but dreams that require blood, sweat and tears to (begin to) come to life. In which sense, then, are human rights universal?

Human rights are universal moral, political and legal **values** (which does not mean that human rights, or rather the rule of law and democracy, do not have enemies).

They are universal moral, political and **legal standards** (principles and provisions, **soft and hard law**, binding on all or some states, invoked before national and international courts and committees).

And they are universal moral, political and **legal tools**.

They are tools for the willing (governments, political parties, civil society). Through education, information, persuasion, legislation and policies – policies of **prevention** of violations, **intervention** in cases or situations of violations, and **reparation** for victims of violations.

And they are tools against the unwilling (governments, private actors). Through **naming, shaming and blaming**. Through moral and political persuasion and social **activism**. And through legal argumentation and national and international **juridical activism**, especially litigation (*frappez toujours ... le juge*).

Together with other (maybe non-universal but equally lofty) tools they serve one supreme common purpose and universal ‘natural law’: **human dignity**. Human dignity may be understood as the foundational concept of a **universal secular ethics** consisting, on the one hand, of **minimum standards of positive respect** for every human being as a human being, and, on the other hand, and on a deeper level, of the **human need and human mission to take care of others** – since no one can exist without others. We all exist, and flourish, thanks to others. This human need and mission to take care of – to do something for, to act in behalf of – others may express itself in many forms. One form of care has been expressed as follows by Katarina Tomaševski:²⁹

“[W]herever there is abuse, there are always people who will expose it and try to right the wrong. Human rights protection was built on their courage to speak truth to power.”

Cultural diversity and cultural relativism

Cultural diversity is quite different from cultural relativism. Cultural diversity is a human rights value and refers to pluriformity, democracy, minority rights and emancipation. Cultural relativism, to the

²⁹ Katarina Tomaševski, Are we educating children as people with rights or just talking about it? In: A. Alen, H. Bosly, M. De Bie *et al.* (eds.), *The UN Children’s Rights Convention: Theory Meets Practice*, Intersentia, 2007, pp. 165-179, at p. 178. (For a book review, see Jan CM Willems, A. Alen [etc.], *Netherlands Quarterly of Human Rights* 2010 (June), pp. 298-305.)

contrary, is a concept which is often used to deny or diminish the universality of human rights. Universality is a core concept and one of the central characteristics of human rights, however.

Cultural relativism is often invoked by proponents or representatives of authoritarian, repressive and anti-democratic regimes or belief systems. They try to undermine the universality of human rights by claiming that human rights are a Western concept and tools of Western dominance and imperialism. Thus, they try to draw attention away from gross and systematic human rights violations in their own country or culture. Their country may oppress political dissidents, or their culture may be patriarchal and oppress women and children. In UN terminology, the latter falls within the broader concepts of **violence against women** and **violence against children**, respectively.

In academic and activist literature more specific terms are used – such as, in relation to women, patriarchy and **sexism**; and, in relation to children: juvenile ageism,³⁰ parentarchy,³¹ and transgenerational discrimination or transism.³² Recently, the term **childism** has been (re-)introduced.³³ Sexism refers to prejudice and discrimination against women as a biological group (‘owned’ by men). Childism refers to prejudice and discrimination against children as an age group (‘owned’ by parents).

Universality refers to **non-discrimination, inclusion and emancipation**. Cultural relativism may be an excuse or disguise for (gender or juvenile) discrimination, exclusion and political repression and persecution.

Human rights critiques: The gap between principles and practice

Although cultural relativism may be a pretext (in a political sense), it is also one of several human rights critiques (in a philosophical sense). According to Dembour:³⁴

“Each of these critiques reveals a gap between what human rights claim to be or achieve, on the one hand, and what human rights are or do in practice, on the other.”

³⁰ Jack C. Westman 1994 (*Licensing Parents*), 2009 (*Breaking the Adolescent Parent Cycle*); 2013 (*Parent Power*); also see jackwestman.com, Documents: Parenthood Pledge Brochure.

³¹ Jan CM Willems, The CRC and Dutch Parentarchy, *Newsletter School of Human Rights Research* 2010, Issue 1, pp. 3-4 (schoolofhumanrights.org, Publications). The term *parentarchy* (in Dutch *parentarchie* or *parentarchaat*) was introduced in 1992 in an article in the Dutch feminist law journal *Nemesis* (Jan CM Willems, Van parentarchie naar Vadertje Staat, *Nemesis* 1992 no. 3, pp. 8-23, at p. 9 and p. 17 note 22; aletta.nu, Collecties, Tijdschriften: Nemesis).

³² Jan CM Willems 1998 (*Wie zal de Opvoeders Opvoeden?* [Who will Educate the Educators?]), 2002/2007 (*Developmental and Autonomy Rights of Children*), 2010 (*Children's Rights and Human Development*). The term *transgenerational discrimination* was introduced in 1998 (*Wie zal de Opvoeders Opvoeden?* Ph.D. Maastricht University 1998, T.M.C. Asser Press 1999, p. 752, p. 785); the short version *transism* was introduced in 2000 in book publications of conferences in Nimwegen (The Netherlands) and Ghent (Belgium), respectively: see Jan CM Willems, Kindervolkenrecht en Trias pedagogica, in: J.R.M. Gerris (ed.), *Preventie van binnenuit*, Van Gorcum, Assen, 2000, pp. 15-30, at p. 17 (16th Family research symposium, Nijmegen University, 25-26 November 1999); and Jan CM Willems, Het belang van het kind, de rechten van het kind, hechting en verwerking: Vier katalysatoren in de humanitaire ontwikkeling naar preventieve opvoedingsfacilitering en uitbanning van transisme, in: M. Bouverne-De Bie, R. Roose (eds.), *Opvoedingsondersteuning en jeugdzorg*, Academia Press, Ghent, 2000, pp. 5-41, at pp. 7-8 (Ghent University, 12 January 2000).

³³ Elisabeth Young-Bruehl, *Childism: Confronting Prejudice Against Children*, New Haven and London: Yale University Press, 2012.

³⁴ Marie-Bénédicte Dembour, Critiques, in: Daniel Moeckli et al. (eds.), *International Human Rights Law*, Oxford: OUP 2014 (2nd ed.), pp. 53-71, at p. 53.

A gap, one could say, between the *pays légal* (human rights principles) and the *pays réel* (national implementation). **No states** have fully implemented all rights and in **many states** rights are violated on a large scale and with serious consequences for the victims. Large-scale structural violations of children's human rights occur in **all states**: infant attachment insecurity and child maltreatment caused by incompetent/insensitive parenting as a result of unprepared parenthood and automatic parental rights also for manifestly unfit parents; 20th century post-natal/post-harm child protection systems; traditional parental privileges such as corporal punishment (still legal in **most states**), male baby/boy circumcision, ideological indoctrination, non-vaccination, etcetera.³⁵

Why are these – and so many other – large-scale and structural violations not (adequately) addressed? What is needed to bridge the gap between universal principles and national practice?

Five national stages (also see “Ten stages of human rights law” elsewhere)

Arguably, bridging the gap is a process in at least five stages. States and societies have to move from denialism to awareness, from awareness to civil society activism and from social activism to political parties and agendas (politicization), before the final stage of changes in law and policy (first steps in national implementation) can be reached. These five national stages – denialism, awareness, activism (including human rights advocacy), politicization, and implementation – are summarily explained below.

1. **Denialism** (*knowing-and-not-knowing*): violations, and especially the structural character of violations, are not seen, not understood, ignored, denied, trivialized, rationalized (explained away through excuses or justifications), played down as incidents, etcetera.

Some examples of historical and present-day denialism are: slavery, Apartheid, antisemitism, xenophobia, patriarchy/sexism, homophobia, parentarchy/childism, and in relation to childism more specifically the structural and pandemic character of child maltreatment and the resulting “educational failures, endemic crime and welfare dependency.”³⁶

Denialism refers to the adherence to ideologies or prejudices in order to, more or less knowingly, mask realities, past or present, personal or social. These realities are not confronted in order to, more or less knowingly, escape personal, social, moral and/or legal (including financial) responsibilities. There may be underlying economic and other interests and/or personal and social psychopathology. There may be underlying fears of ‘personal ghosts,’ that is, unresolved childhood trauma or ACEs (Adverse Childhood Experiences³⁷), unresolved early attachment insecurity, (adolescent) identity insecurity, low self-esteem, etcetera. There may also be aggravating social conditions, favouring populism and populists:

³⁵ See Jan CM Willems, Principles and Promises in the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, in: Lisa Waddington, Gerard Quinn, Eilionoir Flynn (eds.), *European Yearbook of Disability Law – Volume 3*, Intersentia: Cambridge–Antwerp–Portland, 2012, pp. 59-100, Volume 3; online version: Willems, Jan CM, It takes a SMECC to raise a child: Meeting basic developmental needs of newborn persons – Principles and promises in CRC and CRPD, <http://pub.maastrichtuniversity.nl/2bde406f-987e-456e-9463-94453a464143> (44 pp.).

³⁶ Jack C. Westman, *Parent Power: The Key to America's Prosperity*, CreateSpace/Amazon: North Charleston, South Carolina, 2013, p. x.

³⁷ See <http://acestudy.org>. For your personal ACE score (as well as your resilience score) go to: <http://acestoohigh.com/got-your-ace-score>.

“When reality is unpleasant, illusions offer an attractive escape route. In difficult times unscrupulous manipulators enjoy a competitive advantage over those who seek to confront reality.” (George Soros³⁸)

2. **Awareness** (*daring to know, daring to see, daring to feel*): Research, reports, studies, (online) information, education, coming out/testimonies of victims/experts-of-experience (*daring to tell*), and media coverage open up the eyes of more and more individuals.

3. **Activism** (*daring to act, daring to connect*): These individuals organize themselves in civil society organizations (foundations, NGOs) in order to raise awareness among the public, using all kinds of strategies such as media campaigns, research and training, forms of social, political and/or legal activism (start legal proceedings on behalf of victims for instance), etcetera, using human rights language and human rights tools, both on the national and the international level (human rights advocacy).

4. **Politicization** (*NGOs daring to connect*): Once connections between NGOs and democratic political parties, members of parliament or government officials are made, and/or media and social pressure build up, proposals for change appear on political agendas (political debate).

5. **Implementation** (*politicians daring to enact*): Finally changes in law and policy are enacted and more adequate means to address the structural violations are attempted (beginning of national implementation).

In relation to childism (children/newborns as property of parents) and structural child rights violations (inadequate or non-implementation of the principle that the child is a subject of rights and resulting violence and abuse) in high-income states, we are still in stage 1, moving slowly towards stage 2.

Background reading

For background reading, see Daniel Moeckli *et al.* (eds.), *International Human Rights Law*, Oxford: OUP 2014 (2nd ed.), What are human rights for? (pp. 1-11), and Part I (chapters 1-3), especially chapter 3. Also see Jan CM Willems, Too Close to Home: The Denial of Prejudice and Discrimination Against Children, in: Roland Moerland, Hans Nelen, Jan CM Willems (eds.), *Denialism and Human Rights* (Maastricht Series in Human Rights), Cambridge-Antwerp-Portland: Intersentia, 2016, pp. 69-96 (online December 2016/January 2017).

³⁸ Quoted in Jack C. Westman, *Parent Power: The Key to America's Prosperity*, CreateSpace/Amazon: North Charleston, South Carolina, 2013, p. 221.

HUMAN RIGHTS: STRICTLY WESTERN VALUES?

Some criticize human rights rhetoric for its strictly Western values ...

“Human rights are inalienable and indivisible. We must absolutely resist relativism. We cannot plead cultural differences to deny them. Moreover, Western countries can be just as guilty, look at the prisons in Guantanamo and Abu Ghraib. It isn’t because they’re Western that they’re any less responsible. We have to remain faithful to the principle of universality – it is fundamental.”

A “unique declaration,” you said?

“Already in the preamble, [the Universal Declaration of Human Rights] stipulates the universal right to **human dignity**. That was our objective, after all the tragedies we’d lived through, from Auschwitz to Hiroshima ... The states found themselves under the unquestionable leadership of Roosevelt in a strong institution that affirmed the person’s rights and freedoms.

“The League of Nations (forerunner of the UN) had **peacekeeping** as its goal, but it did not concern itself with individuals. As for the 1789 Declaration of the Rights of Man and of the Citizen, its purpose was to protect the citizen against the arbitrariness of royal power. The whole ideology of human rights was thus positioned between power and those it dominated. But to extend this protection to an international level, and even universal, that was very bold. This was the innovation: we are responsible for human dignity and the rights of the person. It was **democracy’s catechism**. In other words, we do not govern for the pleasure of power, but to guarantee the exercise of a democratic society. We were able to declare that governments could be held responsible for the rights of their citizens.

“We had affirmed the universal responsibility of human rights. The word ‘universal’ is obviously fundamental.”

Stéphane Hessel, French-German diplomat and writer, who participated in the drafting of the 1948 Universal Declaration of Human Rights, answering questions from French journalist Vincent Noce, *The UNESCO Courier* 2008, no 9.

The Universal Declaration of Human Rights was adopted in Paris, at the Palais de Chaillot, in 1948

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PROFESSOR USES HER OWN ACES STORY TO TEACH MED RESIDENTS HOW TO HELP TRAUMATIZED PATIENTS

<http://www.acesconnection.com/blog/professor-uses-her-own-aces-story-to-teach-med-students-how-to-help-traumatized-patients> (12 Dec 2017, by Laurie Udesky)

When O’Nesha Cochran teaches medical residents about adverse childhood experiences in patients, she doesn’t use a textbook. Instead, the Oregon Health & Science University adjunct professor walks in the room, dressed in what she describes as the “nerdiest-looking outfit” she can find. And then she tells them her story.

“My mom sold me to her tricks and her pimps from the age of three to the age of six,” she begins. “I could remember these grown men molesting me and my sisters. I have three sisters and we all went through this,” she says.

When she was 13, some adults enticed her to start smoking crack cocaine. “They knew if they got me strung out on drugs, they could sell me easily from person to person and that is what they did,” she says matter-of-factly. For the next 20 years, she tells them, she stole things, beat up a lot of people, and was homeless and in and out of the penitentiary.

“I tell this story very plainly and you can see their mouths drop open,” Cochran says. It’s exactly the effect she’s aiming for – that her story doesn’t match the wonky-looking teacher standing in front of them. It’s partly a lesson, she says, about making snap judgments based on appearances.

And that lets Cochran offer a deeper lesson: “Nobody is born thinking ‘I want to be a dope fiend. I want to be a criminal’.”

To continue reading this article by Laurie Udesky, go to:

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8. Course Description Rights of the Child

Objectives

- To provide a basic introduction into the science of early childhood and the science of childhood trauma (unified science of human development, ACEs science).
- To practice critical reasoning on the basis of a trauma-informed understanding of the normative framework of the Convention on the Rights of the Child.

Description of the course

This course intends to provide a basic introduction into the root causes of large-scale and serious violations of children's rights all over the world, including in high-income states. 'Root causes' refers, on the one hand, to unmet basic developmental needs of children and, on the other hand, to harmful child-rearing practices in the present and the past. Understanding these root causes, their historical context, and their far-reaching consequences for individuals and society, is seen as essential for further (specialized) study in children's rights (related to, e.g., migration, trafficking, armed conflict, child labor, international monitoring, etc.).

Therefore, this course aims to introduce students, on an elementary level, into the science of Early Childhood (Attachment theory and brain development) and the new unified science of human development based on the ACE Study (long-term consequences of Adverse Childhood Experiences, that is, of childhood trauma and toxic stress), and to coach students to relate these new fields of academic knowledge to the universal normative State-Parent-Child framework of the CRC (Convention on the Rights of the Child, UN 1989).

Literature

- Grille, Robin. *Parenting for a Peaceful World*, Second edition. Vox Cordis Press: Avalon Beach, New South Wales, Australia, 2013;
- Perry, Bruce D., and Maia Szalavitz. *The boy who was raised as a dog – And other stories from a child psychiatrist's notebook; What traumatized children can teach us about loss, love and healing*. Basic Books: New York, Revised and Updated Edition 2017.

Course structure

This course involves 20 hours of in-class participation (interaction with other students and tutor), and approximately 80 hours of reading and 20 hours of presentation and paper preparation. The course is based on an active learning approach, including checking (online) sources, with an emphasis on critical (self-)reflection and peer-to-peer learning.

Instructional format

Tutorial group meetings, devoted to video- and problem-based tasks, and student presentations on case studies.

Examination

Presentation and paper, and final take home exam.