



Readings

International Child Law (SOLM270)

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- The readings for this module are divided into two groups: required (including both legal documents and academic literature) and further (optional).
- The required readings are all accessible via the module QMplus page. If you are unable to access any of them, contact the module convenor (hedi.viterbo@qmul.ac.uk). To avoid last-minute problems with accessing the readings, you are advised to download copies of the available readings as early as possible.

Frequently used sources (and their abbreviations):

- Mary Jane Kehily (ed.), *An Introduction to Childhood Studies* (2nd edition, Maidenhead: Open University Press, 2009) [abbreviated below as '**Kehily edited collection**'].
- Hedi Viterbo, *Problematizing Law, Rights, and Childhood in Israel/Palestine* (Cambridge and New York: Cambridge University Press, 2021) [abbreviated as '**Viterbo book**'].
- UN Convention on the Rights of the Child (adopted in 1989; entered into force in 1990), available at <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> [abbreviated as '**CRC**'].
- African Charter on the Rights and Welfare of the Child (1990; entered into in 1999), available at https://www.achpr.org/public/Document/file/English/achpr_instr_charterchild_eng.pdf [abbreviated as '**African Charter**'].
- EU Charter of Fundamental Rights of the European Union (2000), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT> [abbreviated as '**EU Charter**']
- ILO (International Labour Organisation) Convention 182 – Worst Forms of Child Labour Convention (1999), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182 [abbreviated as '**Worst Forms of Child Labour Convention**'].

Week 1: Introduction to international child law

Academic reading:

Anna Holzscheiter, 2010. *Children's Rights in International Politics: The Transformative Power of Discourse* (Basingstoke and New York: Palgrave Macmillan), **only pp. 99–137**.

Legal documents:

1. CRC, Preamble and Arts. 1, 3, 5, 12–13, 17, 28, 31–32, 37(c), 43–44.
2. African Charter, Preamble and Arts. 2, 4–5, 7, 11–12, 15, 17–18, 21–23, 31.
3. EU Charter, Art. 24.

Further (optional) readings:

- Afua Twum-Danso Imoh, 2012. "The Convention on the Rights of the Child: A Product and Facilitator of Global Childhood," in Afua Twum-Danso Imoh and Robert Ame (eds.), *Childhoods at the Intersection of the Local and the Global* (Basingstoke and New York: Palgrave Macmillan), pp. 17–33.
- Dominique Marshall, 1999. "The Construction of Children as an Object of International Relations: The Declaration of Children's Rights and the Child Welfare Committee of League of Nations, 1900-1924" 7 *International Journal of Children's Rights* 103–147.
- International Covenant on Civil and Political Rights (1966), Art. 24(1), <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.
- Geneva Declaration of the Rights of the Child (1924), <http://www.un-documents.net/gdrc1924.htm>.
- UN Declaration of the Rights of the Child (1959), <https://archive.crin.org/en/library/legal-database/un-declaration-rights-child-1959.html>.

Week 2: Defining 'child'

Academic readings:

1. Diana Gittins, 2009. "The historical construction of childhood," in Kehily edited collection, pp. 35–49.
2. Heather Montgomery, 2008. "Chapter 8: Adolescence and Initiation," in her *An Introduction to Childhood: Anthropological Perspectives on Children's Lives* (Wiley-Blackwell, 2008) [pagination varies between print and online editions], **no need to read the section "Initiation: A Psychological Approach"**.
3. Peter Kelly, 2012. "The Brain in the Jar: A Critique of Discourses of Adolescent Brain Development" 15(7) *Journal of Youth Studies* 944–959.

Legal documents:

1. CRC, Art. 1.
2. Worst Forms of Child Labour Convention, Art. 2.
3. African Charter, Art. 2.

Further (optional) readings:

- Erica Burman, 2017. *Deconstructing Developmental Psychology* (3rd edn., London: Routledge).
- Margaret Mead, 1928. *Coming of Age in Samoa* (New York: William Morrow & Co.), available at <https://archive.org/stream/comingofageinsam00mead#page/n5/mode/2up>, especially pp. 195–233.

Week 3: Child combatants

Academic readings:

1. David M. Rosen, 2007. "Child Soldiers, International Humanitarian Law, and the Globalization of Childhood" 109(2) *American Anthropologist* 296–306.
2. Viterbo book, **only pp. 8** (the middle paragraph, which explains the terms 'essentialism' and 'developmentality'), **265–290** (sections 7.1 and 7.2) **and 291–297** (section 7.3.1).

Legal documents:

1. CRC, Art. 38.

2. Rome Statute of the International Criminal Court (1998), Arts. 7(2)(b)(xxvi), 8(2)(b)(xxvi), 26, <https://www.icc-cpi.int/resourcelibrary/official-journal/rome-statute.aspx>.

Further (optional) readings:

- David M. Rosen, 2015. *Child Soldiers in the Western Imagination: From Patriots to Victims* (New Brunswick and London: Rutgers University Press).
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000), <https://www.ohchr.org/en/professionalinterest/pages/opaccrc.aspx>.

Week 4: Child civilians in armed conflict

Academic readings:

1. Hedi Viterbo, 2018. "Rights as a Divide-and-Rule Mechanism: Lessons from the Case of Palestinians in Israeli Custody" 43 *Law & Social Inquiry* 764–795.
2. Viterbo book, **only pp. 153–157** (section 4.3.3), **200–206** (section 5.4), **99–111** (sections 3.2.3 and 3.3), **and 118–130** (sections 3.4.2, 3.4.3, and 3.5).

Legal documents:

1. Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War (1949), Arts. 14, 17, 23–24, 38(5), 50, 82, 89, 94, 132, <https://ihl-databases.icrc.org/ihl/INTRO/380>.
2. CRC, Art. 39.

Further (optional) readings:

- Charli Carpenter, 2006. *Innocent Women and Children: Gender, Norms and the Protection of Civilians* (London: Routledge).
- UN Declaration on the Protection of Women and Children in Emergency and Armed Conflict, UN Doc A/RES/29/3318 (14 December 1974), Art. 1, https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.19_declaration%20protection%20women%20armed%20conflict.pdf.
- African Charter, Art. 22.

Week 5: Youth justice

Academic readings:

1. Janet Ainsworth, 1995. "Youth Justice in a Unified Court: Response to Critics of Juvenile Court Abolition" 36 *Boston College Law Review* 927–951.
2. Hedi Viterbo, 2021. "The Pitfalls of Separating Youth in Prison: A Critique of Age-Segregated Incarceration," in Alexandra Cox and Laura S. Abrams (eds.), *The Palgrave International Handbook of Youth Imprisonment* (Cham: Palgrave Macmillan), pp. 539–562.
3. Anthony M. Platt, 1977. *The Child Savers: The Invention of Juvenile Delinquency* (2nd edn., Chicago and London: University of Chicago Press), **only pp. xxxvii–14**.

Legal document:

CRC, Art. 37.

Further (optional) readings:

- Barry C. Feld, 1999. *Bad Kids: Race and the Transformation of the Juvenile Court* (New York and Oxford: Oxford University Press).
- Margaret May, 1973. "Innocence and Experience: The Evolution of the Concept of Juvenile Delinquency in the Mid-Nineteenth Century" 17(1) *Victorian Studies* 7–29.
- Jan L. Trasen, 1995. "Privacy v. Public Access to Juvenile Court Proceedings: Do Closed Hearings Protect the Child or the System" 15(2) *Boston College Third World Law Journal* 359–384.
- Darrell Steffensmeier, Yunmei Lu, and Chongmin Na, 2020. "Age and Crime in South Korea: Cross-National Challenge to Invariance Thesis" 37(3) *Justice Quarterly* 410.
- African Charter, Art. 17.

Week 6: Working children

Academic readings:

1. Olga Nieuwenhuys, 2009. "From Child Labour to Working Children's Movements," in Jens Qvortrup et al. (eds.), *The Palgrave Handbook of Childhood Studies* (Basingstoke: Palgrave Macmillan), pp. 289–300.
2. Manfred Liebel, 2012. "Do Children Have a Right to Work? Working Children's Movements in the Struggle for Social Justice," in Karl Hanson and Olga Nieuwenhuys (eds.), *Reconceptualizing Children's Rights in International Development* (Cambridge: Cambridge University Press), pp. 225–49.
3. Lisa H. Makman, 2004. "The Right to Work-Free and Playful Childhood: A Historical Perspective," in Rhonda L. Clements and Leah Fiorentino (eds.), *The Child's Right to Play: A Global Approach* (Westport and London: Praeger), pp. 3–8.

Legal documents:

1. CRC, Arts. 28, 31–32.
2. International Covenant on Economic, Social and Cultural Rights (1966), Art. 10(3), <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.
3. ILO Convention 138 – Minimum Age Convention (1973), Arts. 1–8, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138.
4. Worst Forms of Child Labour Convention, Arts. 1, 3.
5. EU Charter, Art. 32.

Further (optional) readings:

- Manfred Liebel, 2004. *A Will of Their Own: Cross-Cultural Perspectives on Working Children* (London: Zed Books).
- Karl Hanson and Arne Vandaele, 2003. "Working Children and International Labour Law: A Critical Analysis" 11 *International Journal of Children's Rights* 73–146.
- Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Pornography (2002), <https://www.ohchr.org/en/professionalinterest/pages/opscrc.aspx>.
- 1997 SAARC (South Asian Association for Regional Cooperation) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution
- African Charter, Arts. 11–12, 15.

Week 7: Study week (no classes)

Week 8: 'The child's right to be heard'

Academic readings:

1. Aoife Daly, 2018. "No Weight for 'Due Weight'? A Children's Autonomy Principle in Best Interest Proceedings" 26 *International Journal of Children's Rights* 61-92.
2. Viterbo book, **only pp. 206–217** (section 5.5).
3. Karl Hanson, 2016. "Children's Participation and Agency When They Don't 'Do the Right Thing'" 23(4) *Childhood* 471–475.

Legal documents:

1. CRC, Art. 12.
2. European Convention on the Exercise of Children's Rights (1996), Arts. 3, 6, <https://rm.coe.int/168007cdaf>.
3. 3rd Optional Protocol to the CRC (on a communications procedure) (2011), Arts. 5, 2–3, <https://www.ohchr.org/en/professionalinterest/pages/opicccrc.aspx>.
4. 1993 Hague Adoption Convention, Art. 4, <https://www.hcch.net/en/instruments/conventions/full-text/?cid=69>.

Further (optional) readings:

- Patricia Alderson et al., 2005. "The Participation Rights of Premature Babies" 13 *International Journal of Children's Rights* 31–50.
- Laura Lundy, 2007. "'Voice' Is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child" 33(6) *British Education Research Journal* 927–942.
- Allison James, 2007. "Giving Voice to Children's Voices: Practices and Problems, Pitfalls and Potentials" 109(2) *American Anthropologist* 261–272.
- UNICEF, "16 Children, Including Greta Thunberg, File Landmark Complaint to the United Nations Committee on the Rights of the Child" (September 23, 2019), www.unicef.org/press-releases/16-children-including-greta-thunberg-file-landmark-complaint-united-nations.

Week 9: Child refugees

Academic readings:

1. Aurora T. Sørsveen and Marit Ursin, 2021. "Constructions of 'the Ageless' Asylum Seekers: An Analysis of How Age is Understood among Professionals Working within the Norwegian Immigration Authorities" 35(2) *Children & Society* 198–212.
2. Ala Sirriyeh, 2018. *The Politics of Compassion: Immigration and Asylum Policy* (Bristol: Bristol University Press), **only pp. 51–76**.

Legal document:

CRC, Art. 22.

Further (optional) readings:

- Carly McLaughlin, 2018. "'They Don't Look Like Children': Child Asylum-Seekers, the Dubs Amendment and the Politics of Childhood" 44(11) *Journal of Ethnic and Migration Studies* 1757–1773.
- Lesley Pruitt, Helen Berents, and Gayle Munro, 2018. "Gender and Age in the Construction of Male Youth in the European Migration 'Crisis'" 43(3) *Signs* 687–709.

- Jason M. Pobjoy, 2017. *The Child in International Refugee Law* (Cambridge and New York: Cambridge University Press).
- UN Convention Relating to the Status of Refugees (1951), <https://www.unhcr.org/uk/3b66c2aa10>.
- African Charter, Art. 23.

Week 10: Overarching themes

Academic readings:

1. Katherine Hunt Federle, 1994. "Rights Flow Downhill" 2 *International Journal of Children's Rights* 343–368.
2. Karl Hanson, 2016. "Separate Childhood Laws and the Future of Society" 12 *Law, Culture and the Humanities* 195–205.
3. Wendy Stainton Rogers, 2009. "Promoting Better Childhoods: Constructions of Child Concern," in Kehily edited collection, pp. 141–160.

Further (optional) reading:

Daniel Monk, 2009. "Childhood and the Law: In Whose 'Best Interest'?" in Kehily edited collection, pp. 177–197.

Week 11: Conclusion

Academic reading:

Matías Cordero Arce, 2012. "Towards an Emancipatory Discourse of Children's Rights" 20 *International Journal of Children's Rights* 365–421.

Further (optional) readings:

- David Archard, 2014. *Children: Rights and Childhood* (3rd edition, Abingdon and New York: Routledge).
- Allison James, Chris Jenks, and Alan Prout, 1998. *Theorizing Childhood* (Cambridge: Polity Press).