



Children's cultural rights

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INTRODUCTION

As the future and hope of nomads, children's particularity and vulnerability lead to the need for special protection of children's rights and interests. Cultural content is essentially an ideology, which has the function of conveying the social experience of the nation, instructing, cultivating, and shaping children's correct values.

Cultural rights are an important right of nomadic children themselves, and the development of nomadic culture cannot be separated from the inheritance and development of children. Nomadic culture is the material and spiritual culture created by nomadic people. Excellent culture can enrich children's spiritual world, enhance children's spiritual power, and promote children's all-round development. At present, due to long-term living in an environment with harsh natural environment, difficult production and living conditions, closed cultural traditions and insufficient educational resources, the development of nomadic culture is also worrying, making it difficult to effectively protect the cultural rights of children in nomadic areas.

In this article, it briefly discusses how to protect the cultural rights of nomadic children. For example, children's cultural rights should be clarified in the relevant laws and systems of nomadic peoples, and a good atmosphere for the realization of cultural rights of nomadic children should be created to enhance the subjective and objective abilities of nomadic children to participate in cultural life.

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I. THE CONNOTATION OF CULTURAL RIGHTS

With a solid and vibrant cultural foundation, humanity can continuously develop and progress. Cultural rights are part of the inherent human rights, and as a fundamental human right, cultural rights should be protected.

As a fundamental human right, cultural rights encompass cultural identity, cultural heritage, education, organization, information, sense of belonging for individuals or groups, and the right to enjoy media, among others. The Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights, collectively known as the International Bill of Human Rights, serve as the international legal basis for cultural rights.

The international understanding of cultural rights began with the protection of human rights and has undergone a progressive process from a political perspective to diverse development. The contemporary discussion on cultural rights began with Article 27 of the Universal Declaration of Human Rights and Article 15 of the International Covenant on Economic, Social and Cultural Rights, as well as Article 73(a) of the United Nations Charter. It was not until the revision of Article 15 of the International Covenant on Economic, Social and Cultural Rights in 1992 that the understanding of cultural rights started to define its connotation: respecting everyone's culture, the right to access and enjoy culture sincerely and essentially on an equal basis, and respecting the principle of non-discrimination; opportunities for participation in the creation and enjoyment of mainstream and minority cultures; essential freedoms for creative activities, such as freedom of expression and intellectual property rights; safeguarding and promoting participatory cultures, including national and international cultural exchanges related to mainstream or minority cultures. From the perspective of international law, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has played an important role in the development and protection of cultural rights. Many declarations of this organization are related to the advocacy of cultural rights and gradually outline the different concepts and connotations of cultural rights.

II. THE CONNOTATION OF CHILDREN'S CULTURAL RIGHTS

Children's cultural rights are explicitly stated in Article 31 of the Convention on the Rights of the Child, which came into effect on September 2, 1990. States parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the child's age, and to freely participate in cultural and artistic life. States parties shall respect and promote the child's right to fully participate in cultural and artistic life, and shall encourage the provision of appropriate and equal opportunities for engaging in cultural, artistic, recreational, and leisure activities.

The summary of children's cultural rights can be described as follows: Children have the right to engage in play and recreational activities suitable for their age, freely participate in cultural and artistic life, and have the right to engage in cultural, artistic, recreational, and leisure activities.

Regarding the earlier provision of cultural rights, the International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly on December 16, 1966, in Article 15(1) states: "The States Parties to the present Covenant recognize the right of everyone: (a) to take part in cultural life; (b) to enjoy the benefits of scientific progress and its applications; (c) to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author." This provision covers the rights of cultural participation, enjoyment, and protection of cultural achievements, encompassing three aspects of the four aspects of children's cultural rights mentioned earlier.

This actually represents the general characteristics of children's cultural rights, which are rights shared or jointly owned with adults. Children's cultural rights generally include four aspects: the right to access existing cultural resources, the right to participate in cultural activities, the right to engage in cultural creation, and the right to the protection of cultural achievements.

The protection of children's cultural rights depends on the concept of childhood or the perception of children prevalent in a particular society or era. The concept of childhood refers to people's overall views and basic perspectives on children or, in philosophical terms, their understanding of children. Views on children's cultural rights are influenced by the concept of childhood. As people's perception of childhood changes, the content and scope of children's rights protection also evolve. Throughout history, with the "discovery of childhood" in the 18th century, children transitioned from being seen

through the lens of original sin or the tabula rasa theory to being recognized as individuals with independent intrinsic value. The representative figure in this regard is the French philosopher Jean-Jacques Rousseau. Although the Enlightenment era had a significant impact on the concept of childhood, the idea of "children's rights" had not yet emerged. In the 18th century, the notion that the state had the right to be the protector of children was not only new but even considered radical.

In 1919, the Save the Children organization was established in the United Kingdom, an international charity that fought for the realization of children's rights. It was founded by Eglantyne Jebb, who advocated the revolutionary concept of "children's rights" at the time. In 1923, Eglantyne Jebb drafted the "Declaration of the Rights of the Child," asserting that children should have their own rights, which was subsequently adopted by the Save the Children International Union. In 1924, member states of the League of Nations unanimously adopted the "Declaration of the Rights of the Child" as the "Geneva Declaration," making it the world's first declaration on children's rights.

In 1959, the 14th United Nations General Assembly adopted the "Declaration of the Rights of the Child," acknowledging the importance of fundamental human rights and human dignity based on the United Nations Charter and recognizing that "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." On November 20, 1989, the 44th United Nations General Assembly adopted Resolution 25, which approved the "Convention on the Rights of the Child," and it officially came into force on September 2, 1990. Since then, children's rights/children's cultural rights have gradually gained recognition by the majority of the international community and have been established and protected in most countries through legislation/normative documents.

III. THE NECESSITY OF PROTECTING CHILDREN'S CULTURAL RIGHTS AMONG NOMADIC ETHNIC GROUP

Children's rights are proposed from the perspective of considering children as rights holders. Children are different from adults, and the provisions in the United Nations Convention on the Rights of the Child specify the age range as 0-18 years. Children are still in the process of development, lack the ability to care for themselves, and are

physically weaker, which necessitates legal protection for them. The differences between children and adults also manifest in various aspects beyond physiology, such as language expression, social interaction, and behavior, all of which require relevant laws to protect them. Children's cultural rights are closely related to this and are in line with the developmental characteristics of children. They are based on the fundamental premise of safeguarding the dignity and development of children. The cultural rights of nomadic ethnic group children refer to their rights as members of the nomadic community, including the right to participate in and enjoy their own culture, language, traditions, and social practices. Cultural rights aim to protect children's cultural identity and heritage.

Although the educational methods of nomadic ethnic groups differ from the educational systems of settled ethnic groups, they have unique advantages in cultivating practical skills, independent learning, and community awareness. However, with the influence of modernization and the expansion of educational opportunities, some nomadic ethnic group children need gradual exposure to formal education and the acquisition of specialized knowledge.

Therefore, taking into account the specific physical, psychological, and spiritual characteristics of children, the regulations and policies regarding the cultural rights of nomadic ethnic group children must ensure their access to existing culture in the following aspects:

- ***Accessibility:*** Allow and ensure that children have access to a wide range of excellent cultural resources of the nomadic ethnic group and other ethnic groups, providing them with opportunities to engage with human cultural heritage as much as possible.
- ***Acceptability:*** Ensure that the cultural content children are exposed to is presented in a manner that is acceptable to them, considering the characteristics of the nomadic ethnic group, as well as the children's psychological and spiritual development, thinking patterns, and aesthetic abilities in terms of form, content, and organization.
- ***Selectivity:*** Provide children with a rich and diverse cultural experience, including ancient and contemporary cultures over time, and encompassing the local culture, diverse cultures, and cultures of other ethnic groups in terms of

geographic space. This fosters cultural inclusiveness and understanding among children.

- ***Adaptability:*** Provide children with a culturally adaptive environment that meets their diverse needs based on their different geographical, regional, social, and educational backgrounds. This environment should offer opportunities and scaffolding for them to create new cultures. While fulfilling their cultural needs, it also promotes and protects their rights to cultural innovation.

By ensuring the accessibility, acceptability, selectivity, and adaptability of cultural rights for nomadic ethnic group children, their cultural identity, creativity, and overall development can be supported and nurtured.

IV. RECOMMENDATIONS FOR THE PROTECTION OF CULTURAL RIGHTS OF NOMADIC ETHNIC GROUP CHILDREN

RECOGNITION AND PROTECTION OF CHILDREN'S CULTURAL RESOURCES

Cultural resources encompass various aspects, such as ethnic cultural traditions, ethnic spirit, cultural products, cultural industries, institutional and democratic legal construction, and more. For children, material culture and spiritual culture are the most important cultural resources, with a strong emphasis on traditional spiritual and cultural resources. However, there are still some shortcomings, such as ethnic folk culture and local cultural resources. Despite children's inherent affinity for these culturally indigenous resources, they often face significant constraints. Cultural identity protection: Nomadic ethnic group children have the right to maintain and develop their own cultural identity. This includes using their language, clothing, food, and other cultural expressions, as well as participating in community traditions and rituals. The government and society should respect, protect, and promote the cultural identity of nomadic ethnic group children, preventing cultural discrimination and erosion.

CHILDREN'S RIGHT TO CULTURAL PARTICIPATION

Participation in Decision-making and Expressing Opinions: Nomadic ethnic group children should have the right to participate in the decision-making processes that affect their lives and cultural rights. They should be recognized as having the right to independent opinions and expression and have opportunities to participate in the planning and organization of community affairs and cultural activities. The government and community should establish appropriate mechanisms to facilitate the participation and right to speak of nomadic ethnic group children.

TRANSMISSION OF CULTURAL TRADITIONS

Nomadic ethnic group children have the right to receive and inherit the cultural traditions of their communities. They should have the opportunity to learn and engage in traditional knowledge, skills, and values, including herding, hunting, gathering, craftsmanship, and music. The government and society should provide appropriate educational and training opportunities to ensure the transmission and continuity of cultural traditions. Efforts should be made to create and collect original songs by nomadic ethnic group children, establish and train teams for creating songs by nomadic ethnic group children, and actively safeguard their rights to cultural creation and innovation.

DIVERSITY AND INCLUSIVENESS IN EDUCATION

The education of nomadic ethnic group children should fully consider their cultural backgrounds and specific needs. Education policies and practices should respect and promote the language and culture of nomadic ethnic group children, providing education content and teaching methods based on their culture. Educational institutions and educators should receive training to better understand the characteristics and needs of nomadic ethnic group children.

Protecting the cultural rights of nomadic ethnic group children contributes to maintaining their identity and self-esteem, promoting their holistic development, and facilitating their social integration.

V. CONCLUSION

In conclusion, safeguarding the cultural rights of children, particularly those belonging to nomadic communities, is of utmost importance. Recognizing and protecting their cultural rights can contribute to the preservation of their unique cultural heritage, promote their overall well-being, and enhance their participation in cultural life.

To ensure the protection of children's cultural rights, it is crucial to establish legal frameworks that explicitly address these rights and provide avenues for their implementation. Additionally, efforts should be made to preserve and promote the cultural heritage of nomadic communities through inclusive education, community engagement, and intercultural dialogue. Adequate access to resources and creating a supportive environment are also essential in enabling children to actively participate in and benefit from their cultural traditions.

By valuing and protecting the cultural rights of nomadic children, societies can foster a more inclusive and diverse environment, where every child has the opportunity to celebrate and express their cultural identity. This not only enriches their lives but also contributes to the cultural fabric of our global community.