CHILDREN'S RIGHTS AND HUMAN RIGHTS EDUCATION THROUGH MUSEUMS

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We would like to thank Eduardo Ferrer, Susan Hazeldean, Meredith Harbach, and Clare Ryan for their feedback on an early draft. We also express our gratitude to the editors and staff of the *Boston University Public Interest Law Journal* for their excellent work in getting this Article to print.

ABSTRACT

Human rights education has been recognized as critical to the advancement of human rights and the promotion of rights-respecting communities. Despite its value, many countries have lagged in their efforts to implement human rights education programs. Where human rights education has gained traction, it has been largely centered around school-based learning. For human rights education to be successful, policymakers and practitioners need to be creative in exploring diverse ways to implement and advance human rights education. This Article argues that it is critical for human rights education and, more specifically, children's rights education to expand beyond classroom-based learning opportunities to take advantage of other spaces where young people spend time and where education about rights is possible. Given the value of the arts as a vehicle for expressing and advocating for human rights, this Article explores the role that museums might play in advancing human rights education for children. Museums are important fixtures in many cities and towns across the globe. In the United States, nearly 60% of the population visits a museum at least once a year. This gives museums broad reach and the potential to make human rights widely known. Further, shifts currently occurring within museums suggest this is a particularly important time to consider the role of museums vis-à-vis human rights. Many museums are becoming more focused on social justice issues. This evolution occurring in many museums highlights an opportunity for greater and deeper engagement among museum professionals, educators, and human rights researchers and advocates. This Article makes the case for growing and deepening such partnerships. It emphasizes the importance of attention to children's rights and ensuring that all museums, not just children's museums, consider their role in engaging young people on the topic of human rights.

INTRODUCTION

Human rights education has been recognized as critical to the advancement of human rights and the promotion of rights-respecting communities.[1] Research has shown that human rights education in schools can simultaneously help reduce harmful behaviors, such as peer aggression, and support the development of citizenship skills.[2] While its benefits have been repeatedly demonstrated, many countries have lagged in their efforts to implement human rights education

[1] *See* R. BRIAN HOWE & KATHERINE COVELL, EMPOWERING CHILDREN: CHILDREN'S RIGHTS EDUCATION AS A PATHWAY TO CITIZENSHIP 7 (2005); *see also* G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948) ("[E]very individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance . . . .").

[2] HOWE & COVELL, *supra* note 1, at 148.

programs.[3] Moreover, where human rights education has gained traction, the focus has largely centered around school-based learning.[4] For human rights education to be successful, policymakers and practitioners need to be creative in exploring diverse ways to implement and advance human rights education.

In particular, we believe it is critical for human rights education and, more specifically, children's rights education to expand beyond classroom-based learning opportunities to take advantage of other spaces where young people spend time and where education about rights is possible.[5] It also means going beyond civics lessons and other traditional means of teaching about human rights. Prior work has highlighted the potential value of the arts as a partner in advancing human rights education.[6] The arts have been used to advance human rights across a breadth of human rights movements.[7] The arts can be both inspiring and empowering.

The potential impact of the arts leads us to consider the role that museums might play in advancing human rights education for children. Museums are important fixtures in many cities and towns across the globe. Whereas art collections and other artifacts were once held privately, by royalty, or the Church, the museum has long been seen as a public institution (or quasi-public as, even though many charge admissions fees, they are presented as open to the public).[8] The transition to the museum as a public institution, "whether defined by accessibility or ownership . . . began in mid-seventeenth-century England."[9] In many respects, museums today serve as a public commons similar to other spaces open to the public. "The location of [a] museum at the heart of many communities is ideal for fostering dialogue between individuals and public institutions" and for "incorporating community members as equal partners in the creation of cultural heritage products."[10] Given their role and position in communities, museums have an obligation to serve the population that lives around the museum, and such service should extend to human rights education for both young people and adults. In the United States, nearly 60% of the

[3] *See* Nancy Flowers, *The Global Movement for Human Rights Education*, 103 RADICAL TCHR. 5, 11 (2015) (noting that human rights education might be resisted by some governments and is its implementation is "still a work in progress").

[4] Jonathan Todres & Ursula Kilkelly, *Advancing Children's Rights Through the Arts*, 44 HUM. RTS. Q. 38, 42 (2022).

[5] Jonathan Todres, *The Trump Effect, Children, and the Value of Human Rights Education*, 56(2) FAM. CT. REV. 331, 334 (2018) (discussing the importance of meeting children where they are).

[6] Todres & Kilkelly, *supra* note 4, at 47–50.

[7] *Id.* at 46–47.

[8] Jeffrey Abt, *The Origins of the Public Museum*, *in* A COMPANION TO MUSEUM STUDIES 122 (Sharon Macdonald ed., Wiley-Blackwell 2010).

[9] *Id.* at 123.

[10] Natalye B. Tate, *Museums as Third Places or What? Accessing the Social Without Reservations*, 7(2) MUSEUMS & SOC. ISSUES 269, 270 (2012).

population visits a museum at least once a year,[11] giving museums a broad reach and the potential to make human rights widely known.[12] Therefore, it is important to explore museums' potential for human rights education, as well as to understand their current role and whether the messages they already convey to the public—either expressly or implicitly—are supportive of human rights and children's rights.

Not only do museums have a broad reach, but shifts currently occurring within museums suggest this is a particularly important time to consider the role of museums vis-à-vis human rights. "Museums have always been public institutions for personal learning, but today the learning mandate of museums is more critical and central to the mission and identity of these institutions than ever before."[13] That learning mandate has grown beyond just teaching about art, history, science, or similar topics. As Deniz Ünsal writes:

> Museums have increasingly become significant actors in dialogue on cultures and diversity, as well as defenders and reminders of human rights and social justice for all. Over the last decade, museum professional organizations have launched discussions, work-shops and professional meetings to reflect on the roles and responsibilities of museums and their communities in times of humanitarian crisis.[14]

This evolution occurring in many museums highlights an opportunity for greater and deeper engagement among museum professionals, educators, and human rights researchers and advocates. This Article makes the case for the value of growing and deepening such partnerships. Further, this Article emphasizes the importance of attention to children's rights and ensuring that all museums, not just children's museums, consider their role in engaging young people on the topic of human rights.

In Part I, this Article explains the legal mandate and content of human rights education, drawing particular attention to children's rights education. While children's rights and human rights overlap, there are rights that are unique to children.[15] Moreover, children's rights are more relevant to the day-to-day lives

[11] JOHN H. FALK & LYNN D. DIERKING, LEARNING FROM MUSEUMS 2 (Rowman & Littlefield, 2d ed. 2018) (2000).

[12] *See* United Nations Convention on the Rights of the Child, art. 42, Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990) [hereinafter CRC] ("States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.").

[13] FALK & DIERKING, *supra* note 11, at ix.

[14] Deniz Ünsal, *Positioning Museums Politically for Social Justice*, 34(6) MUSEUM MGMT. & CURATORSHIP 595, 599 (2019) (citations omitted).

[15] For example, while children and adults both share civil and political rights (*e.g.*, the right to be free from torture, cruel, inhuman and degrading treatment) and economic, social, and cultural rights (*e.g.*, the right to education and the right to access health care), children also have various unique rights (*e.g.*, the right to know and be cared for by their parents).

of young people. Children's rights are frequently marginalized, even in human rights dialogues, so we believe it is important to center children's rights in this effort. In Part II, we examine the key roles of museums, including protecting and safeguarding cultural heritage, advancing education, and supporting cultural participation and engagement. While museums can do all these things, it is also true both historically and today, that museums have often had problematic processes and outcomes. Part II discusses these shortcomings. In Part III, we describe the role that museums can play in advancing human rights education and children's rights education. We do this through the lens of the components of human rights education: education about human rights, through human rights, and for human rights.[16] In Part IV, we briefly discuss some of challenges that need to be confronted to successfully engage and partner with museums in advancing human rights education for children. We conclude by considering museums' public role and corresponding responsibility to partner with both human rights education professionals and young people to forge a vision for museums as a rights-supportive public commons.

Although there has been an increase in the number of children's museums, this Article focuses primarily on museums for general audiences. Children's museums provide a critical service, but general audience museums should speak to the entire population, not just adults, and children should not be marginalized in or excluded from mainstream spaces. Moreover, many children's museums primarily target young children and focus more on child development. While that is important, the combination of children's museums' focus on early childhood and mainstream museums' focus on adults leaves adolescents out entirely. Adolescence is a critical stage, both developmentally and for human rights education, because young people are preparing to participate more actively in the polity through acquisition of voting rights and other privileges reserved for adults.[17] Therefore, it is vital that mainstream museums consider their role in speaking to and educating children and adolescents.

I. THE IMPORTANCE OF HRE/CRE

Human rights education has the potential to help foster a rights-respecting culture across and within communities. Research shows the positive benefits of human rights education. R. Brian Howe and Katherine Covell explain:

> The evidence shows overwhelmingly that children who learn about and experience their rights are children who demonstrate the fundamentals of good citizenship. They gain knowledge not only of their basic rights but

CRC, *supra* note 12, at art. 7. In addition, children do not possess all the rights that adults do, most notably the right to vote.

[16] Human Rights Council Res. 16/1, U.N. Declaration on Human Rights Education and Training, art. 2(2), U.N. Doc. A/HRC/35/6 (Mar. 23, 2011) [hereinafter U.N. Declaration on Human Rights Education and Training].

[17] Jonathan Todres, *Maturity*, 48 HOUS. L. REV. 1107, 1119 (2012).

> also their corresponding social responsibilities. They develop the attitudes and values that are necessary for the promotion and protection of the rights of others, and they acquire the behavioural skills necessary for effective participation in a democratic society.[18]

Human rights education conveys the idea that every child has rights and that all children are equally worthy.[19] By teaching these values, human rights education boosts children's sense of self-worth and their self-esteem, which can positively impact learning.[20] In addition, research has found that human rights education can lead to a decrease in peer aggression. In Canada and Belgium, for example, schools that implemented rights education programs witnessed a decline in bullying as such programs taught children to respect the rights of others and encouraged children to "command respect [from peers] and assert their rights."[21] By empowering children to stand up for their own rights and to speak out when the rights of others are threatened or violated, human rights education helps promote a community ethos of caring and respect for the rights of all individuals. As the UN Declaration on Human Rights Education and Training affirmed, "[h]uman rights education and training is essential for the promotion of universal respect for and observance of all human rights and fundamental freedoms for all."[22]

Although the value of human rights education should be sufficient motivation to implement such programs, it is important to highlight that human rights education is also part of the legal mandate of human rights law and has been since the beginnings of the modern international human rights movement. The Universal Declaration of Human Rights (UDHR) establishes not only that every individual has the right to education but also that:

> Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and

[18] HOWE & COVELL, *supra* note 1. In contrast, "[c]hildren who have not been taught their rights, in a rights-respecting environment, tend to personalize the concept of rights and have difficulty appreciating the rights of others . . . . [C]hildren who have not received children's rights education tend to believe that having rights means being able to do what you want." *Id.* at 15.

[19] *Id.* at 145.

[20] *See* John DeCoene & Rudy De Cock, *The Children's Rights Project in the Primary School "De Vrijdagmarkt" in Bruges*, *in* MONITORING CHILDREN'S RIGHTS 627, 632–634 (Eugeen Verhellen ed., 1996) (finding that a children's rights project "contributed towards a change of mentality regarding children and to the change of the child image which prevails in society"); Pamela Wallberg & Maria Kahn, *The Rights Project: How Rights Education Transformed a Classroom*, 36 CANADIAN CHILD. 31, 34–35 (2011) (reporting that rights education in an early childhood program of four-year-old children in British Columbia over a three-month period led children to understand that "[i]n order to protect one's own rights, it was . . . necessary to protect the rights of others").

[21] HOWE & COVELL, *supra* note 1, at 148.

[22] U.N. Declaration on Human Rights Education and Training, *supra* note 16, at art. 1(2).

> fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.[23]

Legally binding treaties that followed the UDHR have reaffirmed this core principle. The International Covenant on Economic, Social, and Cultural Rights (ICESCR) requires that education "strengthen the respect for human rights and fundamental freedoms."[24] The Convention on the Rights of the Child (CRC)—the most widely accepted human rights treaty in history[25]—similarly mandates that education "shall be directed to . . . development of respect for human rights and fundamental freedoms" and shall prepare children for a "responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all people."[26] The CRC also requires that governments "make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike,"[27] which necessarily would require a robust human/children's rights education effort. Together, these major human rights treaties and other international instruments affirm the idea that states have a legal obligation to ensure that education enhances respect for human rights.[28]

The legal mandate on human rights education should be understood broadly. That is, human rights education, indeed all education, encompasses not only school-based learning but also education in a variety of spaces, for individuals of all ages. The UN Committee on the Rights of the Child explains that "[h]uman rights education should be a comprehensive, life-long process and start with the reflection of human rights values in the daily life and experiences of children."[29] In addition, human rights education means not only teaching about human rights norms and enforcement mechanisms, but also instructing and learning in a way that respects the rights of students and teachers and empowering individuals to exercise their rights and respect others' rights.[30] In

[23] Universal Declaration of Human Rights, *supra* note 1, at art. 26.

[24] International Covenant on Economic, Social, and Cultural Rights, art. 13(1), Dec. 16. 1966, 993 U.N.T.S. 3.

[25] THE OXFORD HANDBOOK OF CHILDREN'S RIGHTS LAW 1 (Jonathan Todres & Shani M. King eds., Oxford Univ. Press 2020).

[26] CRC, *supra* note 12, at art. 29.

[27] *Id.* at art. 42.

[28] *See* COUNCIL OF EUROPE CHARTER ON EDUCATION FOR DEMOCRATIC CITIZENSHIP AND HUMAN RIGHTS EDUCATION 3 (2010), https://rm.coe.int/16803034e5; *see also World Programme for Human Rights Education (2005-Ongoing)*, OFF. U.N. HIGH COMM'R HUM. RTS., http://www.ohchr.org/EN/Issues/Education/Training/Pages/Programme.aspx (last visited Mar. 27, 2022).

[29] Comm. on the Rts. of the Child, Gen. Comment No. 1: The Aims of Education, ¶ 15, U.N. Doc. CRC/GC/2001/1 (Apr. 17, 2001).

[30] U.N. Declaration on Human Rights Education and Training, *supra* note 16.

other words, human rights education encompasses education about human rights, education through human rights, and education for human rights.[31]

II. THE VALUE OF MUSEUMS TO THE CHILDREN'S RIGHTS EDUCATION PROJECT

Museums can serve a variety of purposes. The International Council of Museums outlines three core goals of museums: "protecting and safeguarding cultural and natural heritage"; promoting education; and "supporting [] cultural participation."[32] This Part examines each of these three core goals of museums. In addition, we recognize that many museums have also had a problematic past when it comes to diverse representation, inclusion, and related issues. For some individuals, the museum idea (and its history of practices) might present insurmountable issues.[33] Some have argued that museums as institutions are "tools of colonisation in which colonial powers used to proliferate narratives for their own means."[34] Such critiques are important, and so in the final section of this Part, we focus on some of the historical and present-day issues that must be confronted to overcome the problematic aspects of museums and to ensure that museums, as public commons, play a positive role in advancing human rights education for children.

A. *Protecting and Safeguarding Cultural and Natural Heritage*

Museums are defined as institutions that acquire, conserve, research, communicate, and exhibit the "tangible and intangible heritage of humanity and its environment."[35] The broad movement from museums as private collections to public institutions highlights their importance in preserving cultural and natural heritage. Several museums include the importance of preservation and

[31] *Id.*

[32] Henry McGhie, *The Sustainable Development Goals: Helping Transform our World Through Museums*, INT'L COUNCIL OF MUSEUMS (Jan. 21, 2020), https://icom.museum/en/news/the-sustainable-development-goals-helping-transform-our-world-through-museums/.

[33] *See* Willard L. Boyd, *Museums as Centers of Controversy*, 128(3) DAEDALUS 185, 185–87 (1999); ANDY BROWN ET AL., MUSEUM DISPLAY: FRACTIONS OF A TRUTH 3–4 (1992) (paper presented in conjunction with the University of the Witwatersrand History Workshop 1992), https://core.ac.uk/download/pdf/39666679.pdf; Hannah Baker, *We Should Abolish Museums Now*, HYPERALLERGIC (May 27, 2021), https://hyperallergic.com/649011/we-should-abolish-museums-now/; LaTanya Autry & Mike Murawski, *Museums Are Not Neutral: We Are Stronger Together*, 5(2) J. ASS'N HISTORIANS AM. ART 1, 1–2 (2019); *see also* MUSEUMS ARE NOT NEUTRAL, https://www.museumsarenotneutral.com/ (last visited Mar. 27, 2022).

[34] Nathan Sentance, *Museums Are Not F**king Neutral: The Myth of Objectivity in Memory Institutions*, ARCHIVAL DECOLONIST (Sept. 27, 2019), https://archivaldecolonist.com/2019/09/ (citations omitted) ("To accept [museums] as neutral means to accept the existing distribution of power they enforce and contribute to.").

[35] International Council of Museums Statutes art. 3(1) (June 9, 2017), https://icom.museum/wp-content/uploads/2018/07/2017_ICOM_Statutes_EN.pdf.

protection for its societal value in their mission statements.[36] The Metropolitan Museum of Art's mission states that it "collects, studies, conserves, and presents significant works of art across all times and cultures in order to connect people to creativity, knowledge and ideas."[37] Safeguarding historical works and artifacts is important in connecting people to their histories and fostering knowledge and creativity.

Museums also use their representations of objects and texts to "translate cultures" for the general public and serve as sites for the public presentation of culture.[38] "As spaces of representation and keepers of cultural memory, museums produce knowledge about societies based on artifacts and stories collected, and share this through museological methods."[39] In a study on the value of museums, one respondent said that museums "hold the key to the past."[40] Museums are able to "preserv[e] what is significant to a community by acting as a 'repository for items which are too significant to discard, a sort of communal attic where items of interest can be deposited for the common interest of the community.'"[41]

Beyond tangible items and collections, museums also preserve intangible cultural heritage. "[I]ntangible cultural heritage concerns practices, representations, expressions, knowledge, skills, transmitted from generation to generation, and constantly recreated by communities and groups in response to

[36] *See, e.g.*, *Our Mission*, OLD SALEM MUSEUM & GARDENS, https://www.oldsalem.org/about-hours-contact/ (last visited Mar. 27, 2022) ("Old Salem Museums & Gardens shares the rich, authentic, and diverse cultural history of the early South–with special emphasis on the Moravians in North Carolina, enslaved and free people of African descent, and Indigenous peoples of the Southern Woodland, through the preservation and interpretation of material culture, architecture, and cultural landscapes."); *Mission Statement*, PARRISH ART MUSEUM, https://parrishart.org/about/ (last visited Mar. 27, 2022) (stating, in part, that the museum "fosters connections among individuals, art, and artists through care and interpretation of the collection, the presentation of exhibitions, publications, educational initiatives, programs, and artists-in-residence"); *About*, ROBBINS HOUSE, https://robbinshouse.org/about/ (last visited Mar. 27, 2022) ("Our mission is to reveal the little known African American history of Concord and its regional and national importance. Our vision is to inspire conversation, expand understanding and contribute to a better society."); *About*, MUSEUM CONTEMP. ART CHI., https://mcachicago.org/about (last visited Mar. 27, 2022) (describing the museum as a place where visitors can "understand the historical, social, and cultural context of the art of our time").

[37] Anna Faherty, *Communicating the Value of Museums*, MUSEUM NEXT (July 2, 2019), https://www.museumnext.com/article/communicating-the-value-of-museums-to-audiences-donors-and-other-supporters/.

[38] Robert Neather, *Museums, Material Culture, and Cultural Representations*, *in* THE ROUTLEDGE HANDBOOK OF TRANSLATION AND CULTURE 361 (1st ed. 2018).

[39] Ünsal, *supra* note 14, at 605.

[40] Carol Scott, *Museums: Impact and Value*, 15 CULTURAL TRENDS 45, 66 (2006) (internal quotations omitted).

[41] *Id.*

their environment, their interaction with nature, and their history."[42] In short, it is the living heritage that contributes to people's sense of identity and cultural diversity. These forms of cultural heritage preservation allow for both formal and informal learning to take place in museums.

B. *Promoting Education*

Research on museum-based learning "demonstrate[s] consistent evidence of learning in museums."[43] Through educational programming, museums can contribute to a cumulative nature of learning. Students are able to complement their learning in classrooms with their experiences in museums.[44] Evidence suggests that museums are already promoting this form of education. Museums in the United States "spend more than $2 billion a year on education activities[,]" most of which is devoted to K-12 students.[45] Museums also provide 18 million instructional hours for education programs in the form of guided student tours, staff visits to schools, and professional development for teachers.[46]

For students, learning can be facilitated when museum experiences are combined with school classes and outside reading.[47] School trips and afterschool programs in museums have resulted in better student performance in schools, particularly in the sciences. For example, school trips to science museums allow students to develop more positive attitudes towards science careers and increase their self-confidence in the subject.[48] Educational trips are also beneficial when museum educators collaborate with schoolteachers.[49] Museum educators are acquainted with collections and exhibits while schoolteachers may be more aware of their students' educational needs and challenges.[50]

Museum learning is not limited to school settings, however. Much of the learning that occurs in museums is free-choice learning.[51] This might be

[42] TAMARA NIKOLIĆ DERIĆ ET AL., MUSEUMS AND INTANGIBLE CULTURAL HERITAGE: TOWARDS A THIRD SPACE IN THE HERITAGE SECTOR 117 (2020), http://memoriamedia.net/Bibliography-ICH/382_DERIC_2020_museums.pdf (discussing the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage).

[43] John H. Falk, *Museums as Institutions for Personal Learning*, 128(3) DAEDALUS 259, 270 (1999).

[44] *Id.* at 271.

[45] *Museums and P-12 Education*, AM. ALL. OF MUSEUMS, https://www.aam-us.org/programs/museums-and-p-12-education/ (last visited Mar. 27, 2022).

[46] *Id.*

[47] Falk, *supra* note 43, at 271.

[48] Tamjid Mujtaba et al., *Learning and Engagement Through Natural History Museums*, 54 STUD. SCI. EDUC. 41, 49 (2018).

[49] Bassam N. Al-Radaideh, *The Contribution of Art Museums to Art Education*, 8(4) J. SOC. SCIS. 505, 508 (2012).

[50] *Id.*

[51] FALK & DIERKING, *supra* note 11, at x.

particularly relevant for children's rights education, as free-choice learning "involves considerable choice on the part of the learner as to what to learn, as well as where, how, with whom, and when to participate in learning."[52] For young people, whose lives are so often controlled by adults, this experience can be empowering—accomplishing a central aim of human rights education.[53] Museum educators are not necessarily teaching children new skills, but rather "helping students to spot occasions for their use and highlighting their value, thus nurturing their awareness of and inclination for thinking."[54] In this sense, museums allow children to link both formal and informal ways of learning.

One way that traditional museums are unique is in their ability to educate through "object encounter" for adults and children alike.[55] In the context of early learning, the presence of real objects in museums spur children's ability to develop their language for thinking and communication.[56] "Young children delight in being in the presence of 'the real thing'" and are "drawn to [objects] that are familiar to them."[57] Object encounter allows for a process of learning through four stages: investigating (by "ask[ing] questions and gather[ing] information"), communicating ("through words, sounds, or signs"), representing (through creative expression), and recalling (providing a basis for later conversation about exhibits).[58] "Museums are [also] unique educational environments" because "learning is largely informal, non-sequential, and usually involves a high degree of social interaction on the part of visitors."[59] Learning in museums is "frequently intergenerational and geared to enlightened reaction."[60] This suggests there are many different avenues for museums to support education.

The learning experience in museums, as in other contexts, is complex. Efforts to understand how museums support learning must also "encompass a respect for what individuals bring to the museum in terms of prior knowledge, experience, and interest; an eye to focusing on what visitors actually see, do, say, and think about during their experience; and a sense of time that takes into

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[52] *Id.*

[53] U.N. Declaration on Human Rights Education and Training, *supra* note 16, at art. 2(c).

[54] Ron Ritchhart, *Cultivating a Culture of Thinking in Museums*, 32(2) J. MUSEUM EDUC. 137, 139 (2007).

[55] JO GRAHAM, CLOSE ENCOUNTERS WITH CULTURE: MUSEUMS AND GALLERIES AS PART OF THE EARLY YEARS FOUNDATION STAGE 4 (2008), https://museumdevelopmentnorthwest.files.wordpress.com/2012/06/early-years.pdf.

[56] *Id.*

[57] MARY ELLEN MUNLEY, SMITHSONIAN INST., EARLY LEARNING IN MUSEUMS: A REVIEW OF LITERATURE 8 (2012), https://www.si.edu/Content/SEEC/docs/mem%20literature%20review%20early%20learning%20in%20museums%20final%204%2012%202012.pdf.

[58] GRAHAM, *supra* note 55, at 6.

[59] Terry Zeller, *Museums and the Goals of Art Education*, 40 ART EDUC. 50, 53 (1987).

[60] *Id.*

account what happens subsequently in visitors' lives."[61] What a visitor will take away from their experience will also depend on their expectations and lived experience prior to their visit.[62] The museum experience is not static, as visitors "continually define and refine their expectations of what they will see and do during a visit."[63] The formal and informal ways that museums support education offer several opportunities and stages at which children can learn about, through, and for human rights.

C. *Supporting Cultural Participation*

In addition to museums being a site of education and of protecting and safeguarding cultural heritage, going to a museum can in itself represent a cultural practice.[64] Museums can serve as communities with their own conventions and cultural values.[65] They are interactive in nature, and are spaces where "different cultures and communities intersect, interact, and are mutually influenced by the encounter."[66] Museum experiences are shaped by the social relationships of the visitor as well as the museum, and these are defined by whom the museum includes and excludes.[67]

Supporting cultural participation is a key part of the CRC, which recognizes children's cultural rights.[68] Pursuant to Article 31 of the CRC, children have the right to "rest and leisure," to engage in "play," and to "participate fully in cultural and artistic life."[69] Equal access to museums can be a way for children to realize their Article 31 rights and experience the benefits of the museum experience. Supporting cultural participation may also require increased outreach on the part of museums. Museums, galleries, and archives can "act as agents of social change in [a] community, improving the quality of people's lives through their outreach activities."[70]

Museums have also been linked with fostering greater community. In the nineteenth and twentieth centuries, U.S. museums began identifying public service, education, and social stability in their founding documents.[71] Several

[61] Falk, *supra* note 43, at 261.

[62] JOHN H. FALK & LYNN D. DIERKING, THE MUSEUM EXPERIENCE REVISITED 85 (Left Coast Press Inc. 2013).

[63] *Id.* at 84.

[64] Kevin Coffee, *Cultural Inclusion, Exclusion and the Formative Roles of Museums*, 23(3) MUSEUM MGMT. & CURATORSHIP 261, 262 (2008).

[65] Rhiannon Mason, *Cultural Theory and Museum Studies*, *in* A COMPANION TO MUSEUM STUDIES 17, 25 (Sharon Macdonald ed., 2010).

[66] *Id.*

[67] Coffee, *supra* note 64.

[68] *See* CRC, *supra* note 12. Although the United States has yet to ratify the CRC, it provides a framework through which to ensure children's rights are upheld.

[69] *Id.* at art. 31.

[70] Scott, *supra* note 40, at 48.

[71] Abt, *supra* note 8, at 132.

initiatives today are aimed at improving communication between museums and the communities they serve, in order to "demonstrate that museums can serve diverse and culturally underrepresented citizens" and to "forge new partnerships between museums and communities."[72] Bringing children to museums "reveals children and adults as being equally active in learning, putting them on equal standing as they create a shared understanding."[73] Democratizing the museum space is an important part of promoting this goal, as is improving access to museums. As museums pursue this core function of supporting cultural participation, they face the challenge of expanding "access to arts and culture for children from diverse and remote backgrounds, thus ensuring their rights to education, recreation, play, culture and the arts."[74]

D. *Problematic History and Present*

While this Article highlights the potential for museums to contribute to the advancement of human rights education, it also recognizes that many museums have a problematic history, which in some instances continues today.[75] As human rights and children's rights are rooted in recognizing the dignity in every human being,[76] any effort to engage museums in human rights education must hear, recognize, and address critiques of the museum idea.[77]

1. Representation

Issues of representation are extensive in museums. A lack of diversity exists across museum leadership, the artists exhibited, and the art itself. Representation can also be an issue in the language museums use, leading to greater questions around access to museums. In art museums, women and people of color continue to be underrepresented in leadership positions.[78]

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[72] Elizabeth Crooke, *Museums and Community*, *in* A COMPANION TO MUSEUM STUDIES 170, 182 (Sharon Macdonald ed., 2010).

[73] Rebecca Gross, *From the Archives: The Importance of Taking Children to Art Museums*, NAT'L ENDOWMENT FOR THE ARTS (Aug. 27, 2015), https://www.arts.gov/stories/blog/2015/archives-importance-taking-children-art-museums.

[74] Barbara Piscitelli, *Children, Art, and Museums*, 4 SCOPE (ART & DESIGN) 120, 124 (2009), https://www.thescopes.org/assets/Uploads/5bc505fafe/04-120-Piscitelli-11-09.pdf.

[75] Boyd, *supra* note 33, at 186 ("Museums are no longer perceived as infallible; they can no longer presume the privilege of issuing unquestionable pronouncements.").

[76] It bears noting that the human rights movement too has been criticized for failing to include Global South perspectives and for being genuinely inclusive. *See* Natsu Taylor Saito & Akilah J. Kinnison, *Critical Race Theory and Children's Rights*, *in* THE OXFORD HANDBOOK OF CHILDREN'S RIGHTS LAW 139, 143–50 (Jonathan Todres & Shani M. King eds., 2020).

[77] *See* sources *supra* note 33.

[78] Carolina A. Miranda, *Are Art Museums Still Racist? The COVID Reset*, L.A. TIMES (Oct. 22, 2020), https://www.latimes.com/entertainment-arts/story/2020-10-22/art-museums-racism-covid-reset.

Although improvements have been made in the diversity of staff in recent years, higher level positions in museums remain largely elusive for racial minorities. A recent Mellon report on the demographics of staff at art museums in the United States found that 84% of the people holding positions of curators, educators, conservators were white.[79] These positions have significant influence and are where many important decisions are made about the outreach and mission of museums.

Collectives such as "Art Museum + Transparency" have shed light on this issue and brought together museum workers through social media, promoting greater transparency about everything from their positions and promotions to their salaries.[80] Greater transparency with respect to leadership roles can help bring about positive change in museums' ability to contribute to human rights education. One way that initiatives like this are affecting children directly is in the debate around unpaid museum internships. There is a growing consensus that providing paid internships "ensures an equitable and inclusive museum community, promotes and sustains the diversification and accessibility of museums and their public programming, and sets a precedent for fair wages."[81]

Additionally, studies show that representation is lacking in the artists represented and works displayed in museum exhibits. In the permanent collections of many museums, artworks displayed remain overwhelmingly representative of white, male artists.[82] A survey of 18 major museums in the United States indicated that 85.4% of the works in the collections of those museums belonged to white artists and 87.4% were by men.[83] The overwhelming representation of white male artists leaves little space for many children to see themselves truly represented. This is important as "[m]useums have the power to affect social change through exhibitions and programs that validate the heritage, values, and aesthetics of other cultures."[84] But this also

[79] MARIËT WESTERMANN ET AL., MELLON FOUND., ART MUSEUM STAFF DEMOGRAPHIC SURVEY 2018 (2019), https://mellon.org/news-blog/articles/art-museum-staff-demographic-survey-2018/.

[80] Art + Museum Transparency, *2019: The Year According to Art + Museum Transparency*, WALKER READER (Dec. 19, 2019), https://walkerart.org/magazine/2019-the-year-according-to-art-museum-transparency.

[81] Katy Thompson, *Perspectives: Paid Versus Unpaid Museum Internships*, FORT WAYNE MUSEUM ART (Mar. 25, 2020), https://fwmoa.blog/2020/03/25/point-counterpoint-paid-versus-unpaid-museum-internships/.

[82] Chad M. Topaz et al., *Diversity of Artists in Major U.S. Museums*, PLOS ONE, Mar. 20, 2019, at 1, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6426178/#pone.0212852.ref031.

[83] *See id.*; Hakim Bishara, *Artists in 18 Major US Museums are 85% White and 87% Male, Study Says*, HYPERALLERGIC (June 3, 2019), https://hyperallergic.com/501999/artists-in-18-major-us-museums-are-85-white-and-87-male-study-says/.

[84] Heather Stivison, *Minority Representation in Mainstream Art Museums, Part 1*, ESTHESIS (Jan. 29, 2019), https://esthesis.org/minority-representation-in-mainstream-art-museums-part-1-heather-stivison/.

means the power museums hold for improvement in this area could lead to significant benefits for children and the advancement of human rights education.

Particularly in art museums, "curating is often thinly veiled racism, in which quality and taste, couched in the rhetoric of multiculturalism, goes unchallenged."[85] This is reflected in who is actually given a voice and platform to share their art. "[F]rom 2008 to 2018, only 2.37[%] of acquisitions and gifts from 30 prominent museums were by African American artists."[86] During that same time period, only 11% of art acquired by top museums in the country for their permanent collections was by women.[87] These numbers indicate that curators "just aren't seeking out work by minorities."[88] Highlighting such disparities is important as they continue to shape children's experiences of museums.

Several initiatives are already aiming to remedy this issue. For example, Art4Equality is an organization that "supports the creation of empowering equality themed exhibitions and public art."[89] One of their recent projects in collaboration with another non-profit organization, SaveArtSpace, involves commissioning emerging artists to create public art in the form of billboards, "taking vital messaging outside of the white walls of large museums and making it accessible to those [who] haven't been historically welcomed in traditional art spaces."[90] This acknowledges the need and value of both bringing art spaces outside of the four walls of a museum as well as making museums more inviting and inclusive of young people of all backgrounds. Hiring and exhibiting diverse artists of color is a critical step to ensuring that diverse works will be exhibited. Only then can all children truly start to see themselves reflected in art museums. As Alice Wexler explains, "[i]nequitable museum practices are inextricably linked to the ways minority peoples have been perceived and represented in the past" and many of these practices remain in the present.[91] This issue is not limited just to the artwork or artifacts in exhibits themselves. Who makes decisions about museums is inherently tied to how racialized stereotypes are created and perpetuated. Furthermore, when diversity among artists is lacking, there tends to be a lack of diversity in the art that is exhibited.

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[85] Alice Wexler, *Museum Culture and the Inequities of Display and Representation*, 33(1) VISUAL ARTS RSCH. 25, 26 (2007).

[86] JR Atkinson, *Diversity in the Art World: Where are We at Now and What's Being Done?*, UNTITLED (June 26, 2020), http://untitled-magazine.com/diversity-in-the-art-world-where-are-we-at-now-and-whats-being-done/.

[87] Julia Jacobs, *Female Artists Made Little Progress in Museums Since 2008, Survey Finds*, N.Y. TIMES (Sept. 25, 2019), https://www.nytimes.com/2019/09/19/arts/design/female-art-agency-partners-sothebys-artists-auction.html.

[88] Atkinson, *supra* note 86.

[89] ART4EQUALITY, http://art4equality.org/ (last visited Mar. 27, 2022).

[90] Atkinson, *supra* note 86.

[91] Wexler, *supra* note 85.

While art museums are sometimes stereotyped as "boring," this often goes hand in hand with the ubiquity of seventeenth- to nineteenth-century artists that are displayed, and that "too often [] depict a singular perspective" of an artist that is "white and male."[92] The art showcased in museums itself is often not diverse enough to represent the racial and gender makeup of its visitors, which in turn affects who feels welcome enough to visit. Not only is there a lack of representation in the cultures exhibited in many museums, but museums are also problematic when they misrepresent certain cultures. Natural history museum exhibits, for example, "foster the segregation, exoticization, and 'Othering' of non-European cultures."[93] In the context of art museums, this is manifested when the art itself is only representative of one person or culture. Part of the solution in ensuring greater diversity in the exhibited art must come from museums "harnessing expertise beyond their walls."[94] Diverse art can make its way into the large institutional museums through continuous partnership and collaboration. However, organizations that have worked collaboratively with museums are sometimes "dropped" once a specific exhibition or program is over.[95] Creating ongoing formal and informal channels of communications among individuals, communities, and museums is an important way to ensure cultural diversity.

Issues of representation in museums have also been addressed with the creation of specialized museums, where ethnic and minority groups have responded to their exclusion from so-called mainstream museums by "creating distinct institutions to document, interpret, and exhibit the art, culture, and history of their communities and cultures."[96] The benefits of these museums include their ability to advocate for the exhibition and preservation of a particular cultural identity, all the while "bringing to the mainstream the culture it represents."[97] They can provide a "permanence and stability" to diverse cultures that are often ignored or misrepresented in the mainstream.[98] However, the reality is that many culturally specific museums remain "primarily grounded

[92] Alex Temblador, *These Museums are Fighting to Bring More Inclusivity to Art*, GEN (Jan. 21, 2020), https://gen.medium.com/these-museums-are-fighting-to-bring-more-inclusivity-to-art-4e24ad5a5d39. Children today are prolific content-creators, yet frequently their work is not recognized as artistic expression.

[93] Julia E. Rodriguez, *Decolonizing or Recolonizing? The (Mis)Representation of Humanity in Natural History Museums*, HIST. OF ANTHROPOLOGY REV. (Jan. 10, 2020), https://histanthro.org/notes/decolonizing-or-recolonizing/.

[94] Eithne Nightingale & Chandan Mahal, *The Heart of the Matter: Integrating Equality and Diversity into the Policy and Practice of Museums and Galleries*, *in* MUSEUMS, EQUALITY, AND SOCIAL JUSTICE 13, 21 (Richard Sandell & Eithne Nightingale eds., 2012).

[95] *Id.* at 24.

[96] Anastasia Loukaitou-Sideris & Carl Grodach, *Displaying and Celebrating the "Other": A Study of the Mission, Scope, and Roles of Ethnic Museums in Los Angeles*, 26(4) PUB. HISTORIAN 49, 51 (2004).

[97] *Id.* at 54.

[98] *Id.*

in local communities."[99] They exist "within a local context" but are still given the responsibility of promoting and contributing to community building on a larger scale.[100] Such museums have been described as '"advocates for ethnic communities, often becoming directly involved in community development, political action, and protest.'"[101]

Conversely, it can be important for culturally specific museums to ignore or remain separate from mainstream museum culture.[102] They can be "a relief from the onslaught of imagery and point-of-view of the mainstream" and provide "a safe place to reassess and assert one's identity, and see it in 'museum' terms."[103] Although greater representation of communities in mainstream museums can help spread the responsibility of awareness equally among institutions, there must also be a balance in allowing, and supporting, culturally specific museums to thrive.[104] The existence of culturally specific museums, however, should never be seen as alleviating mainstream museums' responsibility to be more inclusive. Instead, all museums must provide grounds for underrepresented communities to gain more museological experience "in a supportive environment where their opinions are respected and talents are nurtured."[105] This can create even more opportunities for children to see themselves in museums and build additional avenues for the promotion of human rights education in a culturally mindful way.

2. Access

Tied closely to representation are issues of access in museums, which often communicate in subtle ways who is or is not welcome. Choices surrounding the language used and the use of physical space in exhibits can have a significant impact on children's learning experience.[106] The language used in a museum can contribute to racialization and raise questions about access in museums.[107] In some cases, "[t]he use of language in museums is the principal means of communication."[108] A study conducted at seven major museums in London

[99] *Id.* at 55.

[100] *Id.*

[101] *Id.* (quoting KAREN DAVALOS, EXHIBITING MESTIZAJE 41 (2001)).

[102] Janet Marstine, *Museologically Speaking: An Interview with Fred Wilson*, *in* MUSEUMS, EQUALITY, AND SOCIAL JUSTICE 38, 40–41 (Richard Sandell & Eithne Nightingale eds., 2012).

[103] *Id.* at 41.

[104] *Id.* at 39–41.

[105] *Id.* at 41.

[106] Nightingale & Mahal, *supra* note 94, at 13.

[107] *See* Laura Callahan, *Museums as a Site for Racialization and Heritage Language Maintenance*, 11(2) HERITAGE LANGUAGE J. 98, 98 (2014) (arguing that "some practices in American museums may unintentionally contribute to the racialization of Spanish and Spanish speakers in the United States").

[108] Adamantia Koliou, *Foreign Languages and Their Role in Access to Museums*, 16(1) MUSEUM MGMT. & CURATORSHIP 71, 72 (1997).

found that none of the museums even had a "written policy concerning language and foreign tourists, nor had they appointed officers to deal especially with such matters."[109] Beyond the seemingly simple question of increasing accessibility through language, language on labels used to describe artifacts and objects has additional repercussions. Some have questioned "the validity of language on labels used to describe Southeast Asian objects, . . . [and] contemporary African American paintings" and point to a lack of inclusive language used to describe LGBTQ+ communities in museums.[110] How museums address language issues is also indicative of how they can support children's cultural participation.

Beyond language, the way physical spaces in a museum are designed can have a significant impact on children's experiences. "Space syntax is a theory of space and a set of analytical, quantitative, and descriptive tools for analyzing the layout of space in buildings and cities" which has been used in the museum context to investigate how spatial design affects visitors' movement through exhibits and the building.[111] A museum's layout can "communicate[] knowledge and narrative" in a way that shapes a visitors' perception of the art.[112] For example, a particular configurational pattern of statues and their gazes can render them "more than objects to be seen" and create the awareness and "co-presence of both visitors and statues."[113] Similarly, museum spaces can be designed in such a way that makes them more inclusive of people of all backgrounds and experiences. The Museum Learners Club is a "socially mediated learning" environment that addresses issues of access and "invites autistic learners to join others as equals in motivating environments."[114] Making museums more inclusive does not only benefit the communities or individuals directly affected, but it benefits everyone by "expanding individuals' experiences of difference in ways that diminish prejudice."[115] In the museum context, where histories and cultures are preserved and showcased, diminishing prejudice and ensuring equal access should be paramount. At the Smithsonian Institute, an exploratory study in increasing museum visitation by underrepresented audiences identified three strategies museums can "employ to increase audience diversity: adapt exhibits and public programs to appeal to

[109] *Id.* at 73.

[110] Radiah Harper & Keonna Hendrick, *Doing the Work: A Discussion on Visioning and Realizing Racial Equity in Museums*, 42(2) J. MUSEUM EDUC. 163, 166 (2017).

[111] Bill Hillier & Kali Tzortzi, *Space Syntax: The Language of Museum Space*, *in* A COMPANION TO MUSEUM STUDIES, 282, 282–83 (Sharon Macdonald ed., 2010).

[112] *Id.* at 294.

[113] *Id.*

[114] Susan Davis Baldino, *Museums and Autism: Creating an Inclusive Community for Learning*, *in* MUSEUMS, EQUALITY, AND SOCIAL JUSTICE 169, 172, 174 (Richard Sandell & Eithne Nightingale eds., 2012).

[115] *Id.* at 172.

those communities; modify the setting where programs take place; and better promote programs."[116]

Additionally, museums should consider issues of access for children and adults alike, so as not to further create divisions between the two groups. Museums can be intimidating spaces for both children and adult visitors.[117] Focusing too much on "child-friendly" spaces can oversimplify children's experiences in museums and can separate children from "both adults and from other children of different ages."[118] "[S]hared experience[s] between adults and children" can improve issues of access and potentially create more learning experiences for children.[119] One shared experience between adults and children in museum spaces "can be noticed in the ways that height, majestic form, and power impress."[120] The use of scale in the spaces of art museums can be a useful tool in bringing together children and adults and promoting greater access to human rights education.[121]

3. Cultural Appropriation

Another problematic aspect of museums is their use of cultural appropriation. Cultural appropriation is a term used to describe "the taking over of creative or artistic forms, themes, or practices by one cultural group from another."[122] Art is inextricably tied to cultural appropriation, as "[e]ntire artworks have been transferred from one culture to another in a variety of ways."[123] In New York's Museum of Modern Art (MOMA), Picasso's piece, "Les Demoiselle D'Avignong," is praised for its incorporation of African masks and the museum site states that Picasso was "inspired by Iberian sculpture and African masks."[124] The Metropolitan Museum in New York describes how Picasso "'blended'

[116] Pamela Maldonado & Cecilia Nguyen, *It's Not Just for the Children: On Engaging Culturally Diverse Families at Museums*, CURATOR: THE MUSEUM J. (Sept. 27, 2020), https://curatorjournal.org/virtual-issues/its-not-just-for-the-children-on-engaging-culturally-diverse-families-at-museums/.

[117] Anna Forgerson Hindley et al., *Why Museums Should Care About Young Children*, AM. ALL. OF MUSEUMS: ALL. BLOG (Sept. 18, 2017), https://www.aam-us.org/2017/09/18/why-museums-should-care-about-young-children/.

[118] Jo Birch, *Museum Spaces and Experiences for Children – Ambiguity and Uncertainty in Defining the Space, the Child and the Experience*, 16(5) CHILD.'S GEOGRAPHIES 516, 520 (2018).

[119] *See id.* at 520, 522.

[120] *Id.* at 522 (citing SARA AHMED, CULTURAL POLITICS OF EMOTION 6 (2004)).

[121] *See id.* at 521–22.

[122] *Cultural Appropriation*, OXFORD REFERENCE, https://www.oxfordreference.com/view/10.1093/oi/authority.20110803095652789 (last visited Mar. 27, 2022).

[123] JAMES O. YOUNG, CULTURAL APPROPRIATION AND THE ARTS 1 (Blackwell Publ'g 2008).

[124] *Pablo Picasso: Les Demoiselles d'Avignon*, MOMA, https://www.moma.org/collection/works/79766 (last visited Mar. 27, 2022).

African art into the image."[125] The language used in describing the painting is an example of the ways in which descriptions of certain works of art can blur "the boundaries between appropriation and the more positive . . . labels [of] assimilation and appreciation."[126] Missing from the description of Picasso's piece is "the context of colonial exploitation that brought African art into the domain of French culture."[127] Museums have the power and ability to frame works of art—and thus cultures—in a particular way. Part of ensuring that children can learn about, through, and for human rights in museums involves holding museums accountable for the language they use in presenting works of art within their appropriate context.

Museums are especially vulnerable to issues of cultural appropriation as they amass, archive, and provide access to works that have defined entire groups of people across time periods. A museum "defines tradition and arranges objects in patterns of significance."[128] The overrepresentation of white curators at the expense of diverse artists and exhibits means traditions are defined in ways that do not always accurately or fully represent them. Therefore, "[t]he museums' presupposition of a universal visitor is no longer tenable . . . ."[129] The museum goer "sees in this remarkable institutional space . . . a series of mirrors," and it is important that all communities and children can see themselves reflected and understood.[130] A central issue in discussions of cultural appropriation in art museums is the failure to recognize the political or power dynamics at play both in artists representing cultures other than their own and in curators failing to collect diverse materials or showcase diverse artists. This is especially apparent through the collection of objects in a museum, which displayed by themselves can be "divorced from time and place" and "difficult to explain on their own terms."[131] Objects displayed with minimal context "are easily reduced by visitors to mere remnants, lucky scraps of material culture that have survived the ravages of history and are all too easily fetishized as such."[132] The "Museums Are Not Neutral" initiative aims to draw attention to this issue.[133] Art historian La Tanya Autry highlights that "museums are products and projects of

[125] *Art History: Cultural Appropriation & the Art of the Steal*, RUTH MILLINGTON (Apr. 10, 2018), https://ruthmillington.co.uk/the-art-of-the-steal-cultural-appropriation-art-history/.

[126] *Id.*

[127] *Id.*

[128] Juliet Steyn, *The Museums' Future*, 38(5) FUTURES 606, 616 (2006).

[129] *Id.* at 607.

[130] Donald Preziosi, *Art History and Museology: Rendering the Visible Legible*, *in* A COMPANION TO MUSEUM STUDIES 50, 53 (Sharon Macdonald ed., 2010).

[131] Oliver Winchester, *A Book with Its Pages Always Open?*, *in* MUSEUMS, EQUALITY, AND SOCIAL JUSTICE 142, 145 (Richard Sandell & Eithne Nightingale eds., 2012).

[132] *Id.*

[133] Autry & Murawski, *supra* note 32, at 2.

colonialism."[134] She explains that museums cannot be neutral "because of [their] origins and evolving practices" that are rooted in conquest.[135] The main goal of the initiative is one of education around these realities—"[m]useums and curatorial studies programs typically do not address or challenge the racism that permeates the field."[136]

The importance of consulting audiences and partnering with members of a cultural group that are "most directly affected" by a piece in developing exhibits is crucial to addressing this issue.[137] In short, museums can, and must, do better at "addressing and representing culturally diverse families" and communities.[138]

4. Collections

Another problematic aspect of museums can be seen in their collections. For example, natural history museums have had to confront the racism and othering in their collections processes and history.[139] Indeed, "[m]useums were integral to entrenching [] scientifically racist ideas, functioning as repositories for the objects and specimens collected on scientific expeditions carried out around the globe, and, simultaneously, legitimising this collecting in the context of scientific thought."[140] "Some of this overt, colonial scientific racism remains on display in contemporary natural history museums and is the focus of much contemporary decolonial critique."[141] This is problematic especially given the popularity of natural science museums among children.[142] However, collection-related issues are not unique to natural history museums.

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[134] *Id.*

[135] *Id.*

[136] *Id.*

[137] Alyssa Manansala, *"It's Only Art": How Art Controversy over Cultural Appropriation and Historical Trauma Can Move Toward a More Ethical Public Humanities*, BROWN UNIV. (May 3, 2021), https://www.brown.edu/academics/public-humanities/blog/%E2%80%9Cit%E2%80%99s-only-art%E2%80%9D-how-art-controversy-over-cultural-appropriation-and-historical-trauma-can-move.

[138] *See* Maldonado & Nguyen, *supra* note 116.

[139] Subhadra Das & Miranda Lowe, *Nature Read in Black and White: Decolonial Approaches to Interpreting Natural History Collections*, 6 J. NAT. SCI. COLLECTIONS 4, 4 (2018), https://natsca.org/sites/default/files/publications/JoNSC-Vol6-DasandLowe2018.pdf.

[140] *Id.* at 5.

[141] *Id.* at 7–8 ("[T]he consistent ignoring of the history of scientific racism is obvious to people of colour who visit natural history museums." (citation omitted)).

[142] SARAH JENKINS ET AL., JENESYS ASSOCS. LTD., THE POPULARITY OF MUSEUM GALLERIES EVALUATION FOR NATURAL SCIENCES COLLECTIONS ASSOCIATION 1, 2 (2013), https://www.natsca.org/sites/default/files/publications-full/Evaluation-Report-Museum-Gallery-Preferences-Final_0.pdf ("Natural sciences and live animals galleries were most likely to be the favourite of those who usually visit with children.").

Many museums have acquired their collections "from wealthy donors who benefited from empires."[143] Often, not enough context is provided for how these objects were acquired, leading to an erasure of the "peoples who created the objects and stories and [] their descendants."[144] For Native American communities, violence was used in the name of salvaging anthropology and "primitivist art collecting."[145] Military officers kept the moccasins and drawings of Indians they had killed, and "weapons became personal trophies, some of which were later sent to the Smithsonian Institution and other museums."[146] Museums must acknowledge such problematic historical contexts in forming their present-day collections. Objects, and whether and how they are acquired and displayed, "matter in the cultural process, especially among peoples who have not relied on written texts for the recording of knowledge."[147]

In recent years, greater emphasis has been placed on museum collections' contribution to and representation of colonial history. In 2018, the British Museum returned 5,000-year-old antiquities to the National Museum of Iraq in Baghdad, after it came to light that "they were seized by London police in 2003 from a dealer who could not provide proof of ownership."[148] Some pointed to this as more than an issue of individual ownership, with headlines stating the British Museum would "return looted antiquities to Iraq."[149] Questions of collections and ownership and their colonial history and attendant exploitation must be confronted.[150]

In addition, there must be greater consideration for whether and how cultural objects are displayed. For some, the process of displaying objects at all has problematic implications. Contemporary and well-known objects displayed in a museum setting can be "subject to a heavy weight of sentimental associations

[143] Elisa Shoenberger, *What Does it Mean to Decolonize a Museum?*, MUSEUM NEXT (Feb. 23, 2022), https://www.museumnext.com/article/what-does-it-mean-to-decolonize-a-museum/.

[144] *See* Frank Howarth, *Decolonizing the Museum Mind*, CTR. FUTURE MUSEUMS BLOG (Oct. 8, 2018), https://www.aam-us.org/2018/10/08/decolonizing-the-museum-mind/.

[145] Janet Catherine Berlo & Ruth B. Phillips, *Our (Museum) World Turned Upside Down: Re-Presenting Native American Arts*, 77(1) ART BULL. 6, 7 (1995).

[146] *Id.*

[147] *Id.* at 9.

[148] Jo Livingstone, *The British Museum's 'Looting' Problem*, NEW REPUBLIC (Aug. 14, 2018), https://newrepublic.com/article/150642/british-museums-looting-problem.

[149] *Id.*

[150] *See* Das & Lowe, *supra* note 139, at 11. "If visitors feel alienated from museums because their own histories and stories are being misrepresented, the solution is simple: we, collectively as museum professionals, need to do better at acknowledging past wrongs for what they are, and telling the whole of the story of science." *Id.* "We propose that the first step to redressing these potentially racist misrepresentations is to acknowledge the colonial past of natural history collections and to present the stories about the history of these collections alongside existing interpretation about the specimens and their role in the natural world." *Id.*

drawn from visitors' own experiences."[151] According to Iris Marion Young's "politics of difference" theory, people suffer culture-based injustices in a variety of ways, including:

> [W]hen they are not free to express themselves as they wish, associate with others with whom they share forms of expression and practices, or to socialize their children in the cultural ways they value, or when their group situation is such that they bear significant economic or political cost in trying to pursue a distinctive way of life.[152]

In a museum context, this means giving participants the opportunity to "challenge the dominant narratives of the museum" at every level, including programming activities, policies, mission statements, and marketing schemes.[153] It also means creating space for "meaningful collaboration on every level of the curatorial process,"[154] to ensure that the different readings or interpretations of objects in their historical contexts are honored. At the Pulitzer Foundation for the Arts in St. Louis, three full-time social workers are on staff working "side-by-side with the curators to create themes for exhibitions and programs for the most vulnerable, impoverished, and ignored communities."[155] Employing social workers in this way is an attempt to acknowledge some of the "inflexibility" that can result from the rapid growth of museums as they go through the accreditation process (as museums "professionalize," it can become more difficult for them to take risks).[156] While employing social workers is a step in the right direction, museums also need to work directly with community members and recognize the expertise in their lived experience. Working with members of communities directly can also be a way around the "inflexibility" and other challenges by removing the barrier of museum "rules" and policies.[157]

There has been some progress. As Ünsal explains:

> [W]hile museums have been widely criticized in terms of the politics of their representations of other cultures in colonial and post-colonial contexts, and for their reification of national narratives that exclude cultural difference, in the second half of the twentieth century they came to be identified as spaces of public interaction and dialogue in contemporary society.[158]

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[151] Winchester, *supra* note 131.

[152] Helen Mears & Wayne Modest, *Museums, African Collections, and Social Justice*, *in* MUSEUMS, EQUALITY, AND SOCIAL JUSTICE 294, 299 (Richard Sandell & Eithne Nightingale eds., 2012) (citing IRIS MARION YOUNG, JUSTICE AND THE POLITICS OF DIFFERENCE 82 (1990)).

[153] *Id.* at 300.

[154] *See* Berlo & Phillips, *supra* note 145, at 9.

[155] Marstine, *supra* note 102, at 39.

[156] *Id.* at 39–40.

[157] *Id.*

[158] Ünsal, *supra* note 14, at 600–01 (citations omitted).

Museums have the potential to not only address the colonial history of their own collections, but also to teach their children and communities about this problematic history in a meaningful way. Robert R. Janes and Richard Sandell argue for museums to create opportunities to address the "big problems and big questions" and address issues ranging from "reducing wealth inequality, protecting Indigenous People's rights, curbing population growth, eliminating the use of fossil fuels, reversing the loss of biodiversity to eliminating wasteful consumption."[159] Children and adolescents can participate in this endeavor. Museums can and should "embrace all knowledges originating from the experiences of those who struggle with or have struggled under oppressive political ideologies, irrespective of who the oppressor is or where the oppressed come from."[160] Represented communities must be involved in the curatorial process and feel empowered to express their cultural values in a way that is important to them.

III. MUSEUMS IN ACTION THROUGH A HUMAN RIGHTS EDUCATION LENS

As noted earlier in this Article, human rights education (and more specifically, children's rights education) has three essential components. Enshrined in the U.N. Declaration on Human Rights Education and Training, human rights education includes:

> (a) Education about human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;
>
> (b) Education through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;
>
> (c) Education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.[161]

This Part takes each of these components of human rights education in turn and describe the opportunities for advancing human rights education through partnerships with museums.

A. *Education About Human Rights*

Museums can educate about human rights and children's rights in a variety of ways. A comprehensive cataloging of the opportunities to teach human rights is

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[159] Robert R. Janes & Richard Sandell, *Posterity Has Arrived: The Necessary Emergences of Museum Activism*, *in* MUSEUM ACTIVISM 1, 7 (Robert R. Janes & Richard Sandell eds., 2019).

[160] Ünsal, *supra* note 14, at 602.

[161] U.N. Declaration on Human Rights Education and Training, *supra* note 16.

beyond the scope of this Article.[162] However, this Article highlights four rights as illustrative of the issues that art museums, and museums in general, could engage through human rights education: the right to participate in cultural life; the right to education; the right to nondiscrimination; and the right to freedom of expression.

First, given museums' roles as both a preserver of cultural heritage and a space for cultural participation, they are well-situated to educate children about their right "to participate freely in cultural life and the arts."[163] A case study from Amgueddfa Cymru, the National Museum of Wales, attempted to address and reframe the right to freely participate in cultural life through the arts.[164] The exhibition "Who Decides? Making Connections with Contemporary Art" involved a series of workshops inviting members of the Wallich, a Welsh charity that supports homeless adults, to participate as curators for the exhibit.[165] Over a period of nine months, the Wallich curators, many of whom "had never previously visited a museum," worked to curate the exhibit through their lived experiences and bring their own stories to their description of objects.[166] Such a collaboration encouraged "a museum model that operates beyond its own walls" and identified "new ways in which museums can become active civic spaces in our communities."[167] Even more ambitious, The Ark, a museum based in Dublin, Ireland, was created specifically with the goal of providing dedicated cultural services for children.[168] With support from the Irish Government, The Ark has become Europe's foremost "custom-designed arts centre for children."[169] The Ark's programming aims to teach children about their cultural rights more explicitly.[170] In 2016, the Ark's Children's Council created a short

[162] For example, art museums, through the exhibitions they show, could connect art works to human rights themes, from freedom of expression, to the right to housing, to children's rights to be protected from the harms of climate change.

[163] CRC, *supra* note 12, at art. 31(1). Article 31 further establishes that "States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity." *Id.* at art. 31(2).

[164] *Cultural Rights and Cultural Democracy*, MUSEUMS ASS'N (2018), https://www.museumsassociation.org/campaigns/learning-and-engagement/cultural-rights-and-cultural-democracy/#.

[165] *Id.*

[166] *Id.*

[167] *Id.*

[168] *About Us*, THE ARK, https://ark.ie/about (last visited Mar. 27, 2022).

[169] *History of the Ark*, THE ARK, https://ark.ie/about/history-of-the-ark (last visited Mar. 27, 2022).

[170] DIERDRE HORGAN ET AL., AN EVALUATION OF THE OPERATION AND IMPACT OF THE ARK CHILDREN'S COUNCIL [EXECUTIVE SUMMARY] 7 (2019), https://cora.ucc.ie/bitstream/handle/10468/7910/Executive-Summary-An-Evaluation-of-the-Operation-Impact-of-The-Ark-Childrens-Council.pdf?sequence=1&isAllowed=y. For an example of a specific exhibition aimed at teaching about children's rights, see *Viewpoints: Children's Rights in Imaginary*

film, "It's a Right" to mark Universal Children's Day and teach children across Ireland about the CRC.[171] In 2018, this evolved into a festival and a "Right Here Right Now" rally celebrating children's rights and including the broader community.[172] Museums are uniquely placed to educate children about their cultural rights while simultaneously promoting cultural participation as part of a broader community.

Second, the education mission of museums, and the dynamic, interactive nature of many museums situate them to teach children about Article 29 of the CRC. Article 29 requires that education of children be directed to:

> (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
>
> (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
>
> (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
>
> (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
>
> (e) The development of respect for the natural environment.[173]

Art has touched on all these themes, from human development, to respect for human rights, to cultural identity, to peace and tolerance, to respect for the natural environment. Given that art museums already engage these issues and recognize education as core to their missions, it would not be a huge leap for museums to incorporate a rights lens and educate visitors in a way envisioned by Article 29 of the CRC, the Universal Declaration of Human Rights, or other international instruments. Glasgow's Gallery of Modern Art (GoMA) created a project entitled "Sanctuary: Contemporary Art and Human Rights" to address the growing number of asylum-seekers in the community and improve public

Spaces, GLUCKSMAN, https://www.glucksman.org/exhibitions/viewpoints (last visited Mar. 27, 2022).

[171] *A Rallying Call to the Children of Ireland!*, THE ARK, https://ark.ie/news/post/a-rallying-call-to-the-children-of-ireland (last visited Mar. 27, 2022).

[172] *Id.* The event was created by children, who themselves were surprised to learn "they had rights that were [formally] enshrined in Irish law" after Ireland ratified the CRC in 1992. *Id.* Ratifying the CRC is a crucial first step to promoting and respecting children's rights in all areas, including museums.

[173] CRC, *supra* note 12, at art. 29(1).

attitudes towards these groups.[174] They partnered with Amnesty International in creating the exhibit, which was successful in "rais[ing] awareness of the plight of asylum-seekers and refugees worldwide and to redress negative media portrayals and local public perceptions."[175] The exhibit itself included works by more than 30 artists from 15 different counties and led to the creation of three additional programs, all focusing on different social justice issues.[176] GoMA's subsequent focus on transgender issues through its *sh*[OUT] exhibit has also been credited with fostering greater acceptance and inclusion of transgender communities in Scotland.[177] Such programs reveal that museums have a wide reach that is capable of influencing public awareness of issues and fostering tolerance and understanding among people, fulfilling Article 29 of the CRC.

Third, art museums can play an important role in educating visitors—children and adults—about the right to live free from discrimination. Nondiscrimination is a core principle of human rights law and is found in most major human rights treaties.[178] By acknowledging and addressing their problematic past (and present, in some cases), museums can confront bias and discrimination. "As museums break from an elitist and discriminatory past, they are exercising their exceptional capacity to reach out to existing and potential users who have suffered segregation and marginalization."[179] They can also develop practices and exhibits that are inclusive and offer diverse representation. Through art, they can teach young visitors (and the adults who accompany them) about the principle of nondiscrimination and that every child's rights must be respected and ensured "without discrimination of any kind, irrespective of the child's or [their] parent's or legal guardian's race, colour, sex, language, religion, political

[174] Richard Sandell, *Museums and the Human Rights Frame*, *in* MUSEUMS, EQUALITY, AND SOCIAL JUSTICE 195, 200 (Richard Sandell & Eithne Nightingale eds., 2012).

[175] *Id.*

[176] *Id.*; *see also* Janice Lane, *Sanctuary: Reflections on an Engaged Gallery Working with Asylum Seeker and Refugee Communities in Glasgow*, 68 WEST COAST LINE 62, 69 (2011).

[177] Sandell, *supra* note 174, at 210.

[178] *See, e.g.*, CRC, *supra* note 12, at art. 2; International Covenant on Economic, Social and Cultural Rights, *supra* note 24, at art. 2(2); International Covenant on Civil and Political Rights, art. 2(1), *opened for signature* Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force March 23, 1976). Some human rights treaties do not contain a nondiscrimination clause, but only because such a provision is inapplicable or superfluous. *See* Convention on the Prevention and Punishment of the Crime of Genocide, art. 2, Dec. 9, 1948, 78 U.N.T.S. 277. As prohibition on genocide and other crimes against humanity by definition apply to acts against "national, ethnical, racial or religious group[s]," a nondiscrimination clause is unnecessary. *Id.* Similarly, the International Convention on the Elimination of All Forms of Racial Discrimination ("CERD") does not need a separate non-discrimination clause as the subject of CERD is discrimination. *See* International Convention on the Elimination of All Forms of Racial Discrimination, *opened for signature* Dec. 21, 1965, 660 U.N.T.S. 195 (entered into force Jan. 4, 1969).

[179] Baldino, *supra* note 114, at 171.

or other opinion, national, ethnic or social origin, property, disability, birth or other status."[180]

Fourth, museums can educate the public about the right to freedom of expression. Artists' works are a living representation of their freedom of expression. Displaying diverse art forms and expressions allows young visitors to see individuals' struggle with their rights to freedom of expression,[181] as well as their right to freedom of thought, conscience, and religion.[182] Including children in the museum process can also be a valuable way of promoting freedom of expression. Located in Mumbai, India, Chhatrapati Shivaji Maharaj Vastu Sangrahalaya is a 100-year-old museum documenting the history of India from prehistoric to modern times.[183] In 2019, the museum opened an exhibition entirely "conceptualized and curated by 25 children."[184] The museum's director, Sabyasachi Mukherjee, acknowledged the need for such a project, noting that "[c]hildren don't have enough informal cultural spaces where they can be engaged in a creative process."[185] Museums can provide these informal cultural spaces for children and, in turn, create opportunities for children to realize their right to freedom of expression.

B. *Education Through Human Rights*

As noted above, the U.N. Declaration on Human Rights Education and Training describes education through human rights as encompassing "learning and teaching in a way that respects the rights of both educators and learners."[186] To engage young people in a rights-respecting way, museums must confront the problematic ways they have misrepresented or erased cultures and communities. In addition, they must create spaces that are inclusive of all individuals. Museums must also reflect on how young people are treated during museum visits and reconfigure their approach to child visitors so that their practices reflect respect for learners. And museums that do not permit younger children to visit[187] should re-evaluate the assumptions behind their exclusionary policies.

Museums have the power to configure their physical spaces in a way that will encourage young people and the adults that accompanying them to explore these

[180] CRC, *supra* note 12, at art. 2.

[181] *Id.* at art. 13.

[182] *Id.* at art. 14.

[183] *History*, CHHATRAPATI SHIVAJI MAHARAJ VASTU SANGRAHALAYA, THE MUSEUM, MUMBAI, https://www.csmvs.in/about-us/history (last visited Mar. 27, 2022).

[184] Benita Fernando, *A Museum 'For Children, By Children'*, MINT (Mar. 22, 2019), https://www.livemint.com/mint-lounge/features/a-museum-for-children-by-children-1553247096536.html.

[185] *Id.*

[186] U.N. Declaration on Human Rights Education and Training, *supra* note 16.

[187] *See Policy on the Admission of Children*, FRICK COLLECTION (July 2009), https://www.frick.org/sites/default/files/ChildPolicy.pdf (detailing its policy of not allowing children under 10 years old to enter the museum).

spaces and the exhibits or artwork.[188] "Opportunities to explore the physical environment" of a museum are "important in the learning process . . . especially for young children."[189] Beyond the artwork or objects displayed, the physical space of museums can be "deeply significant to [] young children."[190] However, children are rarely invited to explore freely in museums. Certain "[r]ules of behavior imposed by museums and by adults" can "limit the opportunity for children to explore the environment[,]" and such restrictions can "reduce motivation to engage with the exhibits."[191] Museum visits for children often involve "an overarching concern to instruct children on what they cannot do or touch."[192] Behavior rules in these spaces include "*no touching, no running, no eating or drinking, no going behind protection ropes* etc.," which can trigger negative responses in children or restrict the space for younger age groups.[193] Although museums often attribute such rules to the security of their collections, they must balance this need with the acknowledgment that children have the right to these spaces "as subjects and citizens" whose "specificities [] must be respected."[194] By creating more responsive rules and regulations and more inclusive physical spaces, museums can demonstrate greater respect for children's rights as they educate young people.

Further, respecting the rights of child and adolescent learners goes beyond rethinking practices within the museum's physical space. Museums must also meet young people beyond their four walls in spaces where children and adolescents feel comfortable learning and exploring. Santos argues for "breaking away from the museum form and deconstructing the museum into a multiplicity of places such as the street, walls, and parks, in the form of a variety of practices ranging from exhibitions and video to performances . . . . It emancipates the content and the form in which such content is presented and disseminated."[195] This solidifies the museum's role as a public institution that can serve and connect the populations that surround it. By including children in this way, museums can achieve the critical goal of children's rights to meet children where they are, which is respectful of their individual rights and circumstances.[196]

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[188] Lorraine E. Maxwell & Gary W. Evans, *Museums as Learning Settings*, 27(1) J. MUSEUM EDUC. 3, 5 (2002).

[189] *Id.*

[190] ABI HACKETT ET AL., MANCHESTER MET. UNIV., HOW DO FAMILIES WITH UNDER FIVES EXPERIENCE MUSEUMS? 10 (2017), http://humbermuseums.com/wp-content/uploads/2020/07/AHackett-Research-Report-May-2017.pdf.

[191] Maxwell & Evans, *supra* note 188.

[192] Cristina Carvalho & Thamiris Lopes, *Children in Museums*, 41(3) EDUCAÇÃO & REALIDADE 911, 915 (2016).

[193] *Id.*

[194] *Id.* at 916.

[195] Ünsal, *supra* note 14, at 605.

[196] *See* Todres, *supra* note 5, at 337–39.

Finally, education "through" human rights also means listening to young people in meaningful ways. It means respecting their right to be heard, as enshrined in Article 12 of the CRC, and giving "due weight" to their views consistent with their age and maturity—and no longer dismissing their views as immature or unworthy of being taken seriously.[197] Museums are uniquely placed to ensure children's Article 12 rights in creative ways. In Greece, the Virtual Museum of Folk Musical Instruments for Children (VMuFoMIC) created a model for co-curation with secondary school students.[198] The digital museum is a "virtual 3-D building inspired by" the students' high school building and includes three exhibits.[199] Each of the exhibits were designed digitally and are accompanied with information "in text, image, sound, video and 3-D graphics format."[200] Teams of students worked together to curate the exhibits based on folk musical instruments and were able to "suggest ways in which their chosen musical instruments would be best presented in digital context."[201] Students were encouraged to actively participate in the decision-making process by presenting their research and responding to feedback.[202] The project was considered a success and student engagement was significant.[203] Students chose the instruments to be digitized and it was their "idea and decision to choose the actual Paradeisi School building" as the model for their museum.[204] Although a digital museum brings up its own questions of access,[205] it provides an innovative example of the different ways museums can create learning opportunities that are respectful of children and go beyond the physical space of the museum to engage young people in meaningful ways.

C. *Education for Human Rights*

Finally, human rights education must empower children. Indeed, the ultimate goal of the human rights project is to empower individuals to realize their rights and uphold the rights of others. As the United Nations Office of the High Commissioner of Human Rights explains, empowerment means that people "are able to claim their rights."[206] Furthermore, "[e]mpowerment requires opening

[197] CRC, *supra* note 12, at art. 12(1).

[198] George Papaioannou & Athanasia Stergiaki, *Students as Co-Curators in the Virtual Museum of Folk Instruments for Children: Roles, Rules, and Realities*, 1(4) INT'L J. HERITAGE DIGIT. ERA 631, 633 (2012).

[199] *Id.* at 636.

[200] *Id.*

[201] *Id.* at 640.

[202] *Id.* at 641.

[203] *Id.* at 642.

[204] *Id.*

[205] The Greek Ministry of Education co-funded and facilitated this project, ensuring that each student had their own laptop. *Id.* at 641.

[206] EMPOWERMENT, INCLUSION, EQUALITY: ACCELERATING SUSTAINABLE DEVELOPMENT WITH HUMAN RIGHTS, U.N. OFF. HIGH COMM'R 1, 3 (2019) [hereinafter EMPOWERMENT,

safe spaces that enable all people, including those who have been traditionally marginalized, to have a place at the table, and participate in the shaping of the decisions, policies, rules and conditions that affect their lives."[207] Museums have the potential to be a site of empowerment.

Empowering young people through museum spaces means modeling the components of empowerment. It means that children must have "a place at the table" and be able to participate in decision-making.[208] While this challenges museums to change their policies and practices, there are a variety of ways to empower young people. Youth advisory boards, when structured to enable meaningful child participation, can help museums empower young people and ensure that youth voice has input on the direction of the museum, the exhibitions shown, the artists selected, and the art displayed.[209] Several museums have already taken this initiative. The Smithsonian launched a youth advisory council, which consists of twelve individuals ranging in age from 16 to 19 who meet in person four times per year and provide direct feedback to Smithsonian leadership on their programming.[210] Additionally, in New York, a youth advisory council comprised of twenty-one members aged 14 to 19 years are working as the founding members of the city's climate museum—the first museum in the United States to be dedicated solely to the climate crisis.[211] Prior to securing a physical space for the museum, executive director Miranda Massie, who "left her job as an attorney to found the museum," held pop-up public programming across the city.[212] Students from high schools across New York City were invited to workshops where they "wrote and performed spoken word poetry, designed subway ads, and created plans for a climate-themed music festival."[213] Students on the council have expressed hopes that they will attract lawmakers' attention through the museum and that their work will help "lead to

INCLUSION, EQUALITY], https://www.ohchr.org/Documents/Issues/MDGs/Post2015/EIEPamphlet.pdf.

[207] *Id.* at 4.

[208] *See id.*

[209] *See generally* RACHEL SWANER & SHANE CORREIA, INCREASING THE VOICE OF YOUTH STRATEGIES FOR NEW YORK CITY TEENS INFLUENCING PUBLIC POLICY, CTR. CT. INNOVATION (2008), https://www.courtinnovation.org/publications/increasing-voice-youth-strategies-new-york-city-teens-influencing-public-policy (discussing various ways to ensure that youth participation is meaningful).

[210] Linda St. Thomas, *Smithsonian Launches Secretary's Youth Advisory Council*, SMITHSONIAN INST. (Apr. 6, 2016), https://www.si.edu/newsdesk/releases/smithsonian-launches-secretary-s-youth-advisory-council.

[211] *See* Justine Calma, *Teens Help Reimagine America's First Climate Change Museum*, GRIST (July 24, 2018), https://grist.org/article/teens-help-reimagine-americas-first-climate-change-museum/; *see also* CLIMATE MUSEUM, https://climatemuseum.org/ (last visited Mar. 27, 2022).

[212] Calma, *supra* note 211.

[213] *Id.*

better policy on the environment."[214] The Climate Museum offers one example of how museums can empower children by both fostering their participation in designing such spaces and providing opportunities for young people to shape the museum's agenda to draw attention to issues that are important to them.

Empowerment can also take the form of ensuring youth artists have a platform to show their art in museums—which empowers not only the young artists but also children who visit and see themselves in the artists.[215] Museums can help children develop critical skills to help them identify with the experiences of others. Art museums are "well poised to play a vital role in helping people understand each other."[216] This greater understanding is foundational to respecting one another's rights. The Minneapolis Institute of Art (Mia) created the "Center for Empathy and the Visual Arts" as a way of "fostering empathy and global awareness through the power of art," which can "expand[] our perception and lead[] to emotional responses – and to empathy."[217] Art has already been used by educators as a means to foster empathy in children, and museums are uniquely qualified to participate in this endeavor.[218] By respecting children's role as artists themselves, museums can include children in a way that empowers them.

However, the burden of empowering young people through the arts and museum spaces does not lie solely with museums. We should think broadly about all aspects of the arts that relate to and shape museum practices. For example, critique plays an important role in influencing the arts and, subsequently, museum decision-making. We need to develop creative ways for young people to participate in critique and contribute to the evaluation and assessment of the arts and museums of other disciplines.

All of this is consistent with Article 12 of the CRC, which mandates that children be given a say in decisions that affect their lives.[219] It is also consistent with the human rights education mandate that children be empowered by having opportunities to "participate in the shaping of the decisions, policies, rules and conditions that affect their lives."[220] It is important to note that youth advisory boards, youth artists, and other suggestions are illustrative ideas. Ultimately, young people must have a say in deciding *how* they want to participate in decisions that affect their lives, including with respect to museums. Those

[214] *Id.*

[215] Many young people are prolific content-creators—frequently through various online platforms—imagining and bringing to life art in various forms.

[216] WHITE PAPER ON CENTER FOR EMPATHY AND THE VISUAL ARTS, MINNEAPOLIS INST. OF ART (2018), https://images.artsmia.org/wp-content/uploads/2018/09/01101056/CEVA-White-Paper091318.pdf.

[217] *Id.* at 1, 3.

[218] *See* Ashfaq Ishaq, *World Children's Festival: The Art of Empathy*, 3(2) STEAM J. 1, 6 (2019).

[219] *See* CRC, *supra* note 12, at art. 12.

[220] *See* EMPOWERMENT, INCLUSION, EQUALITY, *supra* note 206, at 4.

individuals and entities that operate and support museums need to be open to direction from children and adolescents for the experience to be genuinely empowering.

IV. FURTHER CONSIDERATIONS

As we issue this call to action for museums, we recognize that museums themselves are a diverse group. Some are well resourced, while others face much greater financial challenges. Some are large museums in major urban centers, while others are small museums in more remote areas. The populations they serve may also vary greatly. This Part highlights four issues that merit attention: the nature of the museum/exhibit; structural challenges; resources; and leadership.

First, exhibits vary in their coverage and impact. When it comes to human rights education, some museum experiences likely stand on their own. The experience of visiting the Hiroshima Peace Memorial Museum or the Auschwitz-Birkenau State Museum typically is profound. Opportunities for human rights education are readily apparent. In contrast, rights education by other museums—such as art or natural history museums—may be more subtle, and a single visit may not have the same level of impact. These experiences are varied, but they are all important.[221] These variations should prompt all museums to consider what other services and guidance are needed to ensure the success of human rights education initiatives by museums. For example, museums should consider how they can partner with schools and families to create a "wrap-around project." That is, museums should view schools, families, and communities as partners in this human rights education enterprise, in which art or other exhibits can play a unique role in engaging, educating, and empowering young people.

Second, beyond consideration of their exhibits however, museums must also be transformative in their structures and authority. They must address their colonial past and oppressive histories and respond to ongoing issues of activism and social justice. Art museums are uniquely placed in this regard. The Minneapolis Institute of Art has launched an initiative called Museums as Site for Social Action (MASS), which "seeks to align museums with more equitable and inclusive practices."[222] As Kaywin Feldman explained, "[a]rt museums are intensely political organizations . . . . Art is political because it is an expression

[221] For one, art museums are more commonplace than museums that focus on human rights issues, such as the Holocaust. Their accessibility presents opportunities for rights education through repeat visits by young people.

[222] *See How Do You Transform Museums From the Inside Out?*, MASS ACTION, https://www.museumaction.org/ (last visited Mar. 27, 2022); *see also* Todres & Kilkelly, *supra* note 4, at 47–50 (discussing the value of the arts as a vehicle for advancing children's rights).

of lived human experience."[223] Museums are responsible for these larger narratives and histories and must be able to tell these stories in an inclusive way. An even stronger restructuring may be necessary, as Baker argues, "[t]he new museum requires an ethical reorientation from our old ways of thinking, a divestment from a conservationist and capitalist ideology, and a centering of voices previously silenced by the colonial project."[224]

Third, we recognize that different museums face different challenges and have different levels of resources to respond to those challenges. Not all museums have collected materials, and some are in urban versus rural settings and differ in their funding. Every museum, however, can create collecting plans or policies that fully consider the communities they serve and interact with. Avoiding cultural appropriation in the museum context means employing people with first-hand experiences with different cultures.[225] It can also mean including visitors and children in the decision-making process when curating collections or exhibits. Museums must also ask if young people are able to engage with their collections in ways that interest and benefit them. Questions of access must be addressed to ensure that children and adolescents are engaged and empowered through these institutions. Museums can be innovative in their use of physical space. Broadening children's access to the museum both within and beyond its four walls can allow for human rights education to evolve in dynamic and engaging ways. We recognize much of this means a commitment of resources. It is critical that museums see the value in human rights education for young people and see that the goals of human rights education are consistent with their other goals. Recognizing the "public commons" role that museums serve means understanding their responsibility to provide spaces and opportunities for young people.[226] It means serving as a locale where youth voice has a platform and human rights education is integrated into the core mission of the museum.

Fourth, the need for resources, the determination to overcome museums' historical legacy of marginalizing certain groups and committing and perpetuating cultural appropriation, and other challenges all point to the importance of buy-in from leadership. Leadership—from museum leadership to major donors to policymakers—must understand the value of elevating young

[223] Lizzi Ginsberg, *How MASS Action Could Transform Museums Like Mia*, MINNEAPOLIS INST. ART (Oct. 9, 2018), https://new.artsmia.org/stories/how-mass-action-could-transform-museums-like-mia.

[224] Baker, *supra* note 33.

[225] Joy Bivens et al., *Collections: How We Hold the Stuff We Hold in Trust*, *in* MUSEUMS AS SITE FOR SOCIAL ACTION TOOLKIT 125, 132 (2017), https://static1.squarespace.com/static/58fa685dff7c50f78be5f2b2/t/59dcdd27e5dd5b5a1b51d9d8/1507646780650/TOOLKIT_10_2017.pdf.

[226] Tate, *supra* note 10, at 274 ("The call to be a commons implies there is some form of community expectation that will inevitably involve the exchange of some medium through interaction.").

people and advancing human rights/children's rights education. They must see the value in investing or directing resources to support these efforts. And they must be interested in partnering with children and youth and be willing to share the decision-making authority with young people. Strong, inclusive leadership can help overcome all these challenges and establish a museum as a public commons that is dynamic, educational, inspirational, and inclusive.

Finally, while beyond the scope of this Article, the considerations and responsibilities that this Article discusses in this Part should not be limited to museum spaces. Other "public commons" should also reflect on their role in elevating young people and advancing human rights education. For example, public parks, which often have a legacy of monuments that privilege some groups and exclude others' histories, should also consider their role in advancing the principles that undergird a rights-respecting society.

CONCLUSION

Museums have a role to play in fulfilling the mandate of human rights education and Article 42 of the CRC. Fully realizing their role will require action on the part of museums. "Museums all over the world are rethinking what it means to be a museum."[227] As they do this, social justice and human rights education should be part of their re-envisioning of the public museum.

> [M]useums can become stewards of a global engagement with issues that impact societies everywhere. As instruments for self-representation and expression for marginalized, racialized, or excluded groups such as refugees, who struggle for rights, dignity, safety and justice, museums can facilitate communication, reconciliation, solidarity and collaboration among a diversity of communities and contribute to the larger achievement of global social change.
>
> Museums must realize that they can become brave contact zones and undertake a transformation, decolonize and demonumentalize their knowledge regimes and allow the "denied representations, memories, and experiences to assume their own forms of expression."[228]

However, the burden cannot be solely on museums. Human rights education professionals and professionals who work with children also have a vital role to play in educating and working with museum professionals to support museums' efforts to engage with and advance human rights education for children. In doing this, all three groups of professionals must incorporate the lived experience of diverse communities, particularly those that have been marginalized historically and continue to be today. This means partnering with local communities and partnering with children and adolescents. Ultimately, the

[227] JOHN H. FALK & LYNN D. DIERKING, THE MUSEUM EXPERIENCE REVISITED 296 (Routledge 2016) (2013).

[228] Ünsal, *supra* note 14, at 606.

vision of what museums can do in the context of human rights education and children's rights education must be forged in partnership with young people.