miscellanea

On the side of children. Rights, education, equity¹

Dalla parte delle bambine e dei bambini. Diritti, partecipazione, equità

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This article proposes a pedagogical reading of the rights of the child, using the text of the CRC international convention of 1989 as its starting point. The first section traces the process by which the rights of the child came to be acknowledged and points out the pedagogical significance of the juridical principles underpinning the text of the CRC. The second section sets out a thematic examination of the principle of non-discrimination – one of the tenets of the CRC – with reference to gender and goes on to demonstrate the consonance and strictly complementary nature of the goals of women's empowerment and those of the protection and promotion of the rights of the child: goals enshrined at the centre of the 2030 Agenda for Sustainable Development, the action programme signed in September 2015 by the governments of the 193 United Nations member countries.

Keywords: Children, Rights, Participation, Equity, CRC

L'articolo propone una lettura pedagogica dei diritti dell'infanzia a partire dal testo della Convenzione Internazionale del 1989. Nella prima parte il contributo ripercorre il processo di maturazione dei diritti dei bambini, mettendo in risalto il significato pedagogico dei principi giuridici che sorreggono il testo della CRC. Nella seconda parte viene proposto un affondo tematico sul principio di non discriminazione – uno dei capisaldi della

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CRC – in riferimento al genere di appartenenza. Si dimostra la consonanza e la stretta complementarietà tra gli obiettivi di *empowerment* femminile e quelli di salvaguardia e promozione dei diritti dell'infanzia: obiettivi che stanno al centro dell' "Agenda 2030 per lo Sviluppo Sostenibile", il programma d'azione sottoscritto nel settembre 2015 dai governi dei 193 Paesi membri dell'ONU.

Parole chiave: Bambine e bambini, Diritti, Partecipazione, Equità, CRC

1. The Rights of Children Thirty Years after the CRC

Thirty years ago, the *International Convention on the Rights of the Child* (commonly abbreviated as 'CRC') set out today's standards concerning the rights of children and adolescents under age eighteen. More than a goal, the signing of the instrument represented a true point of no return for contemporary culture. With the specific inclusion of children and adolescents in the process of extension and specification of fundamental rights, the full human dignity of these groups was acknowledged on 20 November 1989. The process of drafting the instrument was particularly complex (Detrick, 1992). A special Working Group created in 1979 within the U.N. Commission on Human Rights began meeting in 1980 and laboured without pause for ten years. The idea that children as children have fundamental rights was widely shared, but transposing this idea onto the paper of a formal convention proved to be a much more difficult task than originally thought, for three reasons.

The first was formal (Verhellen, 1994). A convention is a more complex text than a declaration, since it is binding on the signatory states. A convention asks that signatories not only consent to a series of principles but also that they implement, defend and strengthen them via political, social and cultural measures. For this reason, the text to be drawn up by the Working Group had to be very carefully formulated. The second reason was procedural (Veerman, 1992). The Working Group adopted a clear and precise procedural criterion from the very start: it was decided to write one article at a time and to discuss each until unanimous approval could be obtained before going on the next. More time was required to reach such unanimous agreement on some articles than on others. The third reason was ideological (Flores, 2007). In the Cold War political climate, fundamental rights were one of the fields on which the battles between opposing visions played out. This ideological polarity had been ad-

dressed by the two Covenants of 1966. On the one hand, the priority accent of the Western Atlantic bloc, made up of liberal democracies, fell on political and civil rights: the so-called first-generation human rights, the rights of a free society. On the other, the Eastern Soviet bloc, made up of the Socialist countries, was more intransigent in defence of social, economic and cultural rights, the so-called second-generation rights, the rights of protection. As early as 1978, the possibility of developing a single instrument that would unite and integrate the two 'versions' of fundamental rights was fielded. The wager was won, but only after ten years of negotiations centring on the most ideologically-sensitive points of the instrument (Cantwell, 1992).

Approval of the CRC was more than a formal act. The date 20 November 1989 was a point of no return for the culture of fundamental rights, when the slow but progressive process of inclusion of minors in this culture reached the wire. Finally, with the CRC, human rights were extended to embrace childhood and were specified in terms of children's peculiar characteristics. That process took two routes over the course of the 20th century. One was juridical, signposted by the official international instruments that marked each of the steps leading to the 1989 finish line (Macinai, 2006). The first of these, the 1924 Geneva Declaration of the Rights of the Child, proclaimed those children's rights directly linked to the living conditions to which minors were exposed in the early 20th century. In a society still deeply scarred by World War I, hunger, illness, poverty, illiteracy and child labour made up the backdrop against which that document was drafted (Macinai, 2016): at that moment in history, the rights of children directly intercepted the basic dimension of the right to life and to that which is indispensible to maintain life. The *Declaration* of the Rights of the Child adopted by the U.N. General Assembly in New York in 1959 was the second major step. It conserved the previous attention to 'provision' for essencial needs and laid the bases for acknowledgement of the rights of protection. But the times weren't yet ripe for completing the trek. Although the idea of a formal Convention circulated as early as 1949, it remained an idea. The most widespread opinion was that a simple declaration, integrating the 1924 document with the fundamental principles expressed in the 1948 Universal Declaration of Human *Rights*, was still sufficient. It took another three decades to attain the goal.

The other access route toward promoting children's rights in the 20th century has been pedagogical (Macinai, 2013). This route does not pass

through juridical instruments but through educational experiences: the way is not marked out by milestones but by pedagogical ideas which, from the beginning of the century onward, gave rise to a new vision of childhood. These ideas, which were born from educational practices and daily interaction with children, anticipated the juridical formulation of the rights of the child. We are speaking of Ellen Key and the child's right to be naughty (Key, 1900); of Janusz Korczak and the child's right to respect (Korczak, 1929); of Maria Montessori and children's social rights (Montessori, 1916). This is a route that must be retraced if we are to fully understand the profound significance of an idea which penetrates well beyond the paper on which the documents are written. It was the discovery, recognition and acknowledgement of children's humanity that permitted attaining the goal represented by the CRC. And that discovery and that acknowledgement began to take form when a few adults decided to meet and interact with real boys and girls and to speak with them, to listen to them and to take them seriously – as though they were their peers.

This pedagogical perspective is useful for interpreting the meaning of the CRC, which is founded on four principles, four pillars that support the framework that enshrines all the rights contained in the instrument:

- the principle of non-discrimination: a) no child may be discriminated against with respect to an adult due to the simple fact of being a child;
 b) for no reason must one child be discriminated against with respect to other children;
- the best interests of the child: this criterion must inform the actions of the adults called to make decisions concerning the life of children too young to make such decisions autonomously;
- relational paradigm: basic rights are exercised within relationships among equals, even when power is distributed asymmetrically among the players in the relationship;
- the right to be heard: this is the linchpin of the CRC, the right that expresses the basic principle of respect for the views of the child.

A pedagogical reading of these principles reveals the profound significance of children's rights. From this point of view, the CRC must be understood as a point of departure: from juridical goal to a prospect to be pursued in view of a better society for boys and girls and their adult fellow citizens.

2. The Pedagogical Significance of the CRC

The Convention has turned thirty and still holds a record: it is the most widely ratified international document concerned with fundamental rights. Every single United Nations member country has signed the convention, to the sole exception of the United States. The CRC is one of the limited number of international instruments which, together, determine standards – that is, the fundamental rules – in the field of human rights. Besides the CRC, other documents in this 'set' are: the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD, 1965); the *International Covenant on Civil and Political Rights* (ICCPR, 1966); the *International Covenant on the Elimination of All Forms of Discrimination against Women* (CEDAW, 1979); the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (ICMW, 1990); the *Convention on the Rights of Persons with Disabilities* (CRPD, 2006).

The CRC specifically addresses the fundamental rights of children but, as is the case with any other instrument concerned with the rights of specific subjects, the principles expressed therein are applicable to all human beings. One of the most basic characteristics of our contemporary notion of human rights has to do with the manners in which said rights are exercised or expressed. No human being expresses or exercises his/her rights in isolation from others (relational paradigm). Rights may be exercised, and before that, acknowledged and understood by their holder, only in the context of intersubjective relationships. It is within this relational space that the concrete content of fundamental rights is defined. Whether they be expressed by a child, an adult, a woman, a person with disabilities, a migrant worker, these rights cannot be understood in the generic formulation; that is in the abstract, as we find them expressed in the texts of the instruments. Rights must always be thought of in the context of the relationships that connect any particular subject to other human beings: to those who share his/her condition as to all those others who instead do not express it (principle of non-discrimination). In our particular case, in the abstract the rights of children regard every human being under the age of eighteen. These rights take concrete form in the social contexts in which a child encounters other children and enters into relationships with them; and in other social contexts in which a child

meets human beings who are not children and enters into relationships with them. There are members of this society whose participation demands contexts, spaces and times in order to achieve expression (*right to be heard*). It is not the children who are too young for certain rights, although we have often heard this said. It is the contexts and the relationships within which adult rights are expressed that are not adequate or suitable to active exercise of the rights of the child (Baraldi, 2008). These are the factors which must be adjusted/adapted; it is not the girls and boys who must 'grow into' their rights (*best interests of the child*). If anything the paradox, if paradox there be, lies in believing that children will be able to exercise their rights of participation to the full when they will be children no longer.

On the other hand, to exclude in order to protect, to exclude with good intentions, is one of the dynamics by which, historically, processes of marginalisation of weaker subjects develop and proliferate. Paternalism is one of the most potent weapons used by the stronger to justify exclusion of the weaker from full entitlement to rights or from full exercise of rights. In a rights-based society, as it is supposed a democratic society is, being unable to exercise the rights to which one is entitled is equivalent to remaining marginalised. To take the rights of children seriously is a task that recursively challenges adult society to return to the contents of the rights to update them and keep them alive. And rights remain alive when they remain linked up to history, to changes in the living conditions that individuals, groups and communities experience in the present. From this point of view, every goal attained, every finish line crossed is nothing more than an occasion to set a new point of departure and additional goals for which to strive.

3. From the Millennium Development Goals to the 2030 Agenda: Once Again, on the Side of Women and Children

In September, 2000, the heads of state and government of all the U.N. member states met in New York to sign the *United Nations Millennium Declaration* and by doing so pledge to achieve certain Millennium Development Goals or MDGs by the year 2015: to eradicate extreme poverty and hunger (halve the number of persons who suffer extreme hunger and subsist in less than one dollar a day); to achieve universal primary educa-

tion (ensure that all boys and girls complete elementary schooling); to promote gender equality and empower women (eliminate gender disparity in the primary and secondary schools); to reduce child mortality; to improve maternal health; to combat HIV/AIDS and malaria; to ensure environmental sustainability (to halve the number of persons lacking access to potable water and sanitation services); to develop a global partnership for development (to favour cooperation between the north and south of the world, reduce debt and ensure access to essential medicines)².

In the wake of the Millennium Development Goals and in the perspective of continuing the work already underway and achieving new goals, a set of Sustainable Development Goals or SDG were published on 25 September 2015. Differently from the Millennium Development Goals, the Sustainable Development Goals framework does not distinguish between developed countries and developing countries; that is, it does not differentiate among nations since the goals are considered equally applicable to all states. The SDGs are seventeen in number, divided into 169 specific targets,³ the core of the '2030 Agenda' from the short-form name of the document entitled *Transforming Our World: the 2030 Agenda for Sustainable Development* (United Nations, 2015). The SDGs aim at providing solutions to a broad range of issues entwined with economic and social development, including poverty, hunger, health, education, climate change, gender equality, water, sanitation, energy, urbanisation, the environment and social equality.

A fil rouge solidly ties the Millennium Declaration to the 2030 Agenda: the central role assigned to the goals of universal education and gender equality. The second of the Millennium Development Goals is to 'achieve universal primary education' and the third is to 'promote gender equality and empower women'; among the Sustainable Development Goals, the fourth is to 'ensure equitable quality education' and the fifth is 'achieve gender equality'. In both cases, universal education and gender equality are conceived not only as central goals but as tools, targets preparatory to achieving all the other goals. In the precious words of Kofi Annan:

- 2 Refer to the United Nations website at: https://www.un.org/millenniumgoals/
- 3 Available at: https://www.un.org/sustainabledevelopment/sustainable-development-goals/

Until there is gender equality, there can be no sustainable development. It is impossible to realize our goals while discriminating against half the human race. As study after study has taught us, there is no tool for development more effective than the empowerment of women. No other policy is as likely to raise economic productivity or to reduce child and maternal mortality. No other policy is as sure to improve nutrition and promote health, including the prevention of HIV/AIDS. No other policy is as powerful in increasing the chances of education for the next generation. That is why discrimination against women of all ages deprives the world's children – all of them, not just the half who are girls – of the chance to reach their potential (UNICEF, 2006, p. VI).

Gender equality is therefore not only morally just but is fundamental to human progress and sustainable development (UNICEF, 2004). Specifically, there is a strict correlation between women's social status and position and the wellbeing of children: when women live their lives fully and actively, children grow up well and their rights are better protected. Education permits women to take control of their lives, to make independent decisions and therefore to make a precious contribution to society as a whole.

First of all, educated women acquire greater decision-making power within the family. Traditionally, it is the men who make the decisions and set the priorities that impact their family nuclei; for instance, decisions concerning the health of their spouses and children, important purchases, daily expenses – but also how to apportion the scarce available food among the family members, which children to send to school and which to send to work in the fields. (UNICEF, 2006, p. 23). It has been demonstrated that in families in which women have greater influence in household decisions, the children automatically benefit because the share of resources earmarked for them increases considerably. For instance, mothers give priority consideration to feeding their offspring and can significantly improve their nutrition and, consequently, their survival rates (Smith, 2003).

Educated women can thus make an essential contribution to reducing infant mortality rates, which are still dramatically high in many world countries.⁴ Based on the latest estimates from IGME (United Nations

^{4 &#}x27;Infant mortality rate' is defined as the number of deaths among children from birth to 5 years of age per 1000 live births.

Inter-Agency Group for Child Mortality Estimation), the network of U.N. agencies led by UNICEF and the World Health Organisation (WHO), the number of deaths in infancy has been almost halved and maternal mortality rates have fallen by more than one-third with respect to 2000 levels, principally thanks to expanded access to quality health services at affordable prices (UNICEF, 2019). Despite this positive trend, estimates of infant and maternal mortality remain alarming: in 2018, 6.2 million children aged 0 to 15 years died around the world while in 2017 more than 290,000 women (an average of 800 per day) died of complications linked to pregnancy or childbirth. The majority of the childhood deaths (5.3 million, equal to 85% of the total) were children in their first five years of life; of these, 4 million occurred within the first year of life and of these, about one-half (2.5 million) occurred within one month of birth. Mothers and newborns are most vulnerable during and immediately after delivery. According to the new estimates, ca. 2.8 million pregnant women and newborns die each year, principally for avoidable causes.5

There is unimpeachable evidence of the positive repercussions that educating future mothers can have for the health and wellbeing of their children:6 educated young women tend to have fewer children and to better pace the births, concentrating more time and attention on each newborn; on the average, their children are better nourished and cared for because the mothers are more aware of disease prevention issues and measures and heed the messages launched by the healthcare institutions stressing the need to vaccinate the children, practice good hygiene and correctly dose medicines. Women's education brings with it innumerable benefits for the primary subject as well: women who have received an education tend to avoid early pregnancies and behaviour putting them at risk of contracting HIV; they are favoured in economic undertakings and in negotiating their rights, beginning with those relating to management of their reproductive health and the education of their children; undoubtedly, an illiterate young woman is less protected from violence, from illnesses and from exploitation than is another of her own age with a back-

⁵ For a complete picture, visit the UNICEF website at: https://www.unicef.it/doc-/9318/nuovi-dati-unicef-oms-calano-ancora-mortalita-infantile-e-materna.htm

⁶ Cf. https://www.unicef.it/doc/222/limportanza-delle-pari-opportunita-nellistruzione.htm

ground of years of study. And in this, women once again offer their precious input to simultaneous achievement of other important goals: combating HIV/AIDS and improving maternal health.

Furthermore, educated women see their daughters' and sons' education as a priority. When girls who have been able to go to school grow up to become mothers, it is more probable that they in turn will send their own children to school. In this manner, the benefits of education are transmitted and multiplied, with positive intergenerational effects: teaching girls to read and write translates not only into better living conditions for them and for their children, but also for the children of their children (Save the Children, 2015).

It has also been demonstrated that there exists a positive correlation between education for girls and women and a country's economic growth. Those areas of the world in which long-term investments in educating girls have been made have shown higher levels of economic growth: an increase in the number of girls enrolled in elementary school corresponds to an increase in the gross domestic product. This generates an upward spiral: the derived economic growth and increase in family income can persuade parents to do without the immediate income produced by working daughters, and to send them to school. Conversely, countries in which the level of instruction accorded to women is not on an equal footing with that of men pay for this inequality with greater development costs, lower growth rates, and reduced incomes (King, Mason, 2001, p. 88). According to the report by the World Bank, Missed Opportunities: The High Cost of Not Educating Girls (2018)7, about 132 million girls worldwide between the ages of 6 and 17 years have received no education. Such high numbers have dramatic consequences not only for the women themselves but also for their children, their families, the communities in which they live. The World Bank estimates the damage at between 15 and 30 billion dollars, since a low level of education and training reduces adult earning power, depresses participation in the workforce and lowers living standards. Commenting on the World Bank report, Nobel laureate Malala Yousafzai wrote: 'When 130 million girls are unable to become engineers or journalists or CEOs because education is out of their reach, our world misses out on trillions of dollars that could strengthen the global eco-

⁷ Text available at: https://openknowledge.worldbank.org/handle/10986/29956

nomy, public health and stability. If leaders are serious about building a better world, they need to start with serious investments in girls' secondary education. This report is more proof that we cannot afford to delay investing in girls'8.

4. A Pedagogical Consideration: Gender Equality and the Fight against Discrimination as Cultural Issues

Elimination of gender discrimination thus offers a double dividend: it affirms the rights of women and, in parallel, safeguards the rights of children. In order for the goal of promoting gender equality and women's empowerment to become operational, we must first invest in education. Several concrete and implementable actions for supporting this challenge have been identified. First of all, it is necessary to guarantee safety in the scholastic *milieu*: often, parents refuse to send their daughters to school because they feel the school itself is not a safe place or because the distance their daughters must travel to reach the school from home exposes them to the risk of sexual assault or other forms of violence. The issue of safety in the schools is thus of crucial importance:⁹ it is necessary to build schools near homes and train teachers who will prove sensitive to the rights of children in order to guarantee that girls will indeed attend school (UNICEF, 2004, pp. 71-72).

If actions of this type are indispensible for guaranteeing access to instruction, they are not sufficient to ensure effective parity in educational terms. To this end, a series of further initiatives must be implemented within the schoolrooms, actions aimed to undermine sexist practices and stereotypes which penalise female students. This is a problem which extends to all countries indiscriminately, not only developing countries,

- 8 Text available at the World Bank website: https://www.worldbank.org/en/news/press-release/2018/07/11/not-educating-girls-costs-countries-trillions-of-dollars-says-new-world-bank-report (last accessed on 08 Jan 2020).
- 9 On 25 November 2008, on occasion of the International Day for the Elimination of Violence against Women, Amnesty International launched an interesting initiative entitled 'Safe Schools, Every Girl's Right' with the aim of eliminating gender discrimination both within the schools and in the broader community context (Amnesty International, 2008).

and which generates strong contradictions, upheavals along the paths leading to women's emancipation.

The case of Italy – taken merely as an example – offers us a striking instance of such contradictions. The picture which emerges from the latest Global Gender Gap Report 2020 drawn up by the World Economic Forum¹⁰ is illuminating. The Gender Gap Index is a system employed to measure the inequality between men and women on the basis of four indicators: economic participation and opportunity, access to education and educational attainment, political representation and empowerment and health and longevity. The 2019 Gender Gap Index data for Italy confirm that the divide between men and women in our country is very high: out of 153 countries, Italy occupies 76th place (more or less the same as in 2006) and was again one of the lowest-ranking of the European countries. The highest-ranking Europeans were – as usual - the northern nations: Iceland, Norway, Finland and Sweden. Analysis of the Italian data reveals that the country's low ranking is due primarily to scarce participation by women in the job market and to gender-linked wage disparity, while the situation is decidedly better as concerns educational attainment, where men and women enjoy substantial parity; what is more, a careful reading of the Gender Gap Index data for education reveals that in terms of enrolment in the upper secondary schools and the universities, women hold a decided advantage over men (World Economic Forum, 2019, p. 197).

This datum fully supports the notion that 'access to instruction by girls is a necessary but not a sufficient requisite for attainment of an effective parity between man and woman in political and civil life' (Biemmi, 2009, p. 100). It is naive to think that the simple simultaneous presence of males and females in mixed-gender classes, should same not be accompanied by a widespread awareness of the 'cultural cages' within which each of the genders is positioned (Biemmi, Leonelli, 2016) can guarantee equal opportunities to the students of both sexes (Mapelli, Bozzi Tarizzo, De Marchi, 2001; Gamberi, Maio, Selmi, 2010). The fact that males and females sit side by side in the same classrooms, that they listen to the same lessons, read the same books, does not by any means mean that they are receiving the same type of instruc-

¹⁰ Available at: http://www3.weforum.org/docs/WEF_GGGR_2020.pdf (last accessed on 08 Jan 2020)

tion, that they enjoy the same training opportunities: in the first place, because the content of that instruction tends to exalt the man and divest women of authority. Current educational processes are vitiated by a sort of subterranean discrimination which lies in the very nature of the knowledge that is transmitted, knowledge that is passed off as universal and neutral but instead carries a strong male connotation. Tangible proof is not hard to find in the textbooks in use in our schools, which in the classrooms promote and spread knowledge with a sexist slant, laced with archaic stereotypes that establish distinct roles and clear hierarchies that strongly penalise the female gender (Biemmi, 2017; Corsini, Scierri, 2016).

It is thus necessary, on the one hand, to revolutionise the school curriculums, the textbooks, the subjects to level the field and increase respect for the differences between man and woman; on the other, it is equally fundamental to sensitise the teachers, both male and female, to gender issues and to provide them with critical tools for promoting a culture of equality in their day-to-day teaching practices (Biemmi, 2009; Venera, 2014). Only at these conditions can education stimulate women's empowerment and guarantee the full participation of women in political and social life, with all the positive fallout on our collective wellbeing and development – and, in particular, on promotion of the rights of the child – that this implies.

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