

How to realize the cultural right of troubled children

-- Based on the research data from Hubei province, China

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Abstract: Cultural rights are related to the physical and mental health of children in difficulties. Their rights to survival, health and education are equally important. A survey in Hubei, China found that children with difficulties had relatively few types of cultural life, and their awareness of and participation in scientific and cultural products and services were significantly lower. The families of children in difficulties lack the necessary human and financial resources to support their cultural life, the schools of children in difficulties have limited cultural supply capacity, the relevant public welfare cultural venues are not performing their duties, and commercial cultural resources are not involved. It is necessary to accelerate the creation of a good social atmosphere to realize the cultural rights of children in difficulty, to accelerate the construction of a sound public cultural service system for children, to cultivate and improve the subjective awareness and objective ability of families in difficulty to protect the cultural rights of children, to cultivate and enhance the initiative of social organizations in the protection of cultural rights of children in difficulty, and to build a promotion mechanism for children in difficulty to share the cultural resources of children in urban areas.

Keywords: Trouble children; Cultural rights; Guarantee.

1. Introduction

Hardship mainly refers to the adverse situation caused by poverty, personal disability, lack of care or malpractice. According to incomplete statistics, children below the relative poverty line accounted for 16.7 percent of the total number of children, about 40.8 million; About 8.17 million children with disabilities; More than 61 million are left behind. The broad sense of cultural rights includes the right to education, cultural life, sports, entertainment, religious belief and other rights, while the narrow sense of cultural rights includes the right to "participate in cultural life, entertainment, leisure and sports activities". [1] The Convention on Economic, Social and Cultural Rights clearly stipulates that cultural rights mainly include "the right to participate in cultural life, to enjoy the benefits generated by scientific progress and its application, and to enjoy the right to be protected for the spiritual and material benefits generated by any scientific, literary or artistic works of one's own". The cultural rights of children in difficulty are the blind area of social concern, and the protection of their rights and interests is a very important social problem. We should further explore the relevant factors affecting the realization of cultural rights of children in difficulty, and establish the protection mechanism of cultural rights of children in difficulty as soon as possible.

2. Statistical results of the realization of the cultural rights of children in distress

The condition of cultural dilemma children realizes the statistical results of research on Hubei parts city urban area and suburbs the 4-6 grade students of the school, special education school part of school-age children adopted questionnaire survey, and the relevant population combined with the questionnaire to carry out the individual interview.

The questionnaire mainly includes three parts: children's personal and family information, the current situation of children's cultural rights, and children's cultural rights appeals. Through local women's federations and education departments contacting relevant schools, with the cooperation of teachers and the direct guidance of the research team, the effective rate of more than 1000 questionnaires obtained reached almost 100%. After sorting out the questionnaire, combined with field investigation and interview, it is found that the realization of cultural rights of children, especially children in difficulties, is not optimistic.

First, the types and frequency of children in difficulty participating in cultural life are obviously less. The questionnaire lists whether they participate in TV network, learning of piano, chess, calligraphy and painting, traveling inside and outside the province, visiting animal and botanical garden, visiting science and technology creative theme museum and other six related cultural activities. The majority of children with difficulties choose no more than three items, and the general children choose more than four items. In terms of the frequency of participating in related cultural life, the frequency of children in distress participating in interest learning of piano, chess, painting and calligraphy, traveling inside and outside the province, visiting zoos and botanical gardens, and visiting science and technology creative theme museums is also significantly lower than that of ordinary children.

Secondly, poor children's awareness and participation in scientific and cultural products and services are significantly lower. The questionnaire lists the names of some representative online TV games, cartoon characters and creative products of science and technology in the last year. The survey found that the overall participation of children in the creation of scientific and cultural works was worrying, and the awareness of children in difficulty on new scientific and cultural products was about 20 percentage points lower

than that of ordinary children.

3. Family protection function and the realization of the cultural dilemma children

The survey found although for children to participate in the activities of, create science and technology culture product support generally is not high, but the average family on children's independent cultural life support is still higher than family difficulties about 15%. The questionnaire also shows that guardian education, family economic status and family structure directly affect the realization of children's cultural rights.

First, the degree of protection of children's cultural rights is proportional to the degree of guardians' education. The cultural rights of rural and suburban children are lower than those of urban children on the whole. Correspondingly, 90% of the rural and suburban children's guardians have high school education or below, while nearly 60% of urban children's parents have college education or above. Parents with higher education are more active in caring about children's cultural rights.

Second, the degree of protection of children's cultural rights is proportional to the level of family economic income. In rural and suburban children's families, 39% of the parents' annual income is less than 40,000 yuan, and 25% of the parents' annual income is more than 60,000 yuan. Children from rural families with higher annual income participate in tourism and interest classes in and outside the province significantly better than those from low-income rural families. In the surveyed families of students in central urban areas, 60% of the parents have an annual income of more than 60,000 yuan. In addition to the fact that the cultural rights of children in urban areas are better than those of low-income rural

families, 5% of students in high-income urban areas mentioned in the questionnaire that they have more than one overseas travel experience.

Thirdly, there is a certain relationship between the protection of children's cultural rights and the integrity of their family structure. The questionnaire shows that the degree of protection of children's cultural rights in families with damaged family structure and changes, such as single-parent families where parents and children do not live together continuously and stably, divorced families and families with left-behind children is significantly lower than that in families with normal structure.

4. The realization of the social support and cultural dilemma children

First, cultural dilemma children school security functions need to be further strengthened. Music and fine arts courses are directly related to the protection of school-age children's cultural rights. According to the investigation, most classes in rural schools and urban schools offer music and fine arts courses for less than 7% of the total school hours, which is far from the 9% to 11% required by the state. School is an important subject of the protection of children's cultural rights and interests. The "lack of weight" of cultural curriculum will directly lead to the loss of the best opportunity for children with difficulties in school to obtain cultural products and services in a balanced manner with ordinary children. Relatively speaking, urban schools are obviously better than rural schools in terms of the number of cultural courses and the total number of class hours. However, given that poor children occupy a large proportion in rural schools, rural schools provide substandard cultural courses, and the number of poor children affected is far more than urban schools.

Table 1. The following table shows the actual opening of some primary school cultural life related courses in Jingzhou city

course	Suburban primary school A	Suburban primary school B	Suburban primary school C	Urban primary school
Music (weekly class hour and proportion)	1	1	0.5	1
Art (weekly class hours and proportion)	1	0	0.5	1
Science (weekly class hours and proportion)	0	0	0	1

Second, the Youth Palace and other special public cultural venues have failed to effectively assume the role of safeguarding the cultural rights of children in difficulties. According to the survey and interviews, the nature of the use of most youth palaces in the province is changing, and some cities even have venues rented out for adult use. Even if the

places and facilities providing services for children are mainly for children's music, art, dancing and other paid teaching, few provide free cultural entertainment services and projects for children. The survey showed that few children in distress participated in cultural activities at paid cultural venues such as the Youth Palace.

Table 2. The following table shows the ticket prices of some famous children's cultural parks in Wuhan

Price	Happy Valley	Haichang Polar World	Maya Beach Park	East Lake Marine World	Milu town
Children's ticket price (yuan)	100	75	100	80	150; holiday 180

Third, commercial children's cultural theme parks fail to bear the social responsibility of safeguarding the cultural rights of children in difficulties. Research shows that well-known children's theme parks in Wuhan charge excessively high fees, with tickets for children costing around 100 yuan in most parks, and tickets for adults usually double that for children. The common children's cultural entertainment items

in the children's amusement places in urban free parks are far from the regular consumption that ordinary families can afford. The survey shows that almost all urban parks realize free admission, but the children's items in the parks are charged commercially, and the price of most children's cultural entertainment items is more than 10 yuan. The high fees of children's cultural parks and cultural projects can

hardly be borne by ordinary families. Almost all the venues and projects have not introduced free policies for children in need.

5. The realization of the national support and cultural dilemma children

First, children's lack of cultural security and government level economic investment is not high. The protection of cultural rights of children in difficulty mainly depends on financial expenditure, which needs to be established on a relatively strong economic basis. In recent years, although the national and provincial economic growth rate is fast, but the foundation is weak, need a lot of fiscal expenditure matters, can invest in the cultural undertakings is relatively insufficient. Taking the proportion of cultural funds in the total national financial expenditure in 2013, 2014 and 2015 as an example, it is 0.38%, 0.38% and 0.39% at the national level and 0.68%, 0.54% and 0.43% at Hubei level. Cultural input is the basis of sufficient public cultural products and sound cultural infrastructure. There is still a big gap between national and local cultural input and those countries and regions where cultural rights are fully protected.

Second, the national public cultural service system suitable for the realization of cultural rights of children in difficulties has not been effectively established. Children in distress mainly live in rural areas, and the rural cultural infrastructure construction is very weak at present. As an important branch of the rural public cultural service system, the rural children's public cultural system is more worrying. A sound and perfect public cultural service system is an important way to maintain, realize and develop the basic cultural rights and interests. The construction of its two basic systems, namely the supply system of cultural products and the communication system, has been stagnant. In J County of Hubei Province investigated, there is no artistic creation group that provides cultural works and services for children; in B village, a key village investigated, there is no broadcasting, Internet and other cultural information transmission channels; in B Village, a major gathering place for children's living and learning, there is no professional teacher of music, art, science and other cultural courses.

6. The cultural social cognition and the realization of the cultural dilemma children

First, troubled children lack of cultural security and cultural clear degree is not high. Relatively speaking, the state and society are more concerned about the right to survival of children in difficulties. The relevant system mainly provides necessary clothing, food, shelter and basic education for children in difficulties. The existing relevant documents have not yet included the right to culture. It is generally believed that the healthy development of the protection of children's rights in China was marked by the law on the Protection of Minors of the People's Republic of China in 1991, but the law has almost no provisions on children's cultural entertainment. Important documents issued in recent years, such as the Opinions of The State Council on Strengthening the Protection of Children in Difficulties and the Opinions on Handling Several Issues Concerning Guardians' Infringement on the Rights and Interests of Minors in Accordance with the

Law, do not clearly explain the protection of children's cultural rights.

Secondly, the inadequate protection of cultural rights of children in distress is related to the improper understanding of "culture". Most parents and schools believe that "cultural rights" are opposed to children's knowledge acquisition, and the rich and colorful cultural life seriously affects children's education. The "culture" understood by most families and schools in China is completely different from the cultural rights that children should have. Children's families and schools think that cultural life is mainly about learning book knowledge and improving examination ability, and regard good academic performance as "cultured". The right to culture and the right to education are not the same right. Children have the right and obligation to receive education, which is mainly based on the needs of becoming qualified builders of the motherland. The right to culture mainly aims at improving children's quality and sentiment, contributing to the all-round development of children, and more conducive to the cultivation of excellent builders and successors. Based on the improper understanding of cultural rights, parents choose and decide on behalf of children in cultural activities with their own will, thereby depriving children of the right to participate in culture in a disguised way. [2]

7. What should be taken to realize the cultural right of troubled children

Troubled children cultural implementation approach should be taken to the essence of socialist cultural system is the requirement that all citizens, including difficulties children are truly equal participation to enjoy the rich cultural life. There are a large number of children in difficulties, and the development of cultural undertakings for children in difficulties remains a long and arduous task. Under the new situation, more attention must be paid to the protection of cultural rights and interests of this special group.

(1) Shall speed up the construction implementation difficulties children cultural good social atmosphere of good cultural atmosphere is an important power in development of cultural undertakings. People's lack of attention to the cultural rights of children in difficulties is related to their personal quality. The government and media should increase the construction of a good social atmosphere.

First, a number of normative legal documents should be issued as soon as possible to protect the cultural rights of children in difficulties. The introduction of systematic policies and regulations to regulate the cultural undertakings of children in difficulties is conducive to the formation of a social atmosphere respecting children's cultural rights in the whole society. The introduction of normative legal documents can make the whole society more fully realize that the protection of cultural rights of children in difficulties is a serious political and legal issue, and enable social groups to recognize children's cultural rights from the bottom of their hearts.

Second, the media and other social organizations shall further intensify propaganda difficulties children's cultural life. Media is the main producer of good public opinion atmosphere and plays an indispensable role in the social atmosphere of caring for the cultural life of children in distress. Media such as radio, television, newspaper and Internet should continue to report and publicize the importance of cultural life of children in distress, and should

take it as their important mission to spread cultural life for children in distress. [3]

Thirdly, the general public should recognize the significance of cultural life of children in difficulties from the heart. Only when ordinary people highly recognize that children in difficulties should enjoy the same cultural life as other children, the whole society will fundamentally change the unfavorable situation of cultural rights of children in difficulties. Children in distress, as an independent subject of rights, have already been clearly defined by our law. It is immoral and illegal to ignore or despise any idea and behavior of children's rights. The whole society should establish the consciousness of children in distress as an important subject of rights from the bottom of its heart.

(2) children should speed up the building of public cultural service system

First, production and construction should pay more attention to children's public cultural content, make more trouble children enjoy free high-quality cultural life. Cultural content is the direct carrier of the realization of cultural right. Without sufficient cultural content, the realization of cultural right is difficult to be guaranteed. The public characteristics of public cultural products and services decide that the government should be the main provider of public cultural products and services. Cultural products and services for children in distress are more special spiritual products, which cannot be solved mainly by the market. Government participation in providing cultural products and services for children in distress should become the main form of production. In the future, on the one hand, the government should directly establish research and development and production institutions for children's cultural products to produce appropriate children's cultural products. On the other hand, the government should also adopt market methods such as bidding and order purchase to obtain certain cultural products and services from domestic and foreign cultural markets to benefit children in difficulties.

Secondly, more attention should be paid to the construction of public cultural communication system and facilities for children, so that children in difficulties can enjoy a more convenient cultural life. The realization of culture cannot be separated from communication, and the full realization of cultural rights requires a convenient and efficient cultural communication system. A large number of poor children live in rural areas, and the infrastructure for cultural transmission of rural children is almost blank, and the existing transmission channels are not suitable for rural children. In the future, the government should accelerate the construction of rural children's public cultural infrastructure through the dual mode of direct construction and mixed construction. In addition to building a batch of basic cultural facilities suitable for children directly in rural areas, it is also necessary to appropriately transform existing public cultural facilities more suitable for adult villagers, so that they can serve rural children at the same time. The government should give full play to its advantages in cultural information resources, make full use of television, radio, Internet and other media, jointly organize village committees, cultural stations and schools to regularly carry out cultural activities for rural teenagers, such as reading lectures, essay contests, poetry recitations, reading comics, broadcasting audio, video, etc., and popularize basic knowledge of library science, information science and information technology. Advocate a healthy and scientific life concept. [4]

Thirdly, more attention should be paid to the construction of public cultural fund guarantee system for children in difficulties. The construction of cultural system for children in difficulties cannot be realized by market mechanism. Relatively sufficient funds are an important guarantee for the construction of children's public cultural content and communication facilities. The main source of funding for the culture of children in difficulty should be the financial funds of the government, which should be clearly defined in the financial budget of governments at all levels, and a gradual increase mechanism should be established. At the same time, we should pay more attention to the absorption of social funds and build an incentive mechanism to encourage more social funds to invest in the cultural construction of children in difficulties.

(3) should strengthen the trouble child family foster safeguard its cultural ability of subjective and objective

First, should strengthen the training and improve the related family security dilemma of children's cultural subjective consciousness. Families of children in distress should be made aware of the importance of children's cultural life and encouraged to take an active interest in their children's cultural life. To raise the awareness of cultural rights of families in difficulties is inseparable from the publicity and guidance of the government, schools and the media. Departments and organizations at all levels should carry out continuous and targeted publicity to help families enhance the ability to educate and cultivate their children, so that the family and all members understand that the cultural life of children is as important as the material life.

Second, should improve the relevant family security dilemma of children cultural objective ability. The poor children's families mainly show poor economic conditions, or poor supervision. The rapid improvement of the family economic situation and the immediate return of parents and guardians cannot be achieved in a short period of time. We should further speed up the poverty alleviation efforts to get the families of children in distress out of poverty as soon as possible and strengthen the economic foundation for safeguarding children's cultural rights.

(4) At the request of guide social organizations to actively participate in children's cultural security work

First, difficulties should mobilize more social organizations actively involved in the trouble children's cultural security. Has been to come, social organizations in the children's basic material life, health care, education and other issues have made great efforts and remarkable achievements. Most social organizations of all kinds have high-quality talents and sufficient financial and material resources, so they can make new achievements in the protection of cultural rights of children in difficulties. Social organizations that are committed to protecting the rights and interests of children in difficulties should be given higher political honors and corresponding tax deductions, so as to encourage and guide more social organizations to devote themselves to the cause of protecting the cultural rights of children in difficulties.

Second, and related social organizations to strengthen school management, the practical difficulties of children's cultural security work to do. Schools, especially rural schools with a large number of children in difficulty, should be inspected for the provision of culture-related courses and urged to comply with national requirements. Public cultural facilities should be inspected to check whether they are

safeguarding cultural rights. The disabled persons' federations, special education schools, rescue stations and other institutions that are responsible for disabled and street children should strengthen guidance and management, urge them to update their service concept as soon as possible and extend the content of rights and interests protection. In view of the fact that children in difficulties mainly live in rural areas, more importance should be placed on improving the capacity building of rural collective organizations, so as to supplement the deficiency in realizing the cultural rights of families of children in difficulties, and encourage village collectives with conditions to establish homes for children in difficulties and directly provide a higher level of quality cultural products and services.

(5) Should build troubled children sharing mechanism of children's cultural resources to promote city

First, convenient should expedite rural plight children enjoy urban public cultural resources channels. The vast majority of children in distress live in rural areas, and the current situation of urgent shortage of public cultural service facilities and products for rural children and poor cultural communication channels cannot be fundamentally solved in the short term. Therefore, it is necessary to consider maximizing the service of existing urban children's cultural resources to rural children and children in distress. On the one hand, the restriction on the supply objects of public cultural resources in urban areas should be removed. The first principle of public cultural resources is public welfare, that is, they should meet the needs of the public cultural rights and interests. Children's public cultural resources are mainly concentrated in urban areas, which are constructed by national and local financial funds. In practice, the managers of some urban public cultural resources have made restrictions on the identity and residence area of the supply objects, which obviously violates the public welfare characteristics of public cultural resources. Relevant policies should be introduced to make it clear that there is no difference in the opening of public cultural resources to the objects, so as to provide more opportunities for the large number of children living in rural areas with difficulties to enjoy high-quality cultural resources in urban areas. On the other hand, we should provide necessary help and support for rural children in difficulty to share urban public cultural resources. Relatively speaking, it is more inconvenient for children living in rural areas to enjoy urban cultural resources,

and rural children need to pay more time and economic costs to share urban cultural resources, which is obviously difficult for families with poor economic conditions. Therefore, necessary economic help should be provided for all rural children, especially children in rural difficulties.

Secondly, children in difficulty should be encouraged to enjoy non-public cultural resources in urban areas at a lower cost. The commerciality of non-public cultural resources in urban areas determines that the vast majority of children in difficulties cannot access such resources. Commercial cultural resources are scarce resources and usually high-quality cultural products, so it is obviously very necessary for children in difficulties to enjoy such cultural resources. Various measures should be taken to encourage owners and managers of non-public cultural resources in urban areas to help children in difficulties enjoy relevant cultural resources. It may be considered to formulate policies to directly require operating units of commercial cultural theme parks in urban areas to provide free cultural products and services for children in specific difficulties. The commercial cultural theme parks that actively help children in difficulties should be emphasized and the necessary tax relief should be given. The government should consider purchasing certain cultural services to directly provide some children in difficulties.

Acknowledgment

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