

The Rights Of Young Children

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This summary gives a short account of new work on the rights of young children. This work arises from two sources 1)the UN Convention on the Rights of the Child and 2)the academic study of childhood as a social phenomenon.

The UN Convention on the Rights of the Child

The Convention contains 54 articles concerning the treatment of children. It was ratified in 1989 by every government in the world (except the USA and Sudan) and each government must make regular reports on its progress. The reports must show how the Convention is being implemented in law, policy and practice.

The Convention's preamble states that every child has the right to live in "*an atmosphere of happiness, love and understanding.*" Those responsible for children in an official capacity must ensure that "*the best interests of the child shall be a primary consideration*" (Article 3). The Convention specifies three broad areas of rights in order to promote children's interests:

- ◆ **provision** rights to goods, services and resources;
- ◆ **protection** rights from neglect, abuse, exploitation and discrimination; and
- ◆ **participation** rights giving children proper information in order to enable them to make decisions about and contribute to the circumstances of their everyday life.

These rights are aspirational. This means that, as is usually the case with international agreements, governments and international and national advocacy groups have to work with lawyers on the detail and interpretation. Much of the Convention has still to become reality in law, policy and practice. There has also been criticism that it is too heavily based on a minority (developed) world notion of the family, and does not take the circumstances of daily life in the majority (developing) world sufficiently into account. But it has proved inspirational for those working for justice for children of all ages and there is already a substantial literature concerning the interpretation.

How does the Convention deal with young children? How far can their rights be separated from those of their mothers and fathers and other family members? How can "due weight" be given to their views? What does "informed consent" mean in relation to children in child care for example?

Gerison Lansdown, a leading UK lawyer in the field, points out that the Convention implies:

a significant shift away from a more traditional understanding of children's status within society and indeed within the family, and it can therefore provoke concerns about its implications for adult/child relations. The language of children's rights can become synonymous with a fear of children acting as autonomous individuals without discipline, control or responsibility. It is therefore important to clarify the nature of children's rights.

Lansdown distinguishes between three categories of issues: issues directly affecting the child, where the child can reasonably make a choice, in which case parents have a clear duty to help the child develop the potential and the confidence for effective decision making; issues imposing obligations on others, where the child is entitled to an explanation of why his wishes have been accepted or refused; and issues which interfere with the rights of others, where it must be made clear that all parties have a legitimate view and conflict can only be solved by negotiation. Lansdown considers that all these categories of rights apply even to very young children.

Priscilla Alderson, an academic from the University of London, has argued that the Convention should be applied in respect to the provision which is made for children. For example, in relation to the article in the Convention on standards of care (Article 3) she points out the obligation of the state that all services for children *shall conform with the standards established by competent authorities, particularly in the areas of safety, health and in the number and suitability of their staff as well as competent supervision*, and that *due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background* (Article 20). She also refers to the right to *a standard of living adequate for the child's physical, mental, spiritual and social development;...state parties..within their means shall assist families when in need with for example, food, clothing and housing* (Article 27) and the right to *optimal development (ensuring) to the maximum extent possible the survival and development of the child* (Article 6). The Convention also insists that children should be free from violence and neglect, nor subject to any *degrading treatment* (Article 15) which Alderson argues should be interpreted as freedom from smacking - children are the only people in law who can be hit!

The Council of Europe, to which 30 countries from both East and West Europe subscribe, has produced several documents exploring the European contexts of the Convention. As part of a project entitled *The Childhood Policies Project*, a working party considered *Children's Interests in Day Care Facilities and in the Family* and concluded that the quality and quantity of provision (in particular for under threes) was a crucial issue in considering young children's rights. It has also issued a booklet *The Child as Citizen*, in which various key papers refer to aspects of children's rights including the use of a Children's Ombudsman in Sweden, and the need for an intergenerational approach to the environment.

Stuart Hart, Director of the Office for the Study of the Psychological Rights of the Child, at Purdue Indiana, argues that the Convention implies the need for a national database on children's rights and conditions, and that the issue of children's developmental readiness for the exercise of their rights should be explored. The issue of "developmental readiness" is also raised in a recent Canadian seminar "As if Children Matter", where contributors argued, in relation to children with disabilities, that the idea of "development" was misleading, since it implied that only "normal" adults were complete human beings. On the contrary, everyone, however young or old or disabled has feelings and opinions, and can make positive contributions to, and pertinent observations on their circumstances.

Child Rights International Research Institute, based in New York, has also provided detailed analyses of the implications of the Convention, with specific reference to the circumstances of indigenous peoples.

Eugene Verhellen, Director of the Children's Rights Centre in Ghent, Belgium, has pointed out that the Convention on the Rights of the Child is unique *by its comprehensiveness, by its binding character, and by its universal ratification*. Its implications are now being explored with regard to young children, their access to child care, their rights and responsibilities within child care, and their views concerning the child care they experience.

The Academic Study of Childhood

Just as feminists made a case for studying the status, economic circumstances and everyday life of women, arguing that gender was an important construct in understanding how society works, many academics - partly prompted by the Convention - are now arguing that childhood is an equally important construct. Children constitute a distinct social group, generally regarded as less competent than adults and in need of their direction. Adults control children's lives - how their time is spent and where it is spent - yet relatively little is understood about how children perceive and live within these constraints.

A major 16 nation macro-level programme, convened by Jens Qvortrup, *Childhood as a Social Phenomenon* has explored the status of children, their legal and socio-economic position, the distribution of resources between generations, and the activities of children. Qvortrup, for example, argues that social statistics should include children as a separate category, rather than subsume them under the family, in order to track their access to resources as a proportion of the resources available to other population groups.

In the UK, a major research programme *Children 5-16* has been sponsored by the Economic and Social Research Council. Researchers from a number of different disciplines including social anthropology, sociology, social policy, geography and psychology have come together to explore various aspects of children's lives as a lived experience. The main themes of the research are Children and Household Change; Shaping Children's Everyday Activities; Children's Values and Identity; Children as Participants in Organizations and Institutions; and Children as Users of and Contributors to the Physical and Built Environment. The convener of this research project, Alan Prout, together with his colleagues, has also co-edited work on theories of childhood.

Developmental psychology, which is the underpinning discipline for most early childhood education work, suggests that children, especially young children, are not competent witnesses to their own experience. They can be observed and assessed by trained adults, and their developmental stage and understanding noted, but essentially young children are seen as being at an early stage on the road to adulthood, and in need of guidance and steering along their path. In this context, subsequent outcomes are regarded as the most important criteria by which to judge the effectiveness of any intervention measure.

Within the theoretical framework of childhood, by contrast, children are regarded not as incomplete and inarticulate beings who adults must shape with appropriate early intervention programmes, but as consumers of services in their own right, who can be consulted about how they are treated. If children themselves can provide informed comment on what they experience, then this too should influence the nature and shape of provision. Children presumably do not want to be crammed into small places for long hours with unsympathetic adults. How can their views and feelings be given a voice?

There are some research methodologies which can give a clearer picture of the position of children and their feelings and views about what they experience, both from the outside in (ie. macro studies about the economic and social position of children in society) and from the inside out (ie. children's own perceptions of their position).

A landmark conference in London, *Stepping Forward*, held in 1998, brought together practitioners from all over the world to document their attempts to work directly with children and consult them about their experiences of the adult world. Whilst very few of these, as yet, deal with very young children, they offer new ways forward.

These methods include:

- ◆ macro statistical studies looking at the distribution of resources for children (across the world, in all but the Nordic countries, the share of national resources allocated to children has decreased in the last ten years);
- ◆ case studies which follow through the macro-data;
- ◆ creating supportive research environments where children have space and time to reflect on and discuss issues with each other and with adults;
- ◆ holding discussions with children and their parents; and
- ◆ using older children to design and carry out research studies with younger children.

The Convention on the Rights of the Child and the study of childhood are new areas, but they hold the potential for real change in young children's circumstances.

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