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## **Children's rights and power**

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During the 1990s, Professor Mary John at Exeter University UK started the *Children in Charge* series for Jessica Kingsley. The series takes children's own views and experiences very seriously, from Cathy Kiddle's book on traveller children to Rhys Griffith on young students' critical perspectives of secondary school.

Mary's book *Children's Rights and Power* moves beyond the usual '3Ps' – protection, provision and participation rights - to the key but too often neglected fourth P – power. The book examines vital ways in which power is central to rights, and people of all ages become powerful through their responses to risk and challenge, as Mary observed in the Free School in Albany USA, with child workers in Mexico, and at the Barefoot College in Rajasthan, where working children organised their own evening schools and Parliament.

After Mary invited me to write *Young Children's Rights* for the series, colleagues from around the world sent examples of young children aged 0-8 years exercising their rights. My book examines the question: If 'human rights' really mean 'human' and apply to every human being, how do they relate to the youngest children and babies? Far too often, 'human' is assumed to mean 'fully human and therefore adult' as if young children are somehow sub-human.

This article reviews leading trends in current research, policy and practice on children's rights, some common omissions, and what we could gain by renewed attention to the power at the centre of the *Children in Charge* series. The 1989 UN *Convention on the Rights of the Child* (UNCRC), almost as old as JKP, has led to a child rights industry which, I suggest, partly shares the view of children as sub-human or not-yet-fully-human and therefore needing their own set of rights that differ from adults' rights. Children's rights tend to be defined in ways that are equally well covered by concepts of needs, welfare and best interests, and which miss the power of rights. The 3Ps are useful when analysing the 54 UNCRC Articles but, as I will review, each P can be used to distort understanding of the related rights.

To begin with protection rights, these are often cited to help children to 'feel safe'. Yet feeling safe is not a right because rights are not about feelings, since these cannot be willed or enforced. No one can be forced to feel safe or can will (control) their own or others' feelings about fear or safety. And feelings are relative; some people will feel calm about matters that terrify other people. No one therefore has an actual right to feel safe. Rights are partly legal statements that, in theory at least, can be enforced in the courts, which examine behaviours not feelings, since behaviours can be observed, reported and controlled. Rights aim to protect children from real dangers, from neglect, abuse and discrimination.

Undue stress on children 'feeling safe' risks trivialising rights when attention concentrates on nurseries, homes, schools and other fairly safe contexts. Paradoxically, protection rights can be used to set rigorous but petty standards that control adults and children, restrict their freedoms, punish adventurousness, and divert attention from children's experiences when protection is seriously needed: against exploitation, torture, cruel and inhuman or degrading treatment, illicit transfer abroad, abduction and trafficking, hazardous labour,

illicit drugs, arbitrary arrest or detention, recruitment into armed conflict and violations of privacy.

The UNCRC is sometimes criticised for overdoing children's vulnerable need for protection. But this forgets that modern human rights began from philosophers' desire to protect autonomous 'Man' from interference so that he could be self-determining, free to think and act and preserve his privacy as he chose, so long as this did not harm anyone else. The international human rights treaties, agreed in the late 1940s, were developed from the Nuremberg Nazi trials, primarily in order to protect everyone from such atrocities and suffering. Critics who claim that the UNCRC is too 'Western' overlook how its standards are vital for every child in the world, especially in the poorest countries. Children's right to protection from armed conflict is violated everyday by bombing of urban areas, schools and hospitals. Perhaps there is a covert adult-centrism when researchers prefer to look at adults who are kindly working in safe 'child-centred' arenas, instead of examining the many areas where millions of children and adults suffer terribly from the dangers of (adults') military and economic policies?

With the next P, provision rights, researchers similarly tend to concentrate on children using fairly well-resourced services and centres. Yet the UN Conventions (such as in 1948 and 1966 as well as in 1989) also concern providing for the billions of deprived people of all ages in the world. There are provision rights to basic necessities that support wellbeing: health care, education, an adequate standard of living, free services run by competent staff, support for families, resources to respect everyone's economic, social and cultural rights, informative and respectful mass media, asylum, and services to aid recovery and reintegration after abuse and emigration.

The third P, participation rights, linked to freedom and self-determination, might be respected as the most adult-like set of rights, but it is too often reduced into Article 12, 'The child's right to express views freely in all matters affecting the child', with less attention to whether children are actually heard or their views are acted on seriously. Children may be presented with quasi-shopping lists, and asked what more resources and opportunities they would like to enjoy. Again the range, seriousness and power of these rights are too easily lost. These include rights to life and survival, a name, identity and nationality, contact with the child's own family or the best alternative, respect for the child's cultural background, worth and inherent human dignity. There are vital freedoms of expression and information, of thought, conscience and religion, of association and peaceful assembly, besides all-age rights to rest, leisure and recreation, and to participate freely in cultural life and the arts. Crucial rights include due legal process that prevents wrongful punishments and imprisonment.

Rights are claims against injustice, remedies for wrongs, international legal structures that hold governments and their agencies to account, as UNCRC Articles 42-54 enshrine. This is denied by the current fad for helping children to write their own wish-lists of rights, empty of political power. Instead, while in the UK, the USA and many other countries' governments are deriding human rights, we should be helping everyone to understand, respect and exercise their rights as the UNCRC says, 'in the spirit of peace, dignity, tolerance, freedom, equality and solidarity'. Mary John's JKP series on rights and power supports this endeavour.

## References

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