

Chapter 2 Activities

Activities

The following activities are designed to help reflect back on some of the key concerns over the chapter as a whole.

Chapter activity 1

Go back through the chapter and list points made about each of the following:

Liberty Rights:

Welfare Rights:

Chapter activity 2

Table 2.4 identifies the implications for child–adult relationships of the different ways we might think about children. Go back through the chapter and look at the examples of research. Identify:

- a. What kind of relationship is exemplified in each example?
- b. How the relationship might be different?

Chapter activity 3

The conclusion to the chapter suggests that

a common understanding of rights in general hasn't been possible so when the added complexity of a lack of common understanding of 'child' is added the possibility of getting agreement on Children's Rights seems impossible within one community let alone universally.

- (i) look back through the chapter and identify where differences in understanding are noted and consider the implications of each of these on children's lives
- (ii) Discuss the ways in which (a) a common understanding across societies, cultures and nations would be something that can be viewed positively or negatively for children, and (b) the ways in which a diversity of understandings might be a positive or negative experience for children.

Chapter 2 Example of research

Example of research: duties and rights

White (2007) analyses the *somaj* (local community) in Bangladesh where this concept of duty is identified through the common saying, 'In childhood girls are under the authority of their fathers; at marriage under the authority of their husbands; in old age under the authority of their sons' (2007, 512). She goes on to explain how these male 'guardians' are the full members of society and women and children only belong to the *somaj* by virtue of their relationship to them. Children's welfare is protected by the guardian of the family, and the primary responsibility of the guardian is to 'make a person' by transforming the infant into a fully socialized human who fulfils the requirements of their specific gender role (2007, 513). Anyone who is excluded from the community, for example, through family breakdown, illegitimacy or by breaking rules, is without the protection and provision that the guardian is responsible for. White concludes that

there are strong contradictory and exclusionary, as well as solidary and inclusionary, aspects of the ways communities are imagined and conduct themselves in Bangladesh and these can impact badly on children who fall outside the charmed circle of 'guardianship', as well as meaning significant pressures on those who come within it.

(2007, 518)

She points out that engaging in a rights discourse with these communities is meaningless, but to engage in a discourse based on the duties of guardians has enabled rights workers to improve conditions for children while being sensitive to cultural forms.

Reflections on the research

This research shows that though the concept of rights isn't universally accepted, the language of 'duty' and 'responsibility' can be used to engage those in powerful positions to consider how children's lives might be improved.

Activity

What are the positive 'solidary and inclusionary' features of 'guardianship'?

What might the 'significant pressures' be for those within the guardianship system?

What are the negative 'contradictory and exclusionary' aspects of 'guardianship'?

How do you think the use of a discourse around guardianship might improve the lives of excluded children and those within the community?

Example of research: differences and rights

Penn (2001) researched the lives of children in Outer Mongolia, a traditional pastoral community that, since the break-up of the USSR, has moved from a collectivist political system to a more liberal democracy. Penn reports on research by Madsen who spoke to some children about their experience of this change. Under the communist regime everyone had been educated and had full health care but, under the new political system, these had to be paid for. Their responses illustrate the tensions between individual and society, rights and responsibilities and welfare and liberty rights:

When there is a market economy there is also democracy. I read that in the paper. It is us who are going to decide. But we can't decide very much if we don't know what to decide about. That's why education is so important. . . . Lots of pupils have dropped out of school. There was one boy who was very clever but his family decided that he had to tend the animals. . . . I think it's very unfair, it's very, very bad for the children of our country.

I have read a lot in the papers about what happened in Mongolia and in my society after the upheavals of 1989. Before there was political oppression in our country – I know that now but I didn't know it before. Now we are free – but the prices are so high that people became poor. That is because we have a market economy. . . . We are a little people. If we don't develop our production we will disappear as a people. . . . There are many people in the streets who are very drunk. It wasn't like that before and it makes me afraid.

Reflections on the research

The change in political system has brought about an increase in liberty rights with people having the opportunity to take part in decisions that are made by the state, but associated with this, individuals are expected to be able to take responsibility for their own welfare and that of their family.

Activity

Think about

- the welfare rights that were provided by the communist state,
- the liberty rights provided by the liberal democracy,
- what this young person identifies as necessary to make use of his liberty rights,
- how this might be provided,
- how the change might have affected adults as well as children and how they might perceive the change.

Example of research: protecting children and promoting their best interests in the labour market

In the United Kingdom children over a certain age are allowed to undertake paid employment with the consent of their parents. The hours that they work and the type of employment they engage in are restricted by their age. Leonard (2004) investigated the views of 245 15-year-old children in Belfast on the relative involvement of parents and children in the decision of children to engage in paid employment and the kind of employment they engaged in. She found that over half (58%) felt that parents should be involved in the decision and that the decision shouldn't be made by the child on his or her own. However, 32% felt they should be able to make this decision without consulting their parents. The range of employment engaged in was also beyond that identified in law.

Interviews with children suggested a sophisticated understanding of working conditions and their own capabilities that challenged the idea that their parents would know what is best and that there needed to be restrictions on the type of employment. This is illustrated in the following responses:

It is a matter of freedom of choice whether or not you work and people around the age of 15 should have enough sense to judge whether they are treated fairly by their employers.

I think people under the age of 16 should make their own choices about the hours they work but they should know their rights so they can make a good choice.

Young people working should not be treated as inferior in the workplace by adults doing the same job. Our rights should be the same and we should be treated the same.

I think employers think we cannot be trusted until we are 16 or we cannot be dependable. Children should be able to work if they feel they are ready for it and not just because they happen to reach the age of 16.

Leonard concludes that current UK employment legislation hasn't incorporated the principles of the UNCRC because there is a tendency 'to highlight children's vulnerability and in the process render invisible the extent to which children's lack of civil status promotes their vulnerability' (p. 59).

Reflections on research

Although Leonard isn't suggesting that children alone should be able to make these important decisions, she is suggesting that the current legislation ignores their views completely and identifies their parents as those who will be able to determine what is in the child's best interests.

Activity

What sort of relationship between adults and children does the legislation suggest?

What would need to change to make the relationship one that is more in line with the UNCRC principles?

How do the comments of the young people involved in the research reflect a different view of 'the best interests of the child' and 'age and maturity' to the legal framework?

Chapter 2 Key points

Key points: liberty rights

The UK Children's Commissioners' Report in 2008 identified a recent issue of liberty rights for children:

we believe there has been an increase in discrimination against children as a whole. This is exemplified by the growing use of the 'Mosquito' device, a privately marketed product that issues a high frequency noise generally only heard by those under the age of 25. The device is used to repel teenagers from public places and indiscriminately impacts on children's use and enjoyment of these spaces and highlights the intolerance of children in the UK. While the UK Government and devolved administrations have not endorsed their use, they have not taken any steps to ban them.

(UK Children's Commissioners' Report, 2008, 12)

Campaigners against this device see it as an infringement of the right of young people to gather together, while those using the device saw it as a means of supporting their right to carry out their business without intimidation from what they perceived as hostile groups.

In both these arguments the suggestion is that 'liberty rights' have been infringed: the rights of young people to gather together and the rights of shop owners to carry out their business.

How would you understand or resolve this conflict?

Key points: welfare rights

Waldfogel and Garnham (2008) reviewed the current policy on childcare and its effects on reducing child poverty. One of their findings was:

The progress the government has made in extending paid maternity leave to nine months and eventually 12 months and also instituting some paid paternity leave, leaves a two-year gap between the end of paid maternity leave and the start of the entitlement to free part-time childcare when a child is age three. We recommend that the government undertake a focused consultation and review of policy options to address this gap.

(2008, 24)

The effect of the two-year gap means that parents have to decide whether they can pay for child care while they go to work or look after the children themselves without any paid income. For families of low income and lone parents, however, either option is likely to leave the child in poverty and affect their welfare rights.

How might the welfare rights of these children be addressed?

How would this be funded?

What might families who have a good income and who pay for child care say about the welfare of these children?

Key points: rights and duties

The language of rights is concerned with what an individual is entitled to have.

The language of duty is concerned with what an individual should do.

Rights are usually associated with responsibilities; for example, the right to privacy has an associated responsibility to respect other people's right to privacy.

Duties are usually associated with a moral commitment coming from a higher authority.

Key points: moral and legal rights

Bisin (2007), reporting on work by UNICEF in Pakistan, identifies the very positive effects of improved water and sanitation facilities for school children. Prior to the work done by UNICEF, children had to walk for half an hour to get water from a stream and the older children collected water for the whole school. In the absence of any form of sanitation children defecated in the fields. The provision of a water tank and tap and latrines has not only decreased the health hazards to the children but also the time and attention they can give to their education. In this case, the water that is so important to the lives of these children and which, in the West, we take for granted, was provided by UNICEF, a voluntary organization. Due to a number of factors, including its economic situation, Pakistan is unable to make this provision for all its inhabitants.

If such basic provision is a 'right' who has the duty to ensure that this happens? Should it be left to voluntary organizations that are funded by voluntary contributions, or do richer states have a duty to make provision?

Could this be something that is enforced through a legal system or would it rely on a moral commitment?

Key ideas: the early stages of children's rights

Eglantyne Jebb, founder of Save the Children proposed the first five principles of the 1923 Convention of the Rights of the Child (Jebb, 1923):

1. The child must be given the means requisite for its normal development, both materially and spiritually.
2. The child that is hungry must be fed, the child that is sick must be helped, the child that is backward must be helped, the delinquent child must be reclaimed and the orphan and the waif must be sheltered and succoured.
3. The child must be the first to receive relief in times of distress.
4. The child must be put in a position to earn a livelihood and must be protected against every form of exploitation.
5. The child must be brought up in the consciousness that its talents must be devoted to the service of its fellow men.

An additional two points were added after the Second World War in 1948 with the realization that minority groups were in danger of persecution.

1. The child must be protected beyond and above all considerations of race, nationality or creed.
2. The child must be cared for with due respect for the family as an entity.

Activity

The language that this is written in and some of the ideas might seem strange in the twenty-first century but reflect the thinking of the time.

Go through each of the principles and think about

- the language that is used and how this might differ from the language used today,
- ideas about what is important for a child and whether these are still important today,
- the relationship between rights, responsibilities and duties.

Key points: the 1989 United Nation Convention on the Rights of the Child

The 1989 Convention on the Rights of the Child consists of 54 articles; 41 of these articles identify the human rights to be respected and protected for every child under the age of 18 years and require that these rights are implemented in the light of the Convention's guiding principles:

- Non-discrimination (Article 2),
- The best interests of the child as the primary consideration (Article 3),
- Survival and development of all children (Article 6),
- Participation of children in decisions that affect them: 'the views of the child being given due weight in accordance with the age and maturity of the child' (Article 12).

The 41 articles that identify children's rights are often referred to in three main groups: the three Ps. These are as follows:

- Provision to ensure children's survival and development (welfare rights),
- Protection from abuse and exploitation (welfare rights),
- Participation in decision making (liberty rights).

However, it is clear from the convention that rights should not be thought of individually but as a whole.