



Children, Rights and Social Work: Rethinking Children's Rights Education

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1 Introduction

In recent decades, children's rights have attracted special notice from social work, largely due to the adoption of the United Nations Convention on the Rights of the Child in 1989 (UNCRC). Children's rights were included, under a broader umbrella of human rights, in the 2000 revised definition of social work, stating that "principles of human rights and social justice are fundamental to social work" (IFSW, 2002). Because of the importance of human and children's rights for social work, Hare (2004: 416) claimed that social work can be considered as a "human rights profession". Children's rights, in particular, are increasingly regarded as a frame of reference for social work, where they are considered to be a key lever for commitment in the social work practice (Roose & De Bie, 2008).

In contrast to the great weight given to the children's rights framework in social work, the relationship between *social work practices* and *children's rights education* receives very little attention, this despite some landmark initiatives from the mid-1990s onwards, when children's and human rights education were placed on the international agenda. In 1994, the United Nations declared the 'Decade for Human Rights Education' (1995-2004), which was succeeded by the 'World Programme for Human Rights Education' (2005-ongoing). The aim of these initiatives was to urge governments and civil society organisations to develop activities in order to implement the 'human and children's rights agenda'. Social work was held to redound to this agenda, e.g. the development of training manuals for human rights education (Centre for Human Rights, 1994) and children's rights education (IFSW, 2002). However, the relation between social work practices, on the one hand, and children's rights education, on the other, still remains quite unclear. Linking both concepts raises the question whether children's rights education should be considered as a *distinct* practice in the broad field of social work practices? If so, then what characterizes this practice? Or should children's rights education be considered as a learning process that makes part of every social work practice involving children that strives towards greater respect for the human dignity of children? Although dominant conceptualisations tie in with the former interpretation, in this paper we argue for the latter understanding of children's rights education.

2 Children's rights education: a 'teaching practice'

Dominant understandings consider children's rights education as a distinct social work practice besides other social work practices with regard to children. Children's rights education then is characterized as a 'teaching practice', teaching the principles embedded in the U.N. Convention on the Rights of the Child. The starting-point is article 42 of the UNCRC, which states that state parties to the Convention are obliged to make the principles

and provisions of the Convention widely known. In addition, article 44 imposes the obligation on state parties to make the contents of the reports they have submitted to the United Nations Committee on the Rights of the Child, within the scope of monitoring the implementation of the UNCRC by the U.N., widely available to the public. It is presupposed that being taught about your rights will subsequently result in realising your rights (Reynaert, Bouverne-De Bie & Vandeveldel, 2010). The dissemination of the body of knowledge that surrounds the UNCRC should contribute to the realisation of the Convention and to 'rights-respecting attitudes and behaviors' (Covell & Howe, 1999). The teaching practice is supported by developing a large number of teaching and learning materials on children's rights, designed in a user-friendly manner for different target groups and different educational contexts. As such, children's rights education is a practice of being educated *about* children's rights (Cardenas, 2005; Lohrenscheit, 2002). Two main features characterize this practice.

Children's rights education as a 'technical' learning

The first feature is related to the technical character of children's rights education. Practices of children's rights education mostly start from the rights recognized in the UNCRC and its specific translations in legal statutes, or the 'law from the books' (Seron & Silbey, 2005). These rights are presented as a clear goal to pursue in children's rights education, namely as a strategy to overcome the gap between, on the one hand, the actual world that children, parents, social workers or other professionals are situated in and, on the other, the ideal world that is represented by the principles embedded in the UNCRC. Children's rights education, then, is a practice of being initiated in a set of norms and values that are presented as objective norms or knowledge in the form of legal rules. This shifts the focus of the learning process to a knowledge-based learning process, thus reducing the educational activity to a technical learning process. Social workers become technicians whose chief task is to overcome the gap between ideal and reality. Their job is to 'fill' children with the appropriate knowledge, with a learning process that is isolated from the context in which children live and knowledge is constructed (Reynaert, Bouverne-De Bie & Vandeveldel, 2010). Such a practice resembles a system which Freire referred to as 'banking education' (Freire, 1996). It starts from a truly essentialist understanding of children's rights where the practice of children's rights education is realised as a practice 'from above' with children's rights determinative to social reality. Children's rights education of this type is supposed to be a neutral and power-free practice; it comes down to choosing the 'right' technique that can conduce to implementing children's rights.

This idea of children's rights education presupposes a *consensus* on what we mean by children's rights, a consensus that is found in legal rules and procedures. However, this is an *alleged* consensus since it presents only an *interpretation* of these rules. An interpretation that probably refers to a dominant and desirable way of acting and behavior in society that goes together with 'a good child' or 'good child behavior'. This consensus-presupposing practice, claiming metaphysical abstractions of rights, is strengthened by a particular notion of law, where rights are understood from an *essentialist* understanding. It results in a deep belief in 'rights talk' i.e. looking for solutions to social problems in legal terms (Buelens & Mortier, 1989). The generalizing character of law, referring to a social norm, implies a highly reducing view on often complex social situations, presuming that equal norms have to be realized in unequal educational conditions. A consensus-thinking likewise considers children to be a homogeneous category in society. This homogenizing stance of the child-status emphasises only one break, namely the one that is based on age, i.e. the break between children and adults. It thus ignores any difference that exists among children and that might possibly be of

greater relevance than the distinction between children and adults. It similarly ignores other breaks in society, for instance the break based on cultural backgrounds (e.g. ethnicity) or socio-economical status (e.g. poverty), which might have a greater impact on the social position of children than the break based on age.

Children's rights education as individual learning

The second characteristic is related to – and can be regarded as – a result of a changing conceptualisation of children and childhood. From the 1970s onwards, the children's rights movement – which can be regarded as a social movement that bears the discussion on children's rights – arose as a counter-movement, challenging long-established and dominant understandings of children. Without exhaustively going into this issue (for a further reading, see e.g. Archard, 2004; James, Jenks, & Prout, 2002; Takanishi, 1978; Verhellen, 2000), the children's rights movement criticized the dominant image of the 'incompetent child', a childhood image that is characterized by vulnerability and dependence. This childhood status is typified by a lack of adult competencies, reducing children to a position of 'not-yet-being' (Verhellen, 2000: 16), and was insitutionalized at the beginning of the twentieth century, in various Western countries, through the first children's laws (e.g. acts on child and youth protection, acts on compulsory education, etc.). In this way, a 'youth land' was created that served as a moratorium or transition period towards adulthood. Childhood thus functioned as a period of socialisation into – and preparation for – an adult life and was shaped from the adage 'raising towards autonomy'. This understanding of children was advocated by the child *protection* movement. The children's *rights* movement shall criticize this understanding by claiming an alternative conception of childhood. Key in their claim is the recognition of children as autonomous and responsible human beings, rejecting the tutelage status of minors. As a consequence of recognizing the competence of children, the youth land came under pressure. After all, the decline of 'raising towards autonomy' as a normalization strategy went together with the argument to eradicate the separation of children in a distinct youth land (Reynaert, Bouverne-De Bie, & Vandeveldel, 2009).

The ideas of both the child protection movement and the children's rights movement were incorporated in the 1989 UNCRC. While the former primarily highlights protection rights for children from a paternalistic stance, the latter emphasizes the participation rights of children from a libertarian point of view (Buelens & Mortier, 1989). Together with the recognition that both participation and protection rights need to be supported by creating the necessary social services, the children's rights movement highlights the related character of protection, provision as well as participation rights under the denominator of 'comprehensiveness' (Hammarberg, 1990; Verhellen, 2000). It is however striking that in the decades following ratification of the UNCRC in Western countries, participation rights, in particular, were stressed (Reynaert, Bouverne-De Bie, & Vandeveldel, 2009). In practice, policy as well as in research, the development and dissemination of 'good practices' that recognized children in their 'actorship' received special notice.

Though the autonomy of children was used by the children's rights movement to shed light on a group in society that was discriminated based on age, it started to operate as a new *norm* in child-rearing instead of as a starting-point that subsequently has to be realized in concrete social practices like, for instance, in children's rights education. So, practices of children's rights education generally appeal to children and social workers as 'entrepreneurial citizens' (Masschelein & Quaghebeur, 2005; Muncie, 2006; Vandenbroeck & Bouverne-De Bie, 2006). Assumed is that children can, as a consequence of rational reasoning, independently

realise, advocate and enforce their rights, once informed about them through practices of children's rights education. It is no wonder then that, generally, practices of children's rights education focus on teaching and disseminating the content of the UNCRC and its surrounding debates by developing attracting learning materials.

However, it is questionable whether the interpretation of autonomy as an individual responsibility mirrors the actual reality. The idea of the autonomous, responsible individual is likely to be a myth that, neither for children nor for adults, tallies with the real acting of children and adults in daily practice. (Over)emphasising the individual autonomy of children often ignores the fact that people, including children, hardly comply with this ideal in concrete practices but, contrarily, often act very irrationally (Mortier, 2002). The individualizing tendency seems to be strengthened by legalistic interpretations of children's rights. Legal statutes, for instance, often recognize individual self-determination rights for children. A one-sided focus on the legal, recognized rights for children can reinforce conflictual relations between people, thus creating dichotomies between children and educators, in particular between children and their parents (Pupavac, 2001). The opposition of interests increases the content of conflict of social problems rather than fostering dialogue. It can result in a way of living together that creates winners and losers, instead of supporting a collective search for a communal solution to social problems (Huntington, 2006). In such situations, it is often a court of law that must judge which legal claims have most weight. Regarding children's rights education merely as an individual learning process thus results in regarding children's rights as an end of dialogue rather than as a starting-point of dialogue (Roose & De Bie, 2008).

Children's rights: a lever for commitment in social work?

Considering children's rights education as a distinct social work practice, characterized by teaching, raises questions with regard to how the framework of children's rights can truly be considered as a lever for commitment in the social work practice. Dominant conceptualizations of children's rights education focussing on the technical rationality of the practice generally ignore the plurality of meanings that can be ascribed to children's rights. At the same time, stressing the individual responsibility of children and social workers ignores that the pursuit of more equal power relations does not, necessarily, result in greater social justice for children. Appealing to children as entrepreneurial citizens or even individual 'consumers' of rights (Ife & Fiske, 2006) can result in children expecting to behave in a particular way and acting as active and accountable citizens (Suárez, 2007). Such a perception of children's rights, that considers education merely as an individual learning process of adjustment to certain socially accepted norms, can result in subjecting children to further marginalisation and exclusion. This set of norms seems, unavoidably, to operate as a yardstick against which a certain situation is measured. Such a yardstick includes a certain group in society but, at the same time, excludes a group of children from society. This dynamic can be strengthened if we shape children's rights predominantly from a narrow legal perspective. It is doubtful whether legal codes, in fact, result in more transparent relationships than, for instance, therapeutic encodings do. Expressing the interests of children in merely legal terms can also deprive children of direct control over their problems which, in the hands of legal experts, soon become alienated problems over which children lose their power (Raes, 2001). This has to do with making abstraction of the social and structural contexts in which legal rights are used.

We can illustrate this by the plea of the children's rights movement to legally prohibit the use of corporal punishment in education. The ban on corporal chastisement as an educational punishment has, for several years now, been a major breaking point for the children's rights movement (see e.g. special issue on corporal punishment in *International Journal of Children's Rights*, 2003; Committee on the Rights of the Child, 2007). The realisation of this ban is considered as a just solution to the social problem of violence in family education. However, the problem with this kind of reasoning is that it ignores the complexity of child-rearing situations and the different meanings that can be given to smacking children, by children themselves, parents, educators and society in general. By referring to legal principles, the debate on the ban of corporal punishment then is positioned on the abstract level of what, according to social acceptable norms, is regarded as a 'good education'. It also creates dichotomies between good parents, for whom prohibition is already a reality, and other parents, who still use corporal punishment in raising their child (Bouverne-De Bie, Reynaert, & Roose, 2009). For the latter, a legal prohibition of corporal punishment can result in being labelled a 'bad parent' and possibly being criminalised.

So, if children's rights are to be considered as a key frame of reference in social work, as the international definition suggests, then children's rights education should not be considered as a distinct practice focussing on teaching the principles on children's rights. Since issues of (in)justice or (un)equality are exactly identified in social work practices, (see e.g. Lorenz, 2008), children's rights education should be part of any social work practice in which children are involved and where greater respect for the human dignity of children is at stake.

3 Rethinking children's rights education

Trying to understand the relation between social work practices and children's rights education requires a rethinking of the way we view children's rights education. Further on in this paper, we give an onset to this challenge.

Children's rights education as an open learning process

Instead of considering children's rights as the new norm in child rearing that has to be implemented from above, children's rights education should take a contextual orientation as a starting-point. This requires a connection with the daily life experiences of children and adults, by Grunwald and Thiersch referred to as a 'lifeworld orientation' (Grunwald & Thiersch, 2009). Established as a concept in the 1970s criticizing the highly disciplining and alienating institutional responses in social work, a lifeworld orientation "*uses the issues, crises and experiences within service users' lifeworld situations as reference points.*" (Grunwald & Thiersch, 2009: 133). Children's rights education then, does not essentially come down to being taught about the formal framework of the UNCRC, but means an experience-based learning of children with parents, social workers etc. constructing rights in interaction with others (Todd, 2007). Essential in this understanding of children's rights education is not being initiated in a fixed set of norms related to children's rights but to learn, in dialogue with others, how a certain situation can be understood. It is about "*ordinary people constructing and reconstructing ideas of human rights in their day-to-day lives*" (Ife, 2004). Children's rights education, then, is a sensitizing practice aimed at understanding other possible modes of acting with children (Biesta, 1998). This practice cannot be prescribed let alone realized through the use of techniques and methods. It presupposes essentially an open learning process that is characterized by uncertainty and unpredictability, with an outcome of the learning process that can be very diverse. However, this does not mean that we can lapse into some kind of educational relativism where 'anything goes', although our current

democratic society is characterized by its plurality of interests and entitlements (Mouffe, 2005). The learning process is fundamentally shaped in a field of tension that Mouffe (2005) calls ‘conflictual consensus’, which means that there should be a (temporary) consensus on the ethical and political values like, for instance, freedom and equality, but dissensus on the interpretations of these values. Applied to children’s rights education, this means that the principles of children’s rights, included in the UNCRC or translations in specific laws are (temporary) not under discussion but, at the same time, the interpretation of these principles should be the subject of deliberative dialogue. At stake in children’s rights education is precisely bringing into ‘conflict’ these diverse interpretations, or the ‘law in action’. So we will not question the autonomy of children as such, but we will contest interpretations that emphasize autonomy as an individual responsibility of children.

While we accept that there is a plurality of interests and entitlements in contemporary society and that this plurality refers to a diversity of socio-historical, economic and cultural contexts in which children grew up this also means, by the same token, that we have to recognize that different understandings of human dignity may exist, depending on these contexts. Inspired by Mouffe, we can call this a ‘mestiza conception’ of children’s rights. This contains a context-specific interpretation of children’s rights, thus leaving room for different meanings, depending on these contexts (Mouffe, 2005).

Children’s rights education as individual and collective learning

A contextual learning does not mean that children’s rights education is directed merely to the daily experiences of children and their surroundings, it necessarily presupposes the recognition that learning also relates to culture and to structuring and restructuring this culture. However, as Mollenhauer argued, this dialectical interplay of social practices with culture and with the organization of the social structure often remains hidden (Mollenhauer, 1993). Consequently, practices of children’s rights education can only be relevant if they recognize that both the individual level and the social level are interrelated (Flathman, 1976), and that this interrelation is latently present in these practices itself. Children’s rights education should make these hidden processes explicit, however not with the aim of being socialized in these social rules. As that would be an education of adaptation. Practices of children’s rights education should reveal these social rules so that children, parents, social workers, etc. can learn to know these rules, position themselves in relation to these rules and even learn to change these rules (Mollenhauer, 1993). *‘Human rights education should be approached in a fashion that includes the analysis, understanding and reading of power relations and social forces so as to enable a struggle to change those power relations that impede the full realization of human rights’* (CEDAL, 1996). Such an approach to children’s rights education ‘from below’ (Baxi, 1997; Ife, 2001, 2010; Ife & Fiske, 2006; Stammers, 2009) requires existing power relations, that co-shape the lifeworlds of children, to be questioned, with the aim of changing these power relations in the direction of greater respect for the human dignity of children. This entails a mission from social work to realise a service to enable children and adults to emancipate from those situations where his or her dignity as a human being is ignored (Bouverne-De Bie, 2002). Implementing children’s rights is not a neutral, value-free or power-free practice of applying the right technique, but basically entails a political character aimed at abolishing the exclusion of children in society (CEDAL, 1996). Children’s rights education, then, is both an individual as well as a collective learning process in which children’s rights are a frame of reference for social action with the UNCRC as a starting-point for the critical analysis of power relations in society.

If we return to our example on the discussion on the legal prohibition of corporal punishment, this does not necessarily mean that a legal ban on smacking children could not be justifiable. However, this prohibition can only be considered as a frame of reference, a starting-point for a dialogue on the actual behavior in education. The question then is not so much on whether or not smacking should be allowed, but on how interactions in child rearing can be shaped, given the complex and pluralistic educational contexts and, if necessary, can be shaped differently (Bouverne-De Bie, Reynaert, & Roose, 2009). What we are trying to say is that children's rights education can not only be understood as individual learning from a legal perspective. Practices of children's rights education equally appeal on solidarity or on questions like a just retribution of social recourses in society.

4 Conclusion: social work practices as children's rights education

In this paper, we have argued that children's rights education should be part of every social work practice involving children. From this point of view, social work practices are to be seen as practices of children's rights education where social work is able to question the presumptions that shape our daily practices with children and question the power relations that maintain these practices.

In the field of social work with children and young people, this means that children's rights education should contribute to questioning our way of managing children in society. In Western societies, children's lifeworlds were institutionalized at the beginning of the twentieth century by the creation of children's laws and special services for children, resulting in the creation of a separate world for children or a 'youth land', distinct from the adult world. The concept of '*educationalisation*' or "*Pädagogisierung*" highlights the progressive institutionalization of childhood over the past century by stressing our growing interest in re-defining our daily dealing with children in educational terms (Depaepe, 1998). The emergence of different social institutions for children (schools, youth care institutions, youth work organisations, etc.) is evidence of this trend. From the 1970s onwards, the youth land was criticized by the children's rights movement for not recognizing the competence of children, thus questioning the process of educationalisation. However, from the 1990s onwards, children's rights became more and more enclosed in the institutionalized structures of the separate youth land, often shaped by social work itself. This confirms the suggestion of Simon and Van Damme (1989) that the discourse on children's rights should be considered as a continuation or even radicalisation of the 'old' child-rearing paradigms instead of being considered as a counter-movement against or break with these old paradigms (Reynaert, Bouverne-De Bie, & Vandeveldel, under review).

A 'teaching perspective on children's rights education insufficiently succeeds to engage with the underlying concepts and norms that colour our thinking on childhood and children's rights. This entails the risk that children's rights are deprived of their 'political' dimension, since it does not address the question why we separate children in social policy from adults in a distinct youth land. Neither does it question the meaning of cutting a children's rights framework from a human rights framework. This can be considered to be problematic since it cannot necessarily avoid that children participate in the *unequal* redistribution of social goods, thus creating the risk that children's rights confirm existing inequalities rather than that children's rights are able to change them (Buelens & Mortier, 1989). Exactly this characterizes children's rights education, in that it engages social workers to call on children's rights as a lever to redistribute social goods aimed at greater social equality.

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