

FOR YOUR OWN GOOD



**How Children's Rights Became One of the Biggest
Tools of Children's Oppression Worldwide**

by chorui halim - antiparent.com

Liberationist vs. Caretaking Rights

In his chapter of the book *Reinventing Childhood After WWII*¹, researcher Michael Grossberg broke down children's rights into two types: liberation and caretaking. **Liberationist rights** support children's **self-determination**: the idea that young people should have more control over their lives. **Caretaking rights** focus on the ways that children **need support from others to survive**, and argue that for caregivers and governments to be able to care for children effectively, they **need to have control over them**. Liberationist and caretaking rights differ in the way they view **children's ability to understand and act in their own best interest**.

Liberationist Rights

Liberationist views of children's rights were most popular in the United States from the 1940s to the 1970s. They started getting popular after World War II ended, and became even more mainstream through the civil rights movement. Common topics included "child-friendly" media censorship, the right to political protest, mandatory schooling, and control over young people's free time. There was a short-lived youth liberation movement in the 1970s, but it was never very popular, and when it died out of the mainstream so did the liberationist view of children's rights.

Caretaking Rights

The concept of children's rights started in the 1800s, and ever since then, the caretaking view was the more popular perspective. The shift from a work-based childhood to a school-based one (which historians call the "modern model") was happening around the same time. This shift extended how long children were legally and financially dependent on their parents. The liberationist view of children's rights had kind of balanced out the caretaking view as long as it was active, but **after the liberationist view died out, the caretaking view got a lot more powerful**. In the next few decades, people started worrying a lot more about stranger danger, teenage pregnancy, superpredators, and other things they believed they needed to protect their kids from. All of these things that people were so scared of had strong ties to **racial and class biases**.

The turbocharged caretaking view worked along with other structural processes to **change childhood in the US in a huge way**. People became a lot more dependent on cars for transportation as public transit was funded less and less, and this made children more dependent on adults to get around. With everything being built with cars in mind more than pedestrians, walking became less safe. Fewer children played freely in their neighborhoods, because expanding real estate development took over the empty lots where they often played, and public places like rec centers lost money & had to reduce their services or close entirely. Increasing income inequality meant that kids faced pressure at an earlier and earlier age to get into college to be able to get good jobs as adults, which meant replacing their free time with more structured activities like sports, art and dance classes, and tutoring: things that would help make their applications look good.

New standards of childhood were also supported through **stronger enforcement of stricter laws**. New laws against loitering limited where teens could hang out together without spending money. Police officers started being staffed at schools and punishing behavioral issues that used to be handled by teachers and administrators. The legal definition of child neglect expanded significantly. Finally, the US started jailing more kids – a *lot* more kids. All of these changes negatively affected Black kids (and their families) much more than they did white ones. With the caretaking view getting so much more powerful over time, **US childhood is more surveilled and controlled than it's ever been before**.

Strengths of the Children's Rights Framework

When I talk about the children's rights framework, I mean the way that these rights are defined and used legally, politically, and socially. It's important to remember that the way people talk about these rights isn't always the way that they're put into action: in fact, there's often a huge gap between the two, and this is pretty much my main problem with this framework. But first let's talk about positives.

The idea of children's rights has a lot of strengths:

- It has **international support** and lots of money to back it up.
- There's a decently long history of court cases supporting children's rights.
- Children used to be fully considered property of their fathers.² That's less common nowadays, in large part due to children's rights getting more popular. (In many ways, that's still the case, but we don't *say* it like that as much anymore and that's still a big deal.)
- Even though the shift to the modern school-based model of childhood started before people started rallying around children's rights, the idea of children's rights has still done a lot to **expand access to education** to children regardless of race, class, gender, and disability.
- It's one of the biggest tools used to **fight child slavery and child labor** worldwide.
- The UN Convention on the Rights of the Child (UNCRC)³ is the **most widely adopted human rights treaty** in the world. Every country in the UN has signed and ratified the treaty except for the United States. The UNCRC lays out children's rights to food, housing, education, culture, protection from harm, and more, and it makes protecting these rights part of international law.

Weaknesses of the Children's Rights Framework

But the framework of children's rights has many important weaknesses, and we don't talk about most of them nearly enough. Here are the biggest ones:

- Inconsistency (on purpose) in how the framework is applied
- Lack of a good plan
- A built-in idea of some cultures being better than others

Inconsistency

*The children's rights framework is **used and enforced inconsistently** and often **without paying attention to the actual structural factors** causing the mistreatment of children.*

Political power and wealth is not evenly distributed across the world; most of it is concentrated in a handful of countries. This has to do with historical patterns of violence – most of the countries that hold the most wealth today collected that wealth from centuries of war and oppression against other countries as well their own marginalized people. We call these rich countries the imperial core (or the West, or the global north). The remaining countries make up the imperial semi-periphery and periphery (or global south).

This is relevant to the application of children's rights because imperial core countries will often use children's rights as a tool to blame peripheral countries for their failures to protect children, and then use that as an excuse to put political pressure on them to get them to do whatever the core countries want. This can involve things like letting aid organizations from core countries come and try to "fix" their problem for them, while also making large-scale economic changes that further benefit core countries, often at the cost of the peripheral country's independence. At the same time, the core countries ignore the ways children are mistreated within their own borders, and they don't face the same level of political pressure to fix those problems.

Even worse, children's rights are used to condemn child labor in, for example, clothing factories in Bangladesh while skipping over the role of US fast fashion companies that maintain this system because child labor is cheaper for them than hiring workers with full protections. The contractor model helps them deny blame: if a US company's use of child labor in manufacturing comes to light, they can get away with blaming the owner/operator of the factory and switching to a new one. This whole process also skips over how US-American demand for cheap clothing funds this entire system.

But none of this anything to fix the core issue: that these companies' neverending desire for greater and greater profit always pushes them to cut costs on labor as much as possible, and *that* is why child labor is so prevalent in so many industries. There is no part of the children's rights framework that recognizes this fact of a capitalist system.

Lack of a Good Plan

*The children's rights framework also **does not establish a clear and effective plan** for solving the mistreatment of children.*

Even though it helps identify children's rights to housing, food, education, medical care, and other basic needs, the framework does not give specific advice for how to make sure children can actually access these rights. The framework does not argue for children to be able to access these rights separately from their parents, and it actually normalizes the status of children as inherently dependent on their parents for basic needs. (There are other options! It doesn't have to be this way!) Since the rights framework doesn't identify capitalism as the driving force of the mistreatment of children, it also has no good plan for fixing the problem.

What happens instead is that people develop thousands of smaller, less effective solutions, and none of those solutions are allowed to pose any serious threat to how imperial core governments and corporations work. And as long as the people who work to solve children's mistreatment have to keep the ones who benefit most from it happy, the problem will never fully be solved.

“Our Culture is Better than Theirs”

*The children's rights framework is used to **claim Western childhood as inherently better** than any other type of childhood. It is then also used to force Western standards of childhood on the rest of the world.⁴*

The last problem with the framework of children's rights that I'd like to discuss here is the way it supports the concept of some cultures as better than others. Children's rights were mostly developed by imperial core countries and strongly reflect the values of these countries. The framework is used to claim Western childhood as better than non-Western childhoods, and force non-Western countries to adopt Western standards of childhood. The problem here has two parts:

1. By treating (white) Western standards as the ideal, we treat other forms of childhood as backward and less evolved. We don't acknowledge the positive aspects of more collective approaches to childhood, and we deny ourselves the opportunity to learn from other cultures and grow from that process. There are many, many ways that white Western countries are constantly trying to establish themselves as better, more evolved, fairer, and kinder than the rest of the world. A lot of it has to do with racial bias and discrimination; whenever outright racist rhetoric is considered rude and unprofessional, white Western countries come up with all sorts of "objective" standards that just happen to say they're better than everyone else anyway. The idea that Western childhoods are better than all other childhoods has to be understood as a part of that larger process.
2. The flip side of this is that we downplay the harm that the West does to children every day. Children in the West are said to have rights, but they still face *lots* of restrictions legally, politically, and socially. Children outside of the West have it even worse. Western governments and corporations commit acts of direct and brutal violence against non-Western children every

day, such as the deliberate attacks on children in Gaza. But because of the imbalance in political power, and because there isn't an organized worldwide youth movement with power of its own, these organizations are never held accountable for the harm they cause.

The idea that the West is kind to children, or is an especially responsible guardian of children's rights and well-being, is a joke. It is the result of decades of propaganda developed as part of the children's rights movement. The supporters of the rights framework say that it does a lot to help children of all races, classes, genders, and disabilities to access a happy, safe, empowered childhood. **But the reality is that the framework also strongly supports racist, classist, sexist, and ableist systems, and we can't afford to ignore that any longer.**

Conclusion

Children's rights are presented as a 100% good thing. But like with everything else, the real story is more complicated. It is a complex and often hypocritical concept, one that is used to limit children as often as it is to help them survive. When we're not thoughtful about how we use this framework, we end up supporting its use in imperialist and racist propaganda.

Children deserve good things! I hope that's obvious. When I criticize the framework of children's rights, I'm not trying to say that we shouldn't care about children's well-being. Just the opposite. I'm saying that **the rights framework doesn't do enough to support children's well-being**. It lacks the consistency to do its job well. Most importantly, because children's rights depend so much on governments and parents to support them in the first place (as well as to put them into action), the framework is often used in a way that **benefits those groups over children themselves**.

If we want a system that truly supports the well-being of children, we need to build one that can tackle the mistreatment of children at its roots. It needs to be able to identify **capitalism as the system that maintains the abuse of children today**, and the **family as the basic building block of how capitalism maintains itself**. It needs to view human development not as two stages (child/adult, dependent/independent) but as a complex process that is highly affected by the systems of power around it. It needs to connect these questions of independence and care with the related conflicts in the movements for disability, transgender, racial, and feminist liberation. It needs to **acknowledge childhood as a social limitation** as much as it is biological. Only then can this system understand the true nature of the problems children face, and only then can it begin to solve them.

Footnotes

1. <https://doi.org/10.9783/9780812205169.19>
2. <https://www.ibcr.org/en/news/a-historical-timeline-to-understand-childrens-rights-evolution-throughout-time/>
3. <https://www.unicef.org/child-rights-convention/convention-text>
4. <https://doi.org/10.1163/15718182-02801009>

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chorui halim writes about childhood, parenting, history, and youth liberation at antiparent.com. chorui has always been passionate about children; they grew up taking care of the children in their community as well as working as a freelance supplemental educator for well over a decade. They are in their late 20s with 2 children of their own. Their own experience with child abuse, disability, feminist and LGBT issues, and racial marginalization convinced them of the need to develop a holistic approach to understanding children's oppression. They are also a former NASA engineer.

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