



A REVIEW OF CHILDREN'S RIGHTS LITERATURE SINCE THE ADOPTION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

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Children's rights have become a significant field of study during the past decades, largely due to the adoption of the United Nations Convention on the Rights of the Child (UNCRC) in 1989. Today, scholarly work on children's rights is almost inconceivable without considering the Convention as the bearer of the children's rights debate. The goal of this article is to critically explore academic work on the UNCRC. By means of a discourse analysis of international literature, the article maps the academic discourse on children's rights. Three themes are identified that predominate in the academic work on the UNCRC: (1) autonomy and participation rights as the new norm in children's rights practice and policy, (2) children's rights vs parental rights and (3) the global children's rights industry. That these three themes distinguish contemporary scholarly work on the UNCRC might not be a coincidence, analysed from the process of 'educationalization' that has characterized childhood in western societies since the 19th century. The perspective of educationalization presents a contemporary research agenda for children's rights for the coming decades.

During the past decades, children's rights have become a significant field of study. This is largely due to the adoption, in 1989, of the United Nations Convention on the Rights of the Child (hereafter: UNCRC), though children's rights were an important matter in academic debate before (e.g. Gross and Gross, 1977; Takanishi, 1978). The Convention appealed to the 'academic responsibility' of scholars in various disciplines, which gave the academic interest 'a timely impetus' (Verhellen, 1998a: 97). Today, scholarly work on children's rights is almost inconceivable without considering the Convention as

the bearer of the children's rights debate. Since children's rights, as we argue, is a social phenomenon, arising from constitutive human action (Cotterrell, 2005; Stammers, 1995, 1999; Tarulli and Skott-Myhre, 2006), the goal of this article is to critically explore academic work on social constructions of children's rights found in the UNCRC, by means of a discourse analysis (Atkinson and Delamont, 2005). By discourse we refer to the systematic and related field of meanings constituting and regulating social action (Evans, 2005). The focus of our analysis lies in the way scholars have been 'reading' the UNCRC and have been constructing understandings of children's rights out of the Convention. This point of view is relevant because scientific work on children's rights has been and still is influential in the domain of both child welfare practice and policy and thus would help to better understand contemporary social issues concerning children. Furthermore, analysing academic discourse on the UNCRC would bring insight into the state of the art of contemporary scholarly work on the UNCRC and would open the door for future research.

Analytical framework

For our analysis, scholarly work on children's rights in the scientific fields of social sciences was studied through content analysis of articles retrieved from the Social Science Citation Index (Web of Science [ISI]). The ISI database represents a clear standard for international peer-reviewed articles within the scientific field. Keywords used were 'children's rights' and 'rights of the child'. The analysis includes articles published in social sciences and humanities since 1989 (when the UNCRC was adopted) until November 2007, and yielded respectively 242 and 174 references. After a cross-analysis of both sets of results, 369 unique articles remained. A further selection was based on 'document type' (articles, editorial materials and reviews), and work published in English. This resulted in 290 articles. These references were screened for content using the abstract. The overall criterion for selection was the extent to which the analysis of the paper contributes to a better understanding of the social constructions of the UNCRC. This was judged according to the following criteria: the article contributes to theorizing on children's rights; the article exceeds the casuistic nature of a case study; the article focuses on the UNCRC as a framework for theory on children's rights. Documents included in our study contained conceptual and epistemological studies on children's rights analysing the meaning of the UNCRC on a rather abstract level. A total of 61 papers met these criteria and were selected. Aware of the limitations of using only academic work retrieved from the ISI, we also included literature from the *International Journal of Children's Rights* (IJCR). The IJCR is the only international academic journal dedicated solely to the study of children's rights and is not sublisted in the ISI database. Each issue of the journal was manually checked and articles were shortlisted according to the criteria

mentioned earlier. This provided 29 additional articles for our review. Finally, the search operation was supplemented by means of snowball sampling: known authors, papers and bibliographies were the starting point to refine and expand the search action, resulting in 17 additional articles. All together, 107 articles were selected. The content of this corpus of literature was then explored on frequently reported themes, trends described and main issues raised. Special attention was given to findings of recent work on children's rights conducted by the Department of Social Welfare Study of Ghent University, which has built up valuable expertise through the Children's Rights Centre. In a couple of recently published papers, Roose and Bouverne-De Bie (2007, 2008) point to the emphasis on individual autonomy of children within the children's rights debate often resulting in dichotomizing relations between parents and children. These two trends were confirmed in our analysis. The third theme was based on findings in the field of human rights. Both Stammers (1999) and Evans (2005) have criticized a dominant trend in human rights that they have defined as 'the human rights machinery'. Analysing children's rights literature, similar conclusions were found, which, inspired by Stammers, are categorized under the label of the 'global children's rights industry'.

Using the ISI as the starting point for mapping the literature on children's rights has limitations. Although this was partly tackled via snowball sampling and the inclusion of the IJCR, studying academic work on children's rights outside the ISI could have revealed evidence for a different understanding of academic discourse on children's rights, since the ISI represents a particular discourse within the academic debate in general. At the same time, analysing academic output retrieved from a particular database presents only a partial image of the broader children's rights discourse. An important part of the work on children's rights is published outside the academic context and is of great value for the way we think and act on children's rights. Work published by NGOs, official government reports to the Committee on the Rights of the Child, communication from that Committee and so on contribute to the children's rights discourse at least as much as academic work. This, which we coin as 'grey literature', is often the reason for academics to publish on children's rights. Nevertheless, that the Web of Science holds almost 400 references explicitly referring to children's rights, points to the fact that scholarly work on children's rights has gained independence as a scientific field of study.

Autonomy and participation rights as the new norm in children's rights practice and policy

The academic children's rights discourse since the adoption of the UNCRC has been preoccupied with highlighting the childhood image of the competent child. This childhood image is considered as a reaction against the childhood image of the incompetent child, characterized by considering children as

objects in need of protection because of their vulnerability. The status of the incompetent child is marked by 'not-yet-being' (Verhellen, 2000: 16): children are 'adults in waiting' (Matthews and Limb, 1998: 67), they lack adult competencies and are undergoing their status in a passive way. The view of the child as a 'becoming' represents a welfare perspective on childhood (Hemrica and Heyting, 2004). Consequently, the incompetent child was not accorded any responsibility (Such and Walker, 2005). In order to protect their vulnerability, a separate world for children was created at the beginning of the 20th century in various western countries through the first children's laws (Benporath, 2003; Takanishi, 1978): a 'youthland' (Smith, 2007; Verhellen, 2000) or 'moratorium' (Zinnecker, 2000) on adulthood. Childhood is thus considered as a period of socialization in or preparation for adulthood or a growth towards autonomy (e.g. Such and Walker, 2005). This pedagogical conception is underpinned by the child protection movement. The children's rights movement, as a counter-movement, presented an alternative pedagogical model for dealing with children. Supported by the '(new) sociology of childhood' (Freeman, 1998; James et al., 2002; Mayall, 2000), the socioscientific wing of the political-judicial children's rights movement (Vandenbroeck and Bouverne-De Bie, 2006; Zinnecker, 2000), the children's rights movement considers children as social actors, as active agents and autonomous, independent human beings in constructing their lives in their own right (e.g. King, 2007; Matthews and Limb, 1998; Miljeteig-Olssen, 1990; Wilcox and Naimark, 1991), thereby criticizing the 'tutelage status' of the child protection movement. The view of the child as a 'being' represents a rights perspective on childhood (Hemrica and Heyting, 2004). So, the centre stage of the children's rights paradigm is the recognition of the child as an autonomous subject, meaningful in its current 'child-being', rejecting the moratorium idea. Disapproval of the view of normalization goes hand in hand with the plea for the abolition of the separate world for children. Breaking through the moratorium becomes the central claim under the radical slogan 'bring children back into society' (Verhellen, 1998b: 486). With the adoption of the UNCRC in 1989, the coexistence of both childhoods would be recognized in international law (Cohen et al., 1992; Federle, 1994; Hojat, 1993; Lee, 1999). Hammarberg (1990) and Jupp (1990) observe that the innovative aspect of the UNCRC lays undeniably in the fact that it imposes legally binding norms on state parties who ratify the Convention, by which society becomes accountable for realizing children's rights. At the same time, Besson (2005) questions the possible 'ghettoization' by adopting a special convention for children.

Although several scholars recognize the 'comprehensiveness' of the UNCRC – often translated as the '3 Ps': provision, protection and participation – our analysis nevertheless reveals a wide range of scholarly work on participation arising under the banner of children's rights. Article 12 of the UNCRC, the so-called participation article, contributed widely to the

success of the Convention (Lücker-Babel, 1995). Thomas (2007) notes that a dramatic growth of activity in the field of children's participation has occurred. According to Matthews et al. (1999: 137), the participation debate 'is compound by a divergence of views on the nature, purpose and form that participation should take' (see also Kjørholt, 2002). Cavet and Sloper (2004: 615) state that 'There is a growing body of information describing and analyzing innovative practices in the field, with evidence of the employment of a wide range of participative means, including unconventional approaches.' However, these scholars demonstrate that the extent of involvement has been limited. Problems raised include tokenism, unresolved power issues, being consulted about relatively trivial matters and the inclusion of some children leading to the exclusion of others. Among the excluded groups are disabled children, ethnic minority groups and younger children. There is also little evidence of the impact of child participation on services, a conclusion confirmed by Matthews and Limb (1998) in their work on youth councils in the UK. To realize participation for certain excluded groups of children, some scholars refer to the practice of advocacy (Boylan and Ing, 2005; Grover, 2005). Advocacy is characterized as an activity of representing and defending children's interest, practised by professional adults and offered as a service to children (e.g. Pupavac, 2001).

The competent child with participation rights also took root in policy-making. Melton (2005a) describes the UNCRC as a transformative instrument guiding policy. The Convention offers a judicial framework to rethink child care policies in the direction of ensuring children's dignity (Melton, 1991, 2005b; Miljeteig-Olssen, 1990). Jupp (1990: 131) describes this as a 'landmark in a century long struggle for social reform'. Davis and Powell (2003), together with other authors (e.g. Kabasinskaite and Bak, 2006; Woll, 2001), point to two important aspects of implementing the UNCRC in child care policy. First, state parties should take steps to provide child services and child care facilities (access to child services). Second, state parties should ensure that child services and child care facilities meet certain standards (quality of child care). Subsequently, an institution such as a children's ombudsperson can play an essential role in protecting children's rights at policy level, and is considered as an important innovation in the slipstream of the UNCRC (Gran and Aliberti, 2003).

Our literature review shows a preoccupation in the scholarly work on children's rights with a changing image of childhood that considers children as autonomous human beings. The image of the autonomous child is considered as an evolution to a more human dealing with children in both practice and policy. It is without doubt to the merit of the children's rights movement that it has grasped the concept of individualization (Such and Walker, 2005) and brought to the fore a group in society that has for a long time been invisible and discriminated against on the base of age (Freeman, 2007; Therborn, 1996; Vandenbroeck and Bouverne-De Bie, 2006), thereby opening the discussion

on the position of children in our society (e.g. Last, 1994). However, there is debate on the desirability of the shift towards autonomy for children. Various scholars point out the risks of a rights tradition emphasizing individuality and autonomy (Federle, 1994; Freeman, 2007). According to Benporath (2003), highlighting autonomy and participation rights may distort the social conceptualization of childhood, confirming Diduck's argument that the new image of childhood requires an 'unchildlike sense of autonomy' (Diduck, cited in Aitken, 2001: 126). Instead of emphasizing self-determination rights, Simon (2000) makes a case for a 'Harm Perspective', focusing on the pain and suffering experienced by children. A possible effect of the discourse of the autonomous child is in fact that the responsibility to realize their rights lies with the children themselves. The child is expected to know her or his own life, needs and interests and to deal with them adequately (Benporath, 2003), just like adults, without taking into account the features of children and the social contexts in which they live and in which rights have to be realized. Morrow (1999) argues that if rights are equated with individualism, an overly dichotomous representation of children's rights emerges, ignoring the differences in children's cultural backgrounds.

James and James (2001), for instance, analyse the increased concern to monitor and regulate children's lives in the UK. They conclude that creating the possibility for children to participate in policy-making can paradoxically lead to a reduced opportunity for children to be relatively free from adult control. Also, Masschelein and Quaghebeur (2005) conclude that children's participation does not a priori have an emancipatory character. A social field where this dynamic emerges strongly is juvenile justice. It seems that children are being held responsible particularly in situations where they violate the norm (Such and Walker, 2005). In the debate on youth delinquency, the emphasis was on confronting juvenile offenders with their responsibility and encouraging the private sector and the community to become involved in combating crime ('community responsabilization', Garland, cited in Muncie, 2006: 773). The consequence of this is that local actors such as schools, the family, the neighbourhood, youth movements, etc. all have a responsibility in combating crime and have a function in social control (Muncie, 2006). Williams, in her analysis of the UK Green Paper 'Every Child Matters', concludes that a community-based approach, placing services within better reach of communities, 'may well create better access, but without a broader vision of the provider/user relationship, of the child/adult relationship and of the purpose of education, this will not necessarily guarantee any greater empowerment to children and parents in those communities' (Williams, 2004: 423). A final example is the practice of negotiation within family education. Contrary to Tomanović (2003), Vandenbroeck and Bouverne-De Bie (2006) point to the increasing emphasis, promoted by the UNCRC, on negotiation between parents and children as the norm in parenting (e.g. Howe and Covell, 2003). Negotiation places the emphasis on the individuality of children and their

verbal competencies. This model is a white, western, middle-class model that fits a particular group of children more than others.

Distinctive in this discourse of responsabilization is the shift in responsibility for realizing rights from the state to the individual (Such and Walker, 2005), by which children can enjoy their rights as long as they behave as responsible citizens. Bringing children into sight in this way consequently increased control over children, leading to more intolerance towards them, with further marginalization (Muncie, 2006). This dynamic of marginalization as a paradoxical outcome of the discourse on autonomy is a field of study still in its infancy. A similar debate has originated in family education as a consequence of emphasizing autonomy.

Children's rights vs parental rights

The acknowledgement of the childhood image of the competent child implied that children became visible as a member of the family (Westman, 1999). In this, short shrift was given to the old rearing idea of 'parens patriae' (Cohen and Naimark, 1991; Howe, 2001; Westman, 1997, 1999; Woodhouse, 1999; Wynne, 1997). Under the doctrine of 'parens patriae', the government only interfered in family education when parents abused their parental responsibilities. Alongside the changing position of children in society, the relations within the family changed as well, with children as autonomous bearers of rights, parents having the duty to fulfil them and government having the responsibility to support parents (Howe and Covell, 2003). Government policy on childhood was to ensure children's personhood status and dignity (Kabasinskaite and Bak, 2006; Levesque, 1996; Melton, 2005a; Woll, 2001), leading to a 'defamiliarization' of policy towards children (Therborn, 1996).

This shift in parenting has been an important concern for scholars in children's rights. Frequently, this changing relationship is described as a dichotomy whereby children's rights are placed in tension with the rights of parents (Cohen and Naimark, 1991; Howe, 2001; Huntington, 2006; Melton, 1996, 2005a; Roose and Bouverne-De Bie, 2008; Thomas and O'Kane, 1998; Triseliotis et al., 1993; Tomanović-Mihajlović, 2000; Westman, 1999; Wynne, 1997). More precisely, this dichotomy is about the rights of parents to raise their children, on the one hand, and the rights of children to autonomy and self-determination, on the other hand. The rights of children would undermine parental responsibility (Tang, 2003) and would threaten the welfare of children (Melton, 1996). The tension between children's rights and parental rights is embedded in the UNCRC (Hammarberg, 1990; Miljeteig-Olssen, 1990). From a children's rights perspective, the child-parent dichotomy is formulated in terms of 'parental responsibility'. Because of this responsibility, parents have 'prerogatives' that enable them to realize the rights of their children (Westman, 1999). According to this way of thinking, the government should support parents in realizing their parental duty (Howe, 2001). Parents are considered

to be the primary advocates for their children's best interests (Bennet, 1996; Sund, 2006; Westman, 1999; Woodhouse, 2002). The role of the government, however, clearly consists in supporting parents, not in replacing them (Melton, 1996). Government intervention in family life is only possible when the 'best interest of the child' is in danger. The solution to the dichotomy between the rights of the child and the rights of parents is to be found in the nature of the rights parents have vis-a-vis their children: parental prerogatives derive from the rights of their children (Howe, 2001; Melton, 1996; Westman, 1999). The rights parents have are thus functional rights: they serve the rights of children. Parenthood, according to Westman (1999), has to be seen as a process rather than a possession obtained from the birth of a child. The UNCRC 'resolves' this by the construct of the 'evolving capacities of the child' (Hammarberg, 1990). As children become more and more competent and are considered to be capable of exercising their rights autonomously, parents have to fulfil fewer parental responsibilities to support their children in realizing these rights. This represents a developmental psychological perspective on children's participation (Ochaita and Espinosa, 1997). The parent-child dichotomy debate is characterized by the search for both the best judicial procedure and for a legal compromise that protects the rights of both the children and the parents and defines the role of the state (Huxtable, 1994; Westman, 1999). The relationship between the rights of children and the rights of parents becomes a judicial question for a clear and well-defined definition of their respective rights (Huxtable, 1994). This legal discourse results in formulating the rights of children to health care, participation, information, privacy, freedom of religion, etc. and defines age-related boundaries assuming competence for the child in exercising these rights autonomously.

Various scholars criticize the dichotomization of children's rights vs parental rights. For Huntington (2006), this debate mistakenly privileges rights. The problem with a rights-based approach is the 'myopic focus' on rights. By focusing on law, factors of the social context such as poverty are often ignored (see, for example, Marshall, 1997). The idea of 'rights-thinking' implies that a bearer of rights is an independent, autonomous and responsible individual who can execute her or his rights independently and who assesses the consequences of her or his actions. This interpretation of rights would disadvantage children in the welfare system because children do not have this autonomy; neither do adults: 'the dominant conception of rights is one-sided in its emphasis on individualism, rather than relationships' (Huntington, 2006: 664). This critique is shared by the feminist movement, who have claimed more attention for social relationships (Anon., 1999) in their 'ethics of care' (e.g. Cockburn, 2005; Williams, 2004). According to Pupavac, the recognition of children as rights-holders separate from their parents implies an implicit mistrust of their carers, and a legitimization for outside professionals to intervene (Pupavac, 2001: 100). Moreover, the rights approach generates adversarial interests in decision-making (Burman, 1996; Cockburn, 2005).

The dominant idea of rights increases the likelihood of social conflicts and inhibits a dialogue that could lead to consensus. For Roose and Bouverne-De Bie (2008), a rights-thinking focused on individual autonomy obstructs a thoughtful group collaboration between parents, children and the state to come to a solution that can be favourable to each of the parties involved. A rights-thinking looks for solutions to social problems in law and uses legal instruments and judicial institutions. This can have negative consequences for children (Federle, 1994). It generates a winner/loser mentality rather than an impetus to come to a common solution (Huntington, 2006). Several authors point to the consequences of such an approach where solutions to social problems are sought for in legislation. The most important consequence of this rights-talk is that it conceives rights as an end to dialogue (Holland and Scourfield, 2004; Roose and Bouverne-De Bie, 2008) by which the debate between the actors involved is 'closed': 'A rights discourse is based on a contractual exchange between persons with entitlements and duties. It does not require any semblance of a relationship, any belief in the innate worth of particular individuals, any engagement, any caring. There is no ambiguity or uncertainty other than that [which] is introduced by practical or resource issues' (Smith, cited in Holland and Scourfield, 2004: 30). Vandenbroeck and Bouverne-De Bie (2006) indicate the danger of dichotomizing relations between children and parents. Focusing on competing features hides forms of exclusion between parents and children: 'Antagonistic power relations between children and parents . . . functioned as a legitimacy for the state to take over parental responsibilities for the sake of the child' (Vandenbroeck and Bouverne-De Bie, 2006: 132).

It seems that the rights-talk debate has intensified the possible negative consequences of autonomy. Legislation can indeed be used to confirm or support existing processes of marginalization. The role children's rights play in these kinds of dynamics is still a black box. Scholarly work in children's rights is primarily focused on standard setting, implementation and monitoring, by which children's rights link into the global human rights debate.

The global children's rights industry

Although Miljeteig-Olssen argues that the UNCRC is much more than just an element of what he calls 'the machinery of international humanitarian law' (Miljeteig-Olssen, 1990: 148), scholars of children's rights have been mainly involved in legal positivist frameworks, defined by Stammers as 'the global human rights industry' (Stammers, 1999: 991), referring to the enormous amount of literature concerned with standard-setting, implementation and monitoring human rights. In this sense, scholarly work on children's rights is linked with the wider human rights literature.

Standard-setting through the UNCRC was an exercise in international consensus-building (Jupp, 1990): through the UNCRC, a global framework

was created that promulgates respect for children (Cohen et al., 1992). Breen (2003), Cohen (1990) and Therborn (1996) highlight the role of civil society organizations, in particular NGOs, in drafting the UNCRC. Fuchs (2007) presents a historical overview of the rise of a global civil society for children's rights and its involvement in production, diffusion and implementation of children's rights.

The rights recognized by the UNCRC and national legislation subsequently have to be 'implemented', i.e. realized in practice. Therefore, the principles of the UNCRC need to be translated into national legislation and governmental structures (Melton, 1991; Smith, 1998). Ledogar (1993) highlights the use of National Programmes for Action as an instrument to include children's rights in social policy. Implementation of the UNCRC in national legislation should increase the enforceability of children's rights (Tang, 2003). Leblanc (1996), however, warns against the common practice of state parties making reservation to the UNCRC by which the implementation of certain standards in governmental policy is excluded. Another strategy for the full implementation of the UNCRC is to disseminate knowledge on children's rights among young people and adults (Peterson-Badali et al., 2004; Ruck et al., 1998, 2002; Taylor et al., 2001). For Day et al. (2006), knowledge on children's attitudes towards their rights is an important step to respect children as citizens and to protect them from violations of their rights.

To control the practice of implementation, the UNCRC provides for a comprehensive system of monitoring. The monitoring process should be a catalyst for debate on policy change (Woll, 2000). The literature concerning monitoring covers analysis of effective and efficient information management (Cohen et al., 1992, 1996; Scherer and Hart, 1999), the involvement of NGOs (Breen, 2003; Cohen et al., 1992, 1996; Fernando, 2001; Oestreich, 1998; Therborn, 1996) and youth (Heersterman, 2005), the establishment of national monitoring mechanisms (Tang, 2003), the role of the media (Hammarberg, 1997) and the weakness of the international monitoring committee set up by the UNCRC (Balton, 1990; Kilkelly, 2001). A key aspect in the monitoring debate is the call for indicators to measure the implementation of children's rights (Ennew and Miljeteig, 1996). Ben-Arieh and Goerge (2001) note that by monitoring children's rights, new domains are explored that go beyond just the survival aspects of children's lives, often promoted by the NGO community. Beeckman (2004) argues for 'rights-based indicators' measuring both quantitative and qualitative aspects.

The focus on the triptych of standard-setting–implementation–monitoring suggests that children's rights in the global human rights industry are not under discussion. It seems that, as a consequence of the adoption of the UNCRC, children's rights have got bogged down in consensus thinking. According to some scholars, there are two important consequences of this development. First, the unique thinking behind the academic children's rights

debate is turning into a 'technocratic discourse' (Fernando, 2001: 12) that no longer addresses the meaning of children's rights. 'Most discussion focuses on the schism between the provisions of the Convention and children's rights in practice' (Pupavac, 2001: 96). Children's rights are presented as the new norm in policy and practice without questioning or problematizing this new norm. Characterizing this discourse is the 'technicalization' of the striving to more respect for the human dignity of children. The debate on children's rights has become a technical debate on the most effective and efficient way to implement children's rights, how best to monitor this implementation and how this can be organized. This is pre-eminently a positivistic representation of children's rights. The consensus-thinking in children's rights that lies at the heart of this 'technicalization' has 'closed' the debate on children's rights. What the children's rights discourse lacks is critique (Evans, 2005), meaning reflection on the legitimacy and relevance of children's rights as the new norm in dealing with children. As Burman (1996) states, children's rights might be less unambiguous and more discordant than generally assumed. Though, as King warns: 'anybody who challenges the new orthodoxies of children's rights and therapeutic approaches is likely to find themselves accused of heresy' (King, cited in Pupavac, 2001: 103).

Second and closely linked with the 'technicalization' of children's rights is its 'decontextualization'. A decontextualized discourse does not take into account the living conditions, the social, economical and historical contexts in which children grow up, which can be very diverse, and which are the environments in which children's rights are to be realized. Neither does it take into account the enormous diversity among children, in particular the differentiation between children of different ages (Leonard, 2004). Metaphysical abstractions of children's rights such as the autonomous individual, embedded in the western philosophy of liberal individualism, and the concept of the competent child fail to engage with the specific conditions and contexts in which children live (Burman, 1996; Reynolds et al., 2006). 'The subject of child and youth rights . . . is the autonomous, willing subject of modernity, a subject whose essential nature owes nothing to the social, to historicity, to eventness' (Tarulli and Skott-Myhre, 2006). According to Veerman and Levine (2000), the children's rights debate has been preoccupied with the UNCRC and the Committee on the Rights of the Child. For these authors, it is time to shift the discussion from the 'Geneva scene' to the grassroots level where children's rights have to be realized in their actual context, and, as Federle (1994) argues in her thesis that 'rights flow downhill', have to be connected with power.

Discussion

In this article, we have tried to map the academic discourse on children's rights since the adoption of the UNCRC in 1989 through to 2007. That three

themes dominate contemporary scholarly work on the UNCRC – (1) autonomy and participation rights as the new norm in child rights practice and policy; (2) children's rights vs parental rights; and (3) the global children's rights industry – might not be just a coincidence, analysed from the perspective of 'educationalization' (*Pädagogisierung*) that has characterized childhood in western societies since the 19th century. Although the phenomenon of educationalization has many overtones, it is comparable with concepts such as normalization and medicalization. Educationalization refers to the institutionalization of childhood whereby increased attention is being given to the pedagogical aspects of the daily life of children (Depaepe, 1998). This is apparent in the various institutions established for children such as schools, institutions of youth care, youth work and so on, and goes hand in hand with professionalization within these fields. So, in line with these modern conceptions of childrearing and linked with the progressive evolution of individualization in western societies, the emphasis on the individual rights of children with a conception of childhood as the autonomous child is not as ground breaking as it might at first seem. Defining childrearing in terms of children's rights, then, would appear rather to be a continuation of this process of educationalization. In the same line of argument lies the dichotomized relation between children's rights and parental rights. As a consequence of the increased individualization in society, children became visible within the family giving rise to conflicting relations between parents and their children. This phenomenon brings the professional into view as the advocate for the best interests of the child by the creation of new social services. So it seems that the children's rights discourse is also embedded within the evolution of professionalization, a blue print of the educationalization process. Slightly provocative, one could even say that children's rights have – paradoxically – become the bearer of a new movement of protecting children by controlling parenting.

In analysing our findings, we can also ask whether the children's rights discourse defines an alternative way of dealing with children and could be considered as a counter-movement vis-a-vis the process of educationalization. Or – rather than presenting a break with 'old' childrearing paradigms – is the children's rights discourse a continuation or even radicalization of this old paradigm and is the evolution in the conceptualization of childhood relatively modest (Simon and van Damme, 1989)? This question – although already stated in 1989! – presents a contemporary research agenda for children's rights for the coming decades. Further research in the field of children's rights along these lines could bring a better understanding in this rather undertheorized domain of social science. Research that provides empirical evidence on the impact that the rhetoric of children's rights has in daily practice assumes a shift from analysing the text of the UNCRC towards examining the contexts in which the UNCRC is applied.

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