

Equity, children's rights, and adulthood



Harry Shier

www.harryshier.net



OVERVIEW

1. The UN's Global Thematic Consultation on "ADDRESSING INEQUALITIES"
 2. The right to live without discrimination: How does it work for children and adults?
 3. Adults' responsibilities and children's duties
 4. Leaving childhood behind
 5. Escape from childhood? Children's Liberation
- ***
PAUSE FOR YOUR REFLECTIONS ON THIS

6. Tackling Adulthood
 7. Rethinking equity in child-adult relations

FEEDBACK, Q+A

Photographs by CESEMA, featuring young researchers in Nicaragua, 2007-2015, taken and reproduced with informed consent of the young people featured.

Preliminary note: My understanding of “equity”

A recurring problem in challenging inequality and discrimination is that the everyday word “**equality**” can be understood in different ways:

- Some think of equality as treating everyone the same, like the teacher who proudly declares:

“We would never discriminate here; we treat all the children exactly the same.”

- Yet the idea that all children (or all people) are exactly the same is nonsense. More responsible is the teacher who says the opposite:

“We recognise (and value) the individuality of every child.”

- In everyday usage, “**equality**” sometimes means **ignoring diversity** and **treating everyone the same**, and it sometimes means **accounting for diversity** and **treating everyone fairly**.
- By preferring the term “**equity**” we can avoid this confusion. **Equity** always means **accounting for differences** and **treating everyone fairly**.

3

1. The UN’s Global Thematic Consultation on “ADDRESSING INEQUALITIES”

Back in 2012, as the 2015 target date for achieving the Millennium Development Goals grew nearer, the UN launched a global debate to shape a new development agenda (which later became the **Sustainable Development Goals**).

One of the core themes was “**Addressing Inequalities**”

- ⇒ as a moral imperative from a human-rights perspective
- ⇒ also critical for robust, inclusive and sustainable growth.

A consortium of UN agencies launched a call for papers that could offer new thinking on this theme to influence the shaping of the new agenda.



4

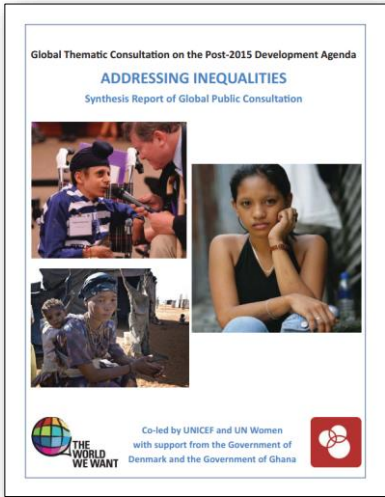
In my work in Nicaragua, addressing inequalities was always the heart of our work:

- ☑ Gender equality
- ☑ Justice for working children
- ☑ Equal access to education
- ☑ Rights of disabled children

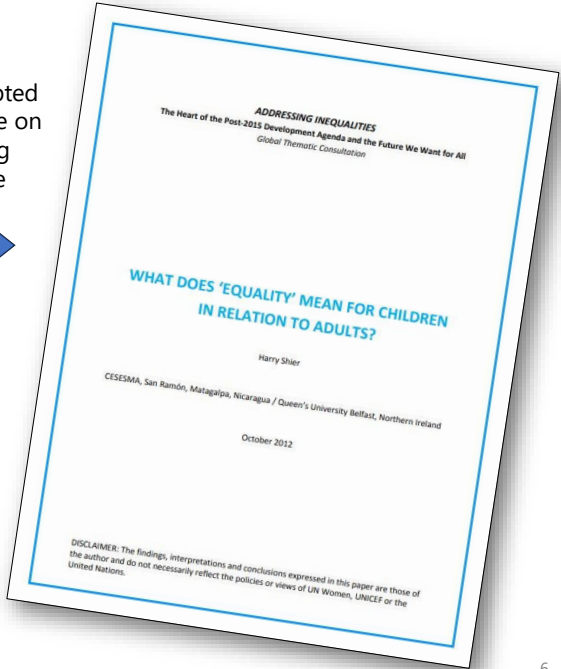
But what about **generational equality**?

Rarely discussed. Hard to address.

I made that my topic.



My paper was accepted and appeared online on the UN's "Addressing Inequalities" website in 2012.



2. The right to live without discrimination: How does it work for children and adults?

'**Non-discrimination**' is a fundamental principle of children's rights discourse, expressed in Article 2 of the United Nations Convention on the Rights of the Child (UNCRC):

"States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status."

Doesn't mention "age"

7

In general, when the non-discrimination principle is discussed, this is in terms of equality *among* children, not as equality between children and adults.

The principle is thus understood as telling us that **all children must be treated as equal to one another**, but not necessarily that **children and adults must be treated as equals**.

(Compare the way it is used in discourse about gender equality or racial equality).



Discrimination by adults against children is an accepted social norm.

There are laws in all countries that stop children doing things that adults are free to do: seeking employment, driving cars, standing for president, voting in elections etc.



NB: In certain circumstances the differential treatment of a particular social group may be legally justifiable, in which case it does not necessarily constitute discrimination.

In many cases the differential treatment of children does not meet accepted criteria for justifiability or 'best interests', so cannot be seen as anything other than age discrimination; that is discrimination against children because they are children. (Breen, 2006)



9

3. Adults' responsibilities and children's duties

Relationships between children and adults cannot be entirely reciprocal in terms of rights and responsibilities.

For example, it is generally understood to be the responsibility of adults to protect or "safeguard" children, but children have no equivalent responsibility to safeguard adults.

Article 5 of the UN Convention states that parents and guardians are expected to provide "appropriate direction and guidance" to the child in the exercise of his or her rights; clearly a one-way street with no equivalent expectation on children.



10

The child's duty to respect adults is an ancient idea, built into the spiritual roots of many societies, e.g.:

"Honor your father and your mother, that your days may be long in the land which the Lord your God gives you."

It is also enshrined in more modern legal texts in many countries and cultures:

"The child, subject to his age and ability, and such limitations as may be contained in the present Charter, shall have the duty...to work for the cohesion of the family, to respect his parents, superiors and elders at all times and to assist them in case of need."

(African Charter on the Rights and Welfare of the Child. Article 31)



By contrast, the idea that there is a corresponding requirement for parents to respect their children is a novelty, no older than the UN Convention itself.

11

4. Leaving childhood behind

Childhood is a unique form of oppression, in that every child, on their 18th birthday, leaves the oppressed group behind, and is automatically admitted to the oppressor group (adults).

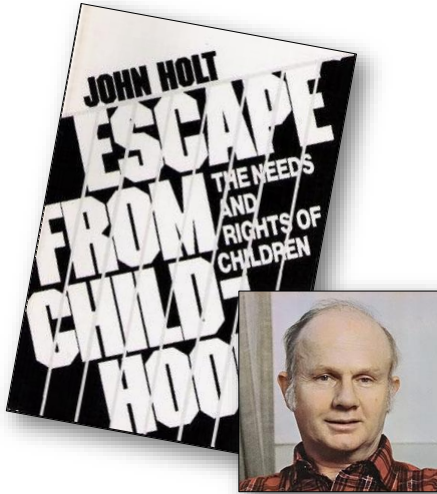
Writing just before the UNCRC, philosopher Onora O'Neill suggested that, compared to other oppressed groups, like women, disabled people and ethnic minorities:



"Children are more fundamentally but less permanently powerless; their main remedy is to grow up". (O'Neill, 1988)

12

5. Escape from childhood? Children's liberation

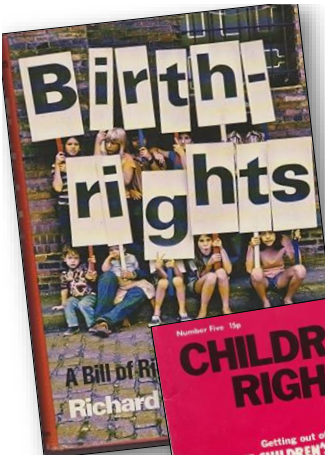


The "Children's Liberation" movement was influential in the 1960s and 70s. (Veerman, 1992) Children's liberation proposed:

"...that the rights, privileges, duties and responsibilities of adult citizens be made available to any young person, of whatever age, who wants to make use of them". (Holt, 1975)

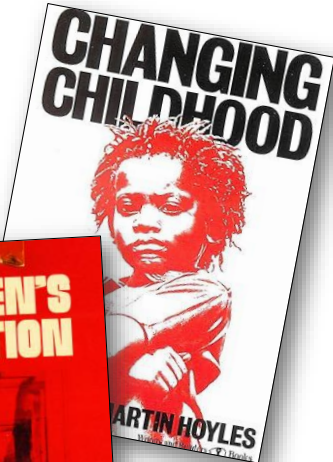
For Holt, these rights and privileges included the right to vote and take full part in political affairs, to travel and live away from home, to choose with whom to live and/or make one's own home, to receive the same state benefits as adult citizens and, "the right to do, in general, what any adult may legally do."

13

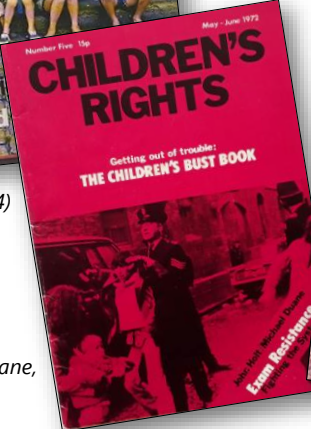


(Farson, 1974)

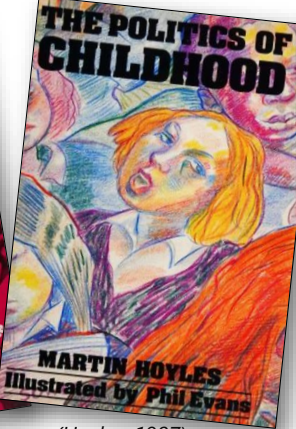
Drawing parallels with women's liberation and the US civil rights movement, advocates of children's liberation demanded nothing less than full social and political equality for children as an oppressed group, and urged the building of a revolutionary social movement that would demand this.



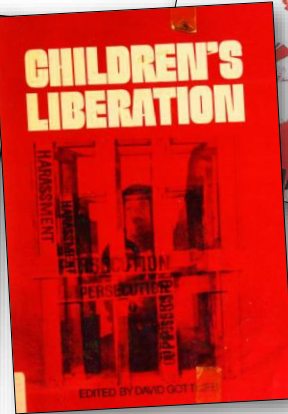
(Hoyles, 1979)



(Holt & Duane, 1972)



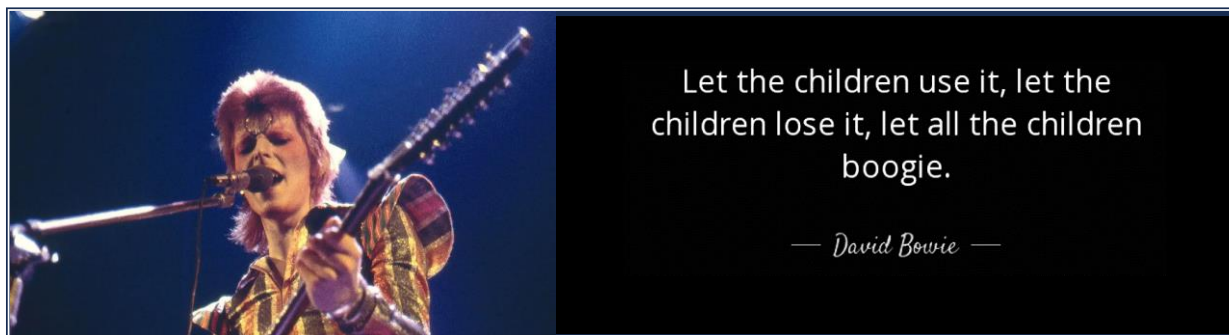
(Hoyles, 1987)



(Gottlieb, 1973)

14

Pause for breath



- ❑ What do you think of “Children’s Liberation” as a way forward for giving children true equality?
- ❑ What are the arguments in favour and against the liberation of children?

RECAP

We haven’t yet worked out what “**equality**” might be in relations between children and adults, but we have at least established some things it is **NOT**:

- It is **NOT** adults and children fulfilling identical or even equivalent **social roles** (though sometimes circumstances may force them to).
- It is **NOT** equivalence between the **responsibilities** adults have towards children and those that children have towards adults.
- It is **NOT** totally equalising the **power** held by children and adults (though power difference can certainly be reduced).
- It is **NOT** avoiding the question as **children will grow up** to be adults soon enough.
- It is **NOT** guaranteeing **equal rights and liberties before the law**. Laws will continue to be made prohibiting children from doing things that adults are permitted to do.

So what is it?



16

6. Tackling Adultism

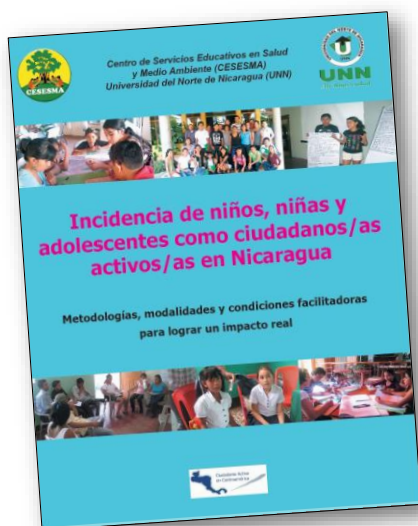


- 2010: CESESMA in Nicaragua led a national research project: ***“How children and young people influence public policy in Nicaragua”***.
- Adults and children collaborated to analyse case studies of experiences where children and young people’s direct influence on public policy was documented and attested by public officials.
- The main problems faced by children and young people seeking to influence policy-makers were identified as:
 1. **Adultism**
 2. **Dependency** (“Asistencialismo”)
 3. **Lack of accountability.**

(Shier et al, 2014)

17

CESESMA’S definition of Adultism



(CESESMA-UNN, 2010)

“The research team defines adultism as a belief system based on the idea that the adult human being is in some sense superior to the child or of greater worth, and thus the child, by default, inferior or of lesser worth. The term also describes social structures, practices and behaviours based on these beliefs.”

“These beliefs find support in a persistent view of the child as an object, and not a human rights holder. This construction of the child as an object can be found in both its traditional form, which views the child as property of his or her parents and a source of cheap labour, and in a more modern manifestation where the child is treated as an object of social interventions ‘in its best interests’ without being given the chance to express an opinion or to have his or her specific needs recognised and taken into account”.

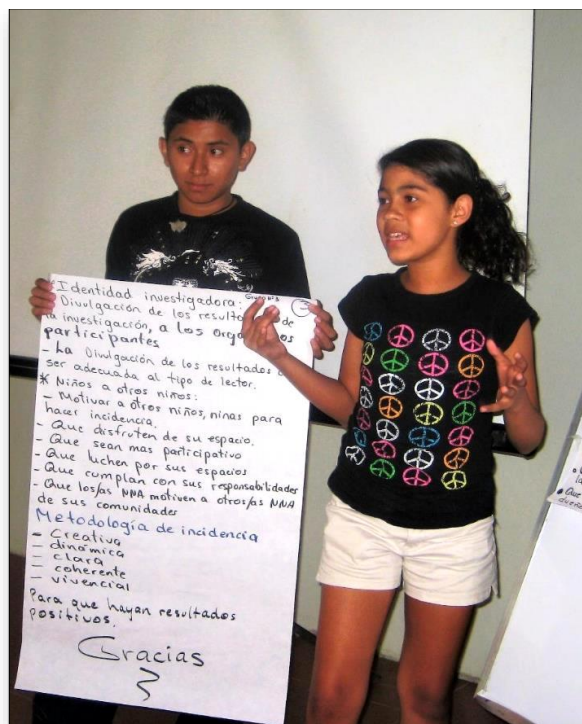
(Shier et al, 2014)

18

7. Rethinking equity in child-adult relations

"This analysis of adultism offers us a new way to conceptualise equity in child-adult relations: The idea that the child and the adult are of equal worth; neither is superior or inferior to the other. The obvious differences between child and adult are recognised and respected, but a more fundamental, or underlying, equality can be posited." (Shier, 2012)

This leads to three linked and mutually-reinforcing equalities between children and adults:



1. Equality as rights-holders

It is accepted as fundamental that children and adults are rights-holding subjects ("*sujetos de derecho*" in Spanish). Specific rights may be afforded to children as children (this is what the UNCRC does), and specific liberties restricted (which is the reality of local laws and customs around the world). Yet a fundamental equality resides in everyone's equal right to claim, demand and defend their rights, or have this done on their behalf if necessary, and to expect and insist that duty-bearers fulfil their obligations.

At the same time children and adults alike have an equal responsibility to respect the rights of all others – regardless of age.



2. Equality as ends and not means



The principle that every human being must be treated as an end in him- or herself, and cannot be used as a means to some other end, was formulated by Immanuel Kant in the 18th century.

And yet, all around the world, we see children treated by adults as means to their own selfish ends. Children are recruited into armies and paramilitary groups, children are used in drug-running, children are exploited sexually, and in more general terms, children are exploited as a source of cheap labour, both by employers and by their own families.

21

A Nicaraguan NGO leader described the reality in his country:

“Children are seen as an extension of the family’s property. In the same way as the father considers himself owner of the smallholding, the cow, the pig, the hens; at this cultural level, he is also owner of the children. Children are reified – seen as a thing, an object, as labour, guaranteeing to the parents that the labour force continues.”

(Quoted in Shier, 2010)

It is this kind of thinking that the concept of equality proposed here sets out to challenge and gradually eliminate. *(Shier 2012)*



Equality of human dignity

Finally, children and adults are equal in having inherent human dignity. The idea of human beings equal in dignity is another old and venerable concept. It is found in the United Nations Charter and in the opening words of Article 1 of the Universal Declaration of Human Rights:

“All human beings are born free and equal in dignity and rights.”

The UN Convention on the Rights of the Child starts with these words:

“The States Parties to the present Convention, considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ... have agreed as follows:”



23

It can be argued that in much of the ‘non-Western’ world it is traditional ideas of human dignity that provide the basis for promoting and ensuring justice and equity between people, rather than the concept of human rights founded in western liberalism. ...

Equality of human dignity – in this wide-ranging, culturally flexible sense – is thus a third key element of our alternative concept of equality between children and adults. (Shier, 2012)



To sum up...

Equity in relations between children and adults is based on recognition that:

- ☑ Children and adults have equality as holders and, where necessary, defenders of **human rights** (albeit with specific rights for children and specific responsibilities for adults acknowledged and understood).
- ☑ No human being, adult or child, can be used as a **means** to somebody else's selfish end.
- ☑ Wherever they live, and whatever the reality of their daily lives, adults and children are equal as holders of **inherent human dignity**.

(Shier, 2012)



References

All works by Shier are available at www.harryshier.net

- Breen, C. (2006). *Age discrimination and children's rights: Ensuring equality and acknowledging difference*. Brill.
- CESESMA-UNN. (2010). *Incidencia de niños, niñas y adolescentes como ciudadanos/as activos/as en Nicaragua*. CESESMA. https://www.harryshier.net/docs/CESESMA-Incidencia_de_NNA.pdf
- Farson, R. E. (1974). *Birthrights*. Macmillan.
- Gottlieb, D. (1973). *Children's Liberation*. Prentice-Hall.
- Holt, J. (1975). *Escape from childhood: The needs and rights of children*. Penguin.
- Holt, J., & Duane, M. (1972). *The Children's Bust Book*. (Supplement to *Children's Rights* magazine).
- Hoyles, M. (1979). *Changing childhood*. Writers and Readers Publishing Cooperative.
- Hoyles, M. (Ed.). (1987). *The politics of childhood*. Pluto Press.
- O'Neill, O. (1988). Children's Rights and Children's Lives. *Ethics*, 98(3), 445–463.
- Organization for African Unity. (1990). *African Charter on the Rights and Welfare of the Child*. African Union.
- Shier, H. (2010). Children as public actors: Navigating the tensions. *Children & Society*, 24(1), 24–37.
- Shier, H. (2012). *What does 'equality' mean for children in relation to adults?* [Background paper for Global Thematic Consultation on Addressing Inequalities]. United Nations.
- Shier, H., Hernández Méndez, M., Centeno, M., Arróliga, I., & González, M. (2014). How children and young people influence policy-makers: Lessons from Nicaragua. *Children & Society*, 28(1), 1–14.
- United Nations. (1948). *Universal Declaration of Human Rights*. United Nations.
- United Nations. (1989). *Convention on the Rights of the Child*. United Nations.
- Veerman, P. E. (1992). The Children's Liberation Movement. In *The Rights of the Child and the Changing Image of Childhood* (pp. 133–152). Brill Nijhoff.

27