



## 3. Social work with children and human rights

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**Abstract** This chapter explores human rights in social work with children, based on cases from several countries in the world. Human rights and social justice differ across countries and cultures. This is complicated further in respect of children who are dependent and as a result potentially vulnerable. This chapter discusses the balance between protection of the child versus allowing the child to be exposed to “risky” situations and develops a model for complex human rights social work with children.

**Keywords** children | human rights | social work | child protection

### INTRODUCTION

Following the Second World War, concepts of human rights, and subsequently the rights of the child, came to demand attention. This soon found its way into social work, both theoretically and in practice, but represents an ever-changing and developing aspect of the profession. It is, therefore, important in this chapter to locate children’s social work within the context of human rights as it presents in diverse situations in the contemporary world.

To do this, we will first provide a brief contextual history of social work with children. Defining historical points at which social work came into being is difficult and contested. In this chapter, we follow Lorenz’s (2007, p. 608) approach that social work history is “a dynamic weaving of a multiplicity of different strands of identity”. This allows us to set the pre-human rights development of social work with children at the confluence of campaigns for moral and social purity and social justice and to trace its growth from the 19<sup>th</sup> century into the 20<sup>th</sup> century post-war context of welfare state and social service expansion. Social work histories are predominantly Westernized, and the development of social work with children is set within this context (Parker & Frampton, 2020; Parker, 2023). As a result, the expansion of social work with children throughout the world, via colonial

administrations before the rise of Indigenous social work, will need to be taken into account and critiqued (Gray et al., 2013; Parker et al., 2016). This approach recognizes the importance and the deployment of WEIRD (see Henrich et al., 2010; Chapter 5, this volume) and, thus, our case studies are taken from various perspectives.

We will explore human rights in social work, the work of UNICEF, and some of the tensions that permeate human rights-based social work with children, paying particular attention to special needs arising from war trauma and early marriage. Notably, we will critique the pull between human rights and social justice, approaches that often collide and interrelate. Nevertheless, these approaches tend to gloss over the complexities of individualist versus collectivist traditions and take us back to concepts of moral and social purity versus social change and addressing socio-economic need, and to social care versus social control.

We will use case studies and historical material to exemplify some of the issues arising when considering human rights, social work, and children. These will variously draw from social work assessments in 1930s National Socialist Germany to children's rights movements, together with a consideration of campaigns for social justice relating to post-Brexit UK events and the wider international context, as well as considerations raised by the International Federation of Social Workers (IFSW). The chapter will conclude with a review of key aspects of children's social work and human rights, including caveats, and problematizing the concept.

## **SOCIAL WORK AND CHILDREN: A CHEQUERED DEVELOPMENT**

In 19<sup>th</sup> century Europe, childhood represented a developing and fluid concept in which perspectives of children jockeyed for position, posing as miniature adults, ruffians, and nuisances, *tabula rasa*, or innocents in need of protection (Ariès, 1962; James & James, 2004; Walker, 2021). In Britain, and replicated throughout other European countries, the perspective adopted has often depended on class-based assumptions which, in turn, were habitually driven or underpinned by religious fervour (Payne, 2005; Burt, 2020; Parker, 2023). This resulted, we believe, in the formation of two specific elements (see Parker & Ashencaen Crabtree, 2018; Parker, 2023):

1. *Functional children*  
Children, economy, and industrialization  
Children as “cannon fodder”: growing the militia

Children as (re)producers of the next generation: socializing sexualities and gender

2. *Problematizing children*

Children as “bastards” – inheritance stealers

Children as deserving or underserving: eligibility, class, and conformity

The National Socialist solution to disabled children and the eugenics movement

The growth of children’s rights and the “problem” of parents

As the 19<sup>th</sup> century progressed, the value of the functional childhood approach grew with policies and legislation being developed that were aimed at preventing abusive and dangerous work practices, exploitation, and the abandonment of children to the vicissitudes of the world (Parker, 2023). In the US and UK, legislation was passed that was designed to protect children from cruelty and neglect which could be seen as a precursor to promoting the human rights of children but could also be understood as protecting the future workforce and military and, therefore, defensive of the nation-state at least as much as it was intent on protecting children (Burt, 2020; Walker, 2021). However, this legislation and the organizations supporting its implementation represented embryonic forms of child protection social work that checked the physical abuses of children in family contexts. On a wider scale, legislation that limited the number of hours children could work, whilst promoting the up-take of education, also protected the economic and military interests of the nation-state and, whilst supporting children’s development on the one hand, often put impoverished families into more difficult pecuniary situations on the other. Thus, social and legislative developments and protections acted as a two-edged sword: bringing the treatment of children to the national stage whilst increasing their precarity (Ferguson, 2011; Burt, 2020; Parker, 2023).

The many charitable bodies acting on behalf of families and children presaged aspects of contemporary social work and created a context in which childhood became more distinct and seemingly worthy of protection. However, it must also be remembered that children were considered in more problematic terms. Children were a financial burden in times when contraception was scorned, not available or the preserve of certain classes or occupations. Private fostering and adoption practices were rife, as were abandonment and, at time, infanticide. Whilst these may be seen as acts undertaken by distressed or feckless individuals, they were also embodied in workhouse practices such as “farming out” or left in an unliveable condition of less eligibility (Burt, 2020; Parker, 2023).

Illegitimate children were visited with the actions of their parents who were disparaged and marginalized. Children in these contexts were seen as underserving in a similar way to those adults viewed as morally feckless and work-shy, the powerful blaming the marginalized and creating a distraction from structural problems. So, blame and punishment were applied to children who met these conditions (Parker, 2023).

Health care was in its infancy and often the preserve of the rich. Disability and ill health were often ignored and untreated, and many children died. In National Socialist Germany in the 1930s many children were selected by social workers for lethal injection by nurses as they fell outside the permissible boundaries of that which constituted the *Übermensch* or “master race” (Parker & Frampton, 2020). Despite this treatment, in many European countries, children represented the currency through which imperial and colonial aims could be fulfilled or maintained.

## THE SECOND WORLD WAR AND THE DEVELOPMENT OF HUMAN RIGHTS

It was following the Nuremberg Trials after the Second World War that the concept of human rights became enshrined in international law and codified in the Universal Declaration of Human Rights (UDHR) (United Nations (UN), 1948; Ife, 2008). This symbolic attestation to fundamental human freedoms, expectations, and entitlements stemmed from the atrocities of the concentration and extermination camps. The UDHR comprises 30 wide-ranging articles which countries were asked to ratify. The declaration coming from the Nuremberg Trials set out the articles by which we began to identify universal human rights. They applied to adults but to children as well, being under the care and responsibility of adults and individuals in their own right. The UDHR has, unfortunately, suffered from political wrangling by the major powers which has resulted in two separate covenants being produced that, simplistically, divide along “left”/“right” political stances: the International Covenant on Civil and Political Rights aligns with Western individualism, and the International Covenant on Economic, Social and Cultural Rights embraces a more social democratic perspective. In social work, we need both if we are to ensure that we address the human needs of children and young people as social beings in context and not just as atomized individuals. Indeed, it is this interwoven double helix of individual human rights and social justice in which we can locate common aspects of children’s social work (IFSW, 2014; Healy, 2016).

## HUMAN RIGHTS AND CHILDCARE SOCIAL WORK

Following the UDHR the UN developed the Convention on the Rights of the Child (CRC), which all UN member countries, except the United States of America, have signed. This convention sets out expectations for the social, familial, and individual treatment of children universally and, as such, is central to social work in this area. It is often portrayed as an unquestioned given that human rights and children's rights especially represent an unqualified human good. However, to accept anything in this way presents dangers, and in social work, in particular, it is important that we maintain a critical and reflective perspective at all times. Indeed, there are several areas that we must consider when exploring human rights and children (Healy, 2016; Mapp et al., 2019). These concern the interconnected relationship between human rights and social justice and the involvement of children in war, organized sexual abuse, and economic exploitation. There is also the concern of "childism" (age discrimination against children) in which children are, often for admirable reasons such as protection from supposed harms, treated with a stifling paternalism, which militates against their development as rounded human beings (Young-Bruehl, 2013).

The gazelle-unicorn cross, Pushmi-Pullyu, in Hugh Lofting's Dr. Doolittle stories for children, offers a useful metaphor for exploring the conflicting ways human rights affect social work with children as freedoms "from" and "to" various actions. Firstly, children are seen as being in need of protection, which can be construed as *freedom from* exploitative adults and social structures, but also needing to be "protected" from making decisions for themselves until a certain age. Secondly, children's rights campaigners militate against what they see as a denial of rights as freedom to make their own choices alongside freedom from the perceived paternalistic interference of adults or childism (Fox Harding, 1996; Young-Bruehl, 2013).

Drawing on Mapp et al. (2019) and their promotion of the definition by the International Federation of Social Workers, they argue that social work is a human rights profession in which social workers champion human dignity, non-discrimination, social participation, and transparency and accountability in service delivery. However, this call seeks to set individuals within their contexts and to deal with the social; it creates a nexus of rights and justice. It is this intermeshing of individual human rights in a social justice context that social workers are best placed to promote when working with individuals, families, groups, and communities. Children form part of all these groups, and the special consideration that children need, recognized in the 1989 UN Convention, acts as a substrate for practice that guard freedoms (both from and to), dignity, and developmental capacity alongside safeguarding needs (Berlin, 1968).

For the purposes of the UNCRC (1989) a child is anyone under the age of 18 years, all of whom are entitled to special care and assistance to develop and reach their potential in, wherever possible, a loving, understanding, and stable family. The Convention focuses on rights common to all, such as peace, dignity, tolerance, freedom, equality, and solidarity. It builds on universal principles and declarations including the Geneva Declaration of Rights of the Child, 1924; the UN Declaration of the Rights of the Child, 1959; the International Covenant on Civil and Political Rights, especially Articles 23 and 24; and the International Covenant on Economic, Social and Cultural Rights, particularly Article 10. The 54 articles are given equal weight recognizing that childhood is a time of growth, development, and exploration as well as a time requiring special attention – reminiscent of Lofting’s Pushmi-Pullyu. Four key articles in the CRC are particularly important in our exploration of social work with children and human rights. These are Article 2 concerning non-discrimination; Article 3 promoting the best interests of children; the right to life, survival, and development in Article 6; and the right to be heard in Article 12. All UN member states, except the United States, have ratified the Convention.

Increasingly, however, many social workers in Western states are losing their remit to engage politically and to advocate for structural change, for social justice that underpins and informs human rights (Lavalette, 2019). In the early days of social work as an international campaign, recognizing its multiple nature, figures such as Alice Salomon, Jane Addams, and others heralded movements for international peace, rights, and well-being that acted as precursors to the anti-discriminatory and anti-oppressive practices of more recent years (Parker & Frampton, 2020; Kuhlmann et al., 2022). However, social work is multi-layered, and ensuring that its social, environmental, and interactive aspects are set in the foreground is central if we are to assist people in change and development. The IFSW definition offers an important anchor when practitioners are faced with challenges to their identity (IFSW, 2014). We start by considering social work with child soldiers.

## **CHILD SOLDIERS**

There have been child soldiers since the ancient period, although often with strict protocols dealing with the nature of their involvement in campaigns, as “Fluellen”, the Welsh infantry captain, states at the Battle of Agincourt in Shakespeare’s *Henry V*. The vulnerability of children and their susceptibility to propaganda, especially after the experience of familial and national trauma, have led Human Rights Watch (2013) to bring the world’s attention to situations in which children are recruited or involved in armed conflict. Whilst at a macro, or tertiary action level, War Child,

UNICEF, Human Rights Watch, and other campaigning groups are able to take action, it is at the interpersonal level that social workers most often come into contact with child soldiers and those that have experienced armed conflict. The traumatic past of many migrants, often refugee or asylum seeker children and young people, lies in their experiences as child soldiers often implicated in the killing of relatives and other minors/youth in an attempt to bind them to whatever “cause” in which they find themselves embroiled. That being said, the honourable and courageous conduct of child soldiers in appalling circumstances, such as the First World War or the Warsaw Uprising of the Second World War, should also be remembered.

The 2002 *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* limits direct involvement in conflict to those aged over 18 years, makes 15 years the minimum age for joining the military, and requires recruitment to be voluntary. The protocol is optional, however, and social workers may often find themselves dealing with children who have been caught up in violent and political conflicts at a range of levels. They are not always child soldiers but exploited physically, emotionally, and sometimes sexually within those contexts, as Walker (2021) points out.

Safeguarding experts protecting children from the ravages of war and conflict, social workers are also those people who have the skills to engage with, listen to, and walk alongside the children. Whilst enabling children to advocate on behalf of themselves, they have an important role in the psychosocial healing of those youngsters (Parker, 2000; Parker & Ashencaen Crabtree, 2011). This is important in noting that mental health problems, particularly PTSD, interpersonal relationships, and trust, represent core difficulties arising from war and conflict and duly affecting children. Reuniting child soldiers, and those exposed to political violence, with families and loved ones where possible or reintegrating them into communities and providing education and loving socialization experiences are important when working with those who have been associated with armed conflict. As social workers it is important to remember also that since each article of rights in the Convention is given equal weight, arguing for the right to play, to relax, and to enjoy leisure is as important in the healing process as the right to be safe from violence (Article 19), or, indeed, the practicalities of health and emotional therapy or education. Winnicott (1971) argued convincingly that creativity and play are fundamental building blocks in developing both selfhood and relationships with the outside world. Social workers are well placed to develop relationships with children using creativity and play in healing the fractures caused through traumatic experiences.

At a community and organizational level there are needs for social workers to work to ensure the rebuilding of trust and the recognition that children’s needs

and rights require intervention, where prevailing myths of threats and dangers are greatly exaggerated. Whilst concerns about possible “radicalization” (a contested concept in itself) may feature in those communities and societies where children who have experienced armed conflict are placed, we must remember that children explore the world and its “givens” in ways that often react against the perspectives of previous generations. Social workers tread that narrow path between assisting those children unduly influenced by armed conflict propaganda and those exploring the world through different lenses. The risk averse element in communities where radicalization is concerned also runs counter to what we know as social workers: that change and development are not only possible but continuous throughout the lifespan (see Parker & Ashencaen Crabtree, 2020). This concern and the connected mythology of danger are also present at a political level. Let us consider the case of Shamima Begum in the UK.

In 2015, at the age of 15, Shamima Begum from East London travelled to Syria with two friends. She joined ISIS and married a Dutch recruit in Raqqa with whom she had three children, none of whom survived. In February 2019, she was found, after three years with ISIS, in a Syrian refugee camp in Turkey. The UK Home Secretary at the time, Sajid Javid, cancelled her British citizenship, stating she was a citizen of Bangladesh, something the Bangladesh government denies. Begum was born and brought up in Britain whilst her parents were of Bangladeshi origin. Javid argued that she was a threat to national security. She has appealed against the withdrawal of citizenship, but this has been upheld in the UK Special Immigration Appeals Commission judgement of 22 February 2023, and Begum remains stateless.

Social workers have a number of roles here. At an international NGO level, they can work directly with Begum and the trauma she has experienced both when a member of the ISIS community, in the light of her being bereaved of three children, and with the confusion that is likely to have surrounded her late adolescent development. Social workers in the UK can work at a familial level with the trauma experienced by Shamima’s parents in losing their daughter first to ISIS and then in respect of her treatment subsequently. They can advise on their daughter’s removed citizenship and her future security. At a community level, social workers can help with building trust within the community in recognizing Shamima’s vulnerability, however that is defined, and can work with any concerns regarding her radicalization or worries about any dangers she may be believed to pose if she were to return. Social workers can also work politically to challenge the potential denial of human rights by making Begum stateless, which runs counter to the Human Rights Act 1998 and the UDHR. This is a feature, also, of the problematic question of child brides.



## CHILD BRIDES

His father had died of the plague before his own birth .... when his mother was only thirteen years old. The birth was extremely traumatic and the lives of Margaret and her young son were in danger for some time. Although she subsequently remarried on two occasions, she had no further children, quite possibly as a result of the physical harm she had suffered. Later in her life she would express strong disapproval of the practice, which was not unusual, of allowing girls of the age she had been to enter full marital relationships, with the risk of such early childbirth.

(Jones, 2002, p. 134)

This account relates to the extremely dangerous and agonizing childbirth by the noble “child” Margaret Beaufort of her only offspring, Henry Tudor, who would eventually become Henry VII upon the devastating defeat of the “crook-backed” reigning Plantagenet monarch, Richard III, at the battle of Bosworth in 1485.

Recalling, as well, that Shakespeare’s stage play heroine Juliet was also 13 and that her Romeo was a mere stripling of 15, the contemporary reader may marvel at how soon the aristocracy historically was expected to “come of age” in the complex power games of betrothal, marriage, and heir production.

This account could be easily dismissed as belonging to a long buried, European past of the *ancien regime*. Today the notion of very early marriage has not only become a public health and gender equality concern (Schaffnit et al., 2021); it is more commonly associated with unfamiliar cultural practices enacted in remote, developing regions such as Bangladesh and Nepal, sub-Saharan Africa, Yemen, and Afghanistan. Indeed, there is a good deal of truth in that assumption, where UNICEF (2021a) estimates that there are many millions of young people globally married prior to reaching the age of 18, and a significant number of those were married before the age of 15, many in developing countries. For example, in Yemen we learn that

14 percent of girls in Yemen are married before reaching age 15, and 52 percent are married before 18. A 2005 study by Sanaa University noted that, in some rural areas, girls as young as eight are married.

(Human Rights Watch, 2011, p. 1)

Another common trope associated with very early marriages revolves around the anachronistic dyad of the very young girl coupled with the much older male. The sexual pairing of pubescent girls and older males is notoriously the stuff of pornographic fantasy, as well as inspiring Vladimir Nabokov’s (1953) literary,

eponymous masterpiece, the grotesque, tragi-comedy of the perverted, lovelorn, aesthete Humbert Humbert and his prey-idol, the “nymphet” Lolita.

Removed from fiction, facts inform us that although 115 million under-eighteen marriages involved young boys, this figure is dwarfed by the 650 million girls who undertook early marriages to often much older adult males (UNICEF, 2021a). The shocking disparities of stark gendered and generational power are illustrated in a single photograph accompanying the UN’s (2012) call to end child marriages in the International Day of the Girl Child. The photograph shows grave Ghulam Haider, aged 11, seated next to her grim and grizzled 40-year-old fiancé, Faiz Mohammed, in rural Afghanistan.

In Nepal, the intersectional oppressions of gender and caste were laid bare in the unresolved scandal of Angira Pasi, a 12-year-old girl from the Dalit caste (once known as the “Untouchables”). Angira was raped by a man in his 20s from another caste. The Dalit community decision was that as Angira was a consequently sullied chattel, she was promptly married to her rapist. Subjected to renewed abuse in the shape of domestic violence by her assailant-husband and his mother, her dead body was discovered hanged from a tree. Despite the evidence of foul play, the local police have returned a view that this was suicide, not murder (Human Rights Watch, 2020).

These examples corroborate the UN’s (2012) assertion that child marriages arise through deeply engrained cultural assumptions regarding the inferior worth of girls and women, premised on male control and supremacy. In addition, a number of other harmful practices are associated with child bride unions: typically, dowry and bride prices, child trafficking, termination of school education, child labour and exploitation, sexual and other domestic violence, polygamy, and female genital mutilation (Girls Not Brides, 2020–2021). Moreover, the younger the bride the more dominated she will be with fewer recognized rights in marital unions (UNICEF, 2021a). Finally, early pregnancy and childbirth in undeveloped female bodies is clearly associated with great physical (and no doubt, psychological) harm, as Margaret Beaufort bore witness to in the 15<sup>th</sup> century.

Girl child bridal customs are also associated with marginalized and impoverished groups in which girls are subject to higher risk of being wed too young, in times of precarity, owing to socio-economic or civil upheaval. For example, writing from Turkey, Östürk et al. (2020) report on the position of Syrian and Afghan refugee and asylum seekers in the country, where two studies respectively show that 14 percent of Syrian girls below the age of 18 have been forcibly married to older men, frequently entering polygamous unions. These circumstances have resulted in many pregnancies among 13- and 14-year-olds. Afghan girl children are subject to the same familial abuses for similar reasons: that in times of

social and financial stress, removal of one individual reduces the strain on individual families by depositing the care of young daughters on to so-called male protectors. What is apparent is that such conditions provide excellent opportunities of predatory older men to exploit girls under an assumed if contested veil of respectability.

In this vein, a very alarming statistic relates to the huge disruptions caused by the COVID-19 pandemic globally which impacts the most heavily on fragile social systems. UNICEF (2021b) duly asserts this has put a further ten million girls at risk of child marriages, with progress towards finally eliminating the practice being set back.

The issue of child brides could be viewed as smacking of essentialism in connection with the assumed benighted, gendered, and economic practices in far-flung corners of the world. It is worth noting therefore that such marriages may be actually illegal in certain countries but are otherwise culturally endorsed as traditional practices. However, these lead to such child “wives” being subject to even less legal protection of their rights than lawfully recognized adult wives.

Moreover, marriages below the age of 18 are by no means unknown in Europe, where it is only in Denmark, Sweden, the Netherlands, and Germany where 18 is the minimum age for marriage of either sex. In other European nations early marriages for 16-year-olds can be undertaken with parental or Court consent, although in Scotland, the minimum (autonomous) age is set at 16. Poland and Lithuania observe gendered norms, where in the former case, boys must be older than 16, and in Lithuania pregnancy can result in girls marrying younger (European Union Agency for Fundamental Rights, 2018). However, until the law changed in 2015 to raise the minimum age by two years, Spain permitted 14-year-olds to wed.

Traditional and arguably out-dated gender norms come to the fore in the case of child marriages in Europe, where while boys are protected from early marriage in Poland, the issue of the risk of sexual promiscuity in girls and the risk of progeny out-of-wedlock is sufficient rationale to propel girls into early marriage in Catholic countries.

In contrast to other Northern European nations, minors were able to marry in the UK until 27 February 2023. Strong demands for legal changes to prevent child marriages with parental consent, owing to the opportunism for forced marriage this legal loophole permitted, led to the passing of the Marriage and Civil Partnership (Minimum Age) Act 2022. It has been known for many years that thousands of British schoolgirls have been taken on “holiday” to their parents’ countries of origin in, primarily but not solely, the Indian subcontinent, and there married to actual or comparative strangers with or without their prior knowledge (Ashencaen Crabtree et al., 2016). Nonetheless, the question of consent muddled

the waters in the UK legal system, where apparent “consent” by young girls to marriage prevented the police from taking legal action. However, as the following case study makes clear, the “consent” of a child bride under the control of family members is at least suspect, but is not entirely invalid.

The daughters of a Kurdish migrant couple residing in London, Banaz and Payzee Mahmood were subject to female genital mutilation at a young age and married to much older men at the ages of 16 and 17 respectively. In 2006 Banaz’s body was found concealed in a suitcase following rape, torture, and murder by male relatives brought in by her parents to despatch the girl. A case of so-called “honour” femicide, her crime had been to leave her forced marriage under which she had experienced continual rape and severe beatings, and to subsequently to fall in love with a decent man.

Payzee is now an anti-child marriage activist pushing for the reform of the age of marriage in Britain, fuelled by the tragedy of Banaz’s case and her own child marriage. Payzee described herself as an ignorant child who did not even understand the Arabic Islamic wedding service she felt coerced into consenting to, followed by the final seal of marriage at the Civil Registrar ceremony where no one commented on the anomaly of an older, balding man marrying a school girl. The subsequent trauma of her repugnant marriage founded on rape and violence led to self-harm and attempts to escape. Aged 18, the month of Banaz’s funeral, she finally obtained a divorce from her husband under his condition that she should shoulder the blame for the marriage’s failure to save his “face” in the Kurdish community (Summers, 2020).

Raising the age of marriage to 18 in Britain is regarded as a very important step towards the protection of children with good reason, as the evidence indicates. That this change will impact on particular minority ethnic communities over others is overtly understood. Early marriages are a traditional feature of some established groups in the UK, particularly the Gypsy, Roma, and Traveller communities. While it is emerging that domestic violence is widespread in Gypsy and Traveller groups through close control of women and girls, where divorce may result in widespread community ostracization of the victim, less is known about the situation in the Roma community (UK Parliament, 2020). How exactly early marriage and domestic violence may be connected, if they are, in these communities has yet to be fully investigated by research. However, what is accepted is that the eradication of child marriage, with a particular emphasis on child brides, is absolutely necessary to meet the UN Sustainable Development Goal 5.3 which refers to gender equality and the empowerment of women and

girls. Alongside child marriage, there are other forms of child exploitation, to which we now turn.

## CHILD EXPLOITATION

The capacity to negotiate the social and political world has been severely constrained in contemporary social work, and social workers may increasingly find themselves restricted to safeguarding (child protection) and individual rather than interpersonal foci. This means that the broader economic exploitation of children and young people around the world is removed from the purview of social workers in countries where those children and young people do not work by necessity, leaving the consumption of exploitatively produced goods sometimes unquestioned and the campaign for economic, political, and social security of those people unfought.

However, the focus on economic viability can also be seen in Western countries. The new functionalism of childhood in the UK was resurrected with the advent of New Labour's emphasis on education, which led to a focus on support and development, which were great shifts but ones which came with a twist: the rise of the economic child – *homo economicus* (Parker & Frampton, 2020). Childcare policy articulated within *Every Child Matters* in UK was ground-breaking and certainly considered early intervention to support the human rights of children, young people, and adults.

The turn to the economic when considering the potential of the child is well intentioned and looks towards securing a financially secure future. However, it also privileges the economic above other aspects, and given the political direction of governments to increase precarity and commend personal responsibility for financial security, it introduces a trend towards negating children's human rights. The focus on economic viability as security, whilst important, is ominous in the neoliberal context in which it was born. It influenced a reductionist view in which children were once again seen as the important units of economic, mercantile security if not military safety. So, it is important as social workers to remember that all articles in the UNCRC (1989) are treated as equally important. The right to relax and play (Article 31) should be given no less weight than the right to education (Article 28). Correspondingly, we might, as social workers, want to question an unremitting emphasis on economic viability through education to promote a more rounded view of childhood and the actualization of the self which is so much broader and deeper. The right to play and relax is crucial to child development and, if a functionalist perspective is required, promotes a well-balanced human adult.

Let us now turn from the international and national emphasis on key issues, drawing on comparative examples from youth justice and “everyday” social work, where human rights can be relegated to the background.

## THE RISE OF THE POPULIST RIGHT – AGAINST YOUNG CRIMINALS, SUPPORT FOR YOUNG PEOPLE

There have been many calls in the Anglo-Saxon world for a “sharp, short, shock” to be delivered to young people and children involved in committing crime, thereby demonstrating a contradictory and bifurcated approach to children as “angels with dirty faces” or “young devils”, without acknowledging the structural causes of much of that crime (Harris & Timms, 1993). Of course, in other nations, such as the Nordic countries, there is more acceptance of the reasons why crimes are committed and the needs of children and young people in developing more pro-social lives.

Harris and Timms (1993), writing before the enactment of the Human Rights Act 1998 in the UK but after the ratification of the Convention in 1992, recognized the controversial and contested nature of “rights” when considering children who had committed offences. It is interesting to consider social work and human rights when comparing two cases of murder of children by children: one from the UK, James Bulger, and one from Norway, Silje Rodergård.

The murder of nearly three-year-old James Bulger in 1993 in the UK was fraught with potentially violent repercussions across media, professionals, politicians, and wider society. James was taken by two ten-year-old boys, John Venables and Robert Thompson, and brutally murdered on a railway track a few miles from where he was taken in Bootle, Merseyside.

The two boys had their right to anonymity as children removed, and their pictures and names were published in national newspapers. Also, they were tried in an adult court because of the severity of their crime and sentenced to be detained at Her Majesty’s pleasure, which would be at least eight years. The case reflected the general public’s shock that two ten-year-olds were capable of brutally killing a toddler, and the outcry against them was venomous with calls for the harshest of punishments and violence to be meted out to them. Indeed, angry mobs harangued the court and the police vans carrying the two boys.

However, the populist newspaper *The Sun* assumed a moralistic position on behalf of the angry public and demanded that the Home Secretary increase the minimum sentence they were to serve, which he did, stating they should

serve at least 15 years. Fortunately, the UK House of Lords followed by the European Court of Human Rights ruled that the Home Secretary had acted illegally and that the boys had not had a fair trial. The Lord Chief Justice restored the original eight-year minimum term, after which Thompson and Venables were released.

Following their release, the boys were granted lifetime anonymity (see Heslop & Parker, 2020) and a change of identity. This has been challenged but maintained. One of the boys has integrated back into society and has not reoffended whilst the other has been in further trouble for fighting and possessing cocaine in 2008 and was sent to prison again in 2010 for possessing images of child abuse and again for the same reason in 2018.

In Norway, the reaction to a child's murder by other children was no less traumatic but resulted in a markedly different approach. Silje was older than James and her killers younger than his, but there are comparisons in respect to acts of murder by children against other children that evoke great pain and anguish. Silje was five years old when she was beaten to death by two six-year-old boys, whom she knew. Just as in the Bulger case, one of the children who killed her has been in trouble since.

The great difference has been in the response to the killing. In the Bulger case, as we saw, the children's names were released to the press, photographs were published, and politicians became involved in playing to the populist anger and outrage (James & McDougall, 2010; Heslop & Parker, 2020). In Trondheim, however, whilst Silje's parents were, of course, traumatized and overcome with initial anger, there was some sympathy for the killers because of their ages, and there was no sensational reporting of the case. The professional response was to calm the community rather than inflame or play up to it, and the children were kept out of the criminal justice system and assisted by child protection workers. They were transferred to a different school and supported by the community around them. The impact on Silje's mother and siblings has been hard, as would be expected. However, her mother was still prepared to argue the Norwegian system is the better one, and Norway itself appears to have put first the rights of the children in a most traumatic situation. One step removed from the personal distress of such an incident, it is interesting to note that Norway's press, politicians, and people have been able to focus on the children involved rather than to use it as a populist excuse for baying for the blood of other children.

The preceding examples and case studies preface the call for greater safeguarding of children and children's rights. We will now examine this trend.

## THE TURN TO PROTECTION/SAFEGUARDING AND ISOMORPHIC CONVERGENCE

Safeguarding or protective social work is premised on the concept of “freedom from” abuse, harm, or risk which can result in the paternalistic restriction of children and young people from self-actualization. The line is finely balanced, and it is in this context that social workers are put to the test. If we take the examples above of child soldiers, child brides, and exploitation through work, alongside abuse and neglect, we would support social work from a child protection position; children and young people cannot be subject to such abuses or exploitation. However, if protection is all that social workers do, they will fail to enable children and young people to grow into independent, rounded human beings who can make decisions and choices for themselves and able to negotiate the slippery boundaries and dangerous contexts of contemporary life. This has become a fear amongst many social workers after austerity measures were introduced following the 2008 financial crash and services were cut. In the UK, political interference in social work education and practice has suborned social work’s broad remit, replacing it with a mandatory protection role.

If we look to the human rights and social justice foundations for social work with children, we may, in the UK, return to our understanding of the paramountcy principle under section 1 (1) of the Children Act 1989 which stresses the “best interests and welfare” of the child must be taken into account at all times and in all decisions made for the child. These are not necessarily the same as wants, but the welfare checklist also requires social workers to ascertain the wishes and feelings of the child, as well as safety and developmental needs when making decisions. This has synergy with Article 12 of the CRC which concerns the right of the child to be heard and have a voice in proceedings relating to them. It states that:

the child who is capable of forming his or her own views (*has*) the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

The social worker has a clear advocacy role in promoting the child’s rights in respect of Article 12. Sometimes this may run counter to the perceived wisdom of parental authority but need not. Instead, it gives the child appropriate voice, recognizing the child’s own rights and preferences in consideration of their age and maturity or capacity to make informed choices and decisions. Taking into account the last clause allows social workers to exercise judgement in working on behalf of



the best interest of that child, not simply doing their bidding. The key social work skill here is that of making professional judgements or decisions, requiring confidence, a secure value base, and adequate knowledge of the child, the context, the legislation, and child development needs (Ferguson, 2011).

Another problematizing distraction concerning human rights social work and children relates to the faux intergenerational conflict created by suggesting that children's rights must necessarily clash with the rights of parents. This has, perhaps, been most pronounced in the debates concerning the so-called right of parents to physically chastise or punish children. Whilst it has long been outlawed in Scandinavian countries the British defence of "reasonable" chastisement has forced a wedge between children and adults that has allowed differential treatment and physical punishment of the one by the other. Social workers practice within the law and, therefore, have been subject to the defence argument of "reasonable" chastisement under section 58 of the Children Act 2004 in England, although a similar defence was removed from Scottish law in 2020 under the Children (Equal Protection from Assault) (Scotland) Act 2019, while Wales has passed legislation to outlaw smacking by 2022. However, this has not stopped research, using the experience from other countries and logic, to be deployed in calling for its abolition and replacement by more pro-social forms of parenting. Where education and childcare have been deleteriously affected by austerity measures and growing social inequalities, this has been difficult at a structural level but, even there, social workers have contributed to the debate and through political campaigning have ensured that children's equal rights to protection from assaults are preserved (Fox Harding, 1996; Commissioner for Human Rights, 2008).

Sometimes children's rights must be preserved by exerting parental authority which does not meet the wishes or desires of the child. However, the parent has responsibility for the safety and development of the child and a responsibility to guide towards or away, in the child's best interests. Therefore, there are often tensions between Articles 12 and 3 (the child's wishes and their best interests). Social workers are there to offer a guide to parents in negotiating what are difficult everyday areas of family life, but which oscillate around the child's rights *in toto*.

Social workers are concerned with the whole child in context, requiring a focus on well-being, growth, development, and opportunities to reach their capabilities. We have since Winnicott (1971) onwards recognized the need for play and relaxation. We recognize the need for education and for family life, when imbued with happiness and love. Social workers have a role in ensuring this at an individual, interpersonal, and social level but also have a political role in campaigning for

the child's well-being in respect of social policy terms and macro-political freedoms. Thus, social workers campaigning for a Universal Basic Income are undertaking their role seriously in seeking to provide social security, freedom, and equality – things that resound with social work values the world over. This concept also allows adults to “play” more and therefore to act as role models for those children in promoting the creative, playful side of being human so important to our actualization.

## CONCLUSIONS

Social work operates within a disparate multifarious profession. It deals with people in their environmental contexts, although the separation of practices into specialist fields can sometimes prevent social workers from using their expertise across the changing landscape of human life. This is unfortunate if, for instance, a skilled social worker for people with eating disorders works only with adults. The adult/children split is perhaps the most nefarious since it concretizes the socially constructed position that there are clear boundaries between the two rather than a fluid and socio-politically influenced one. In this chapter we explored the development of human rights in social work, the work of UNICEF, and some of the tensions within human rights-based social work with children, social justice, and particularly the special needs arising from war trauma and early marriage. We recognized the tensions between human rights and social justice and explored some ways forward from which we develop, below, a model to guide and understand future practice.

We note that social workers practise with individual children, their families and ecological groups, communities, and wider society; indeed, some social workers operate internationally in charities, development agencies, and other non-governmental organizations. Therefore, social workers need to develop skills in interpersonal work and political negotiation, at local, national, and international levels. This demands a degree of professional literacy that is far-reaching. It is based within and guided by the values of social work but requires embedding within social work education and training, both of which are recognized in the IFSW and by the International Association of Schools of Social Work. Human rights-based social work with children requires an approach that is preventive, interventive, and structural with social workers who work interpersonally with families, groups, and communities and campaign politically for change. Stemming from our excursus into diverse aspects of social work practice with children and human rights, a model for human rights social work with children is presented in Table 3.1.

**Table 3.1:** A model for human rights social work with children

	Primary action	Secondary action	Tertiary action
<i>Children</i>	Empowering children to prevent harm and abuse or enabling growth and development	Working with organizations to promote voice	Providing children with the means and understanding to be political
<i>Families, groups, and communities</i>	Providing education, support, and assistance	Working with organizations to promote dignity, freedom, and equality	Encouraging and enabling political involvement
<i>Political structures</i>	Service evaluation and research; including the voice of the child	Direct political campaigning and lobbying in organizations and social services	Direct political campaigning and lobbying at political party level

Human rights, as a concept underpinning practice, is increasingly central to the curricula of social work qualifying courses. However, as we have seen, human rights become enlivened when contextualized within a social justice framework. Some may argue that human rights and social justice are ultimately incompatible with one concerning the individual and the other the corporate. However, they reflect the life that is led by humans – individuals in societies or person-in-the-environment. It is this interconnection between the individual and the wider interpersonal and social environment that philosopher Martin Buber captured in his seminal work *Ich und Du* in 1923, and it is timely for social workers to remember that we only become fully human in our relations with one another. The role of social workers who employ a human rights perspective with children requires skills that negotiate the needs of individuals in relation to and within their ecological contexts, recognizing that children too have rights and need protection from harm and capacity to make decisions and choices and to act according to their wishes and feelings where appropriate.

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