Children’s rights
A critical geographic perspective

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Two relatively recent struggles highlight the importance of understanding that young people’s rights are geographically variable. In the early 2000s, as Slovenia prepared for accession to the European Union, a series of rights abuses came to light. These violations involved the official “erasure” of over 25,671 people (mostly ethnic Serbs, Croats, Bosniaks, and some Roma) from Slovenia’s permanent residential register in 1991, thereby denying them legal status and an opportunity for citizenship. Official statistics enumerate 5,360 of the erased as under 18 years of age (Kogovšek 2010, 133). Izbrisani (“erased”) infants were entered into the Slovenian register of births as citizens of another Yugoslav republic, but often the republics in question were not informed of the birth. In that jus sanguinis was used to grant citizenship, it did not matter that these children were born in and lived their whole life in Slovenia. Not only were they denied rights and legal status in Slovenia, they were not claimed by any other former Yugoslavian states. Erasure led to stateless children. For years, these young people were literally locked-in-place with few rights and considerable privations. The direct consequences of losing status during the erasure process included loss of health insurance, no state-funded schooling beyond primary level, little likelihood of attaining legal employment and no possibility of legally driving a car or getting married. Other aspects of erasure included daily exposure to the sometimes arbitrary conduct of police officers and bureaucrats, thereby limiting free movement and access to information. The contexts of erasure sometimes showed up as strictures and rebukes, as detention and expulsions, or as denial of access in processes that seemed capricious and at the whim of bureaucrats. In a subde form of state violence, during the 1990s and early 2000s, erased young people were isolated one from another, and blame for their misery was placed squarely on their and their family’s shoulders. The situation was sufficiently dire for erased resident Aleksander Todorović that he began a hunger strike at Ljubljana Zoo in February 2002 and, by so doing, brought the plight of the Izbrisani to the attention of the
media. From this action the Association of the Erased Residents was created, which not only provided a political focus for the group, it also created a forum for the collection of erasure stories (cf. Zorn and Lipovec Čebron 2008). A series of hunger strikes in 2005 began at the Croatian border and then moved to the UNICEF headquarters in Ljubljana to publicize the children who were part of the erasure. In 2006 a group of Izbrisani (including young people), activists and lawyers drove to the European Court on Human Rights in Strasbourg in what was dubbed “The Caravan of the Erased” to highlight, among other things, the plight of erased children.¹

The second example of the geographic variability of child rights violations arises at about the same time as the Izbrisani were beginning to get media and legal attention in Europe. In Spring 2006, students in Chile took to the streets and occupied high schools to protest the neoliberal privatization of education that began with the Pinochet administration in the 1980s and continued through the 1990s to accelerate disparities between rich and poor students. Within a few weeks the protests grew from a single march in Santiago to a nationwide campaign that placed half of the schools in Chile on strike or under occupation by students. The marches peaked on May 30 2006 when 800,000 students took to the streets. The protests and occupations became known as the Penguin Revolution because of the black and white uniforms (and sometimes school desks) that filled the streets, and it is often referred to as the first social media revolution because of young people using mobile phones and texting to organize quickly and in advance of government reactions. The Pingüinos received coverage on the websites of international non-governmental organizations (NGO), and they gained support from labor organizations and from students in affluent private schools who came out onto the streets in support. The United Nations (in particular, UNICEF) contacted the Chilean government to voice concerns on behalf of children’s rights. By taking over the streets in their school uniforms – by being, literally, out-of-place² – the Pingüinos created a new space that caught the attention of the world. The movement simultaneously occupied virtual space through social media and the Internet.

I begin with these two examples because they not only question the quirky geographic contexts of mobility, citizenship, and education, and raise the potency of children’s presence and young people’s voices to interrogate the core of geo-economic restructuring and neoliberal statehood, but they demand, in different ways, an understanding of the relations between children’s rights and space. Izbrisani children were locked-in-place and deprived of basic human rights to protection and civic identity; with school uniforms and desks, Pingüino children were out-of-place to highlight their right to a fair and just education system. Together, these examples suggest children’s rights in place and rights to space. The idea of place that I focus on in this chapter is less about a phenomenological sense-of-place and belonging wherein people emotionally experience their place in the world (although it is that too), and more about the political use of places to define those who have access and rights and those who are excluded.

¹ The European Court of Human Rights (Third Section), the case of Kurić and others v. Slovenia (application No. 26828/06), initiated in 2006, judgment in favor of plaintiffs in 2012.

² This is a somewhat different context from the “out-of-place” elaborated by Mark Connolly and Judith Ennew (1996, 132), which focused on street children’s “dislocation from the places that are commonly referred to as ‘normal’ for western, modern middle-class children – family homes schools and clubs organized by adults,” because the Pingüinos’ actions were not about dislocation but about a willful, politically-motivated relocation that aligned in part with Henri Lefebvre’s (1991, 1996) call for the right to urban space as a common right to renewed access and transformation (of space and of ourselves).
Ironically, the *Izbrisani* children were locked-in-place by forces of exclusivity, which made clear that they did not have rights or belong, but they could not leave for fear of being unable to return to the place they knew as home. Space as I use the term in this chapter is less about a surface upon which we are placed, and more about the way spaces are created and produced (LeFebvre 1991; Massey 2005). Most often, space is taken for granted and the ways it is created and produced are left un-thought. But there are inherent politics to that creation and production, and we – adults and children alike – have a collective right to be part of those politics, and hence the production of space. The *Pingüinos*’ case highlights the power of young people wilfully occupying spaces (schools) and taking over streets to push for a fair and just education system; the *Izbrisani* case highlights the ways a group of people collected around the power of young stories and took political action to win rights in place. As David Harvey (2008: 23) points out “[t]he freedom to make and remake our cities [read spaces] and ourselves is … one of the most precious yet most neglected of our human rights”.

In what follows I begin by sketching a critical perspective on why space matters to children’s rights. I follow this with a brief discussion of the early work on children’s rights by Marxist geographer Bill Bunge before moving, in the third part of the chapter, through some feminist-inspired work by geographers that focuses on sites of reproduction. Understanding reproduction is a critical expansion of Marx’s production/consumption dialectic, and feminist geographers have taken pains to show the ways that this dialectic lands in local places to impact the lives of women and children (Katz 2004) and how, in turn, the work of women and children is crucial for the global political economy (Gibson-Graham 1996, 2006). I expand on reproduction in the fourth section with a consideration of children’s rights in the variegated contexts of global space; what geographers call *heterotopias*. In the fifth section I consider critiques of the 1989 United Nations Convention on the Rights of the Child (CRC) in advance of problematizing children’s rights in a globalized world and, specifically, their rights in place and their rights to space. In the last twenty-five years a growing concern with post-structural and relational perspectives raises questions about what, specifically, children’s rights do. What are their affects? I argue in this penultimate section for a consideration of what rights do spatially and, concomitantly, for the importance of spatial rights. In the conclusion I return briefly to the ongoing *Izbrisani* and *Pingüino* struggles and offer questions for future consideration.

### 1. Space matters

In 1994, Jens Qvortrup and his colleagues published *Childhood Matters*, an anthology of papers emphasizing new critical theories and interpretations of children in modern society. The enduring focus of the papers was that children mattered in and of themselves, and in terms of their relations with families and communities, and the state. The volume was in part responsible for what became known as the new sociology of childhood, which emphasized young people’s agency and autonomy (James *et al*. 1998). Qvortrup and his colleagues argued that children are important in their own right not only for themselves but also for the role they play in society, and it is not appropriate to think of young people as merely developing and integrating into larger societal wholes (Qvortrup *et al*. 1994). With this chapter I argue that societal wholes are always geographically variable, and that studying the ways young people imagine, create, inhabit and produce spaces is crucial for understanding children’s rights.

A critical geographical perspective on children’s rights is founded on a *post-structural relationality* that positions space as something more than a mere container of young people’s activities. *Post-structuralism* requires that we understand space as imagined, created, produced and
dynamic rather than as a static three-dimensional structure within and through which life is played out. In her classic admonition to not neglect the importance of space, Doreen Massey (2005, 17) argues that the concept has “… the implacable force of the patently obvious” and, she notes forcefully, “that is the trouble” with space. Concepts of space, place and scale are much too important to suggest a simple mechanistic Cartesian association or an apolitical phenomenological embeddedness. Massey (2005, 19) suggests that when space is used in ways that relate to banal connections, it comes to be associated with habituation that disassociates it from a “full insertion into the political.” A contemporary geographical perspective on children’s rights reinforces the perspective that space is produced, is palpable and is fully political.

_Relationality_ embraces the diverse contexts of young people’s lives with an understanding that their social world is imagined and produced through spatial processes and, concomitantly, that their spatial world is imagined and produced through social processes. Geographers call this interleaving of social processes shaping the spatial and spatial processes shaping the social _spatiality_. Places are not simply sites that help understand a particular context of young people’s lives, they are actively created by young people and their relations with the world (including other young people, adults, communities, institutions and environments). Interlocked with and woven throughout these socio-spatial complexities are the contexts of scale and how it is produced. At its most abstract, scale is conceived as the relations between the local and the global, and within those relations are embedded powerful family, community, city, regional, national and state forces. Scale conceived in this way problematically suggests a nested, hierarchical structure through which young people come to understand the world, but it is altogether reasonable to think of the world as ontologically flat wherein scale is seen as simply another network of relations (cf. Marston et al., 2005). Within these assemblages, young people occupy and move through a range of relations: some are intense, others banal; some are exploitative, others coddling; some are about exposure and tokenism, others about erasure; some are about dependencies, others are about political will.

A common misuse of the so-called spatial turn in the sciences, social sciences and humanities is to uncritically add the physicality of space to the mix and stir. Space is much more nuanced than its tangibility suggests, but an enduring research and policy legacy from the Enlightenment onwards is to work through human relations, including rights perspectives, with the assumption that location is a self-referential system of unquestionable materialism (Harvey 2014). If noted at all in public policy discussions focusing on children’s rights, space is seen as a container in the sense of distinctions between private and public abuses, the location of the next crisis, or discussions about where intervention is possible. From this diminished perspective, space is distinguished simply as a site of disaster, exploitation and abuse or as an area traversed.

The metaphor of space as an unwavering coordinate system resonates with a static and universal rights-based approach to children’s well-being, which fixes young people in particular subject positions from where they are allowed to move only into limited and prescribed adulthoods. A critical rights-based approach to children’s geographies not only creates participation, provision and protection as prescribed by the CRC, but also flexibility and

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3 Cartesian associations are exemplified in the two- and three-dimensional spaces of maps and plans. They are guided and grounded by abstract frameworks such as x/y/z coordinate systems, degrees of latitude and longitude, or local cadastral systems. Apolitical phenomenological embeddedness is represented by ideas that focus exclusively on concepts like sense-of-place, _genius loci_, or belonging, without consideration of the forces that produce these spaces and attempt to keep them for particular people and/or events. Often we give little thought to the ways spaces are produced and created.
opportunities for children and young people simultaneously to be as politically recognized and engaged participants in the world (even, simply, by their presence) and to become-other in the sense that their “development” (and the world’s) is not simply towards something prescribed by adults (and the “developed” Global North). Thus, for example, provision is not just about sending in aid packages as a humanitarian gesture in times of need, it is about unpacking corporate and state power structures to uncover the processes behind the spatial inequalities that harm children. Protection, then, is about understanding why, for example, some neighborhoods are safe for young people while others are not, while participation is about understanding the political implications of children’s presence in a particular place, and not simply their token input into policies that affect them. Creating flexibility and opportunities for children moves us away from a problematic cause/effect rationale for protection, provision and participation and enables young people to become something other than what is prescribed by the adult world (and chose to take on parts of the world that fit and discard that which does not necessarily work): it creates a space for dislocation and surprise so that things do not necessarily remain the same. To suggest a critical perspective that enables young people to make and remake spaces and themselves as a collective right suggests a change of global proportions that is not unrealistic: it resonates with an interconnected world where schoolchildren take over public streets in Chile to overturn aspects of an unjust education policy, and where the destitution of Slovenian erased children erupts into a constitutional crisis.

2. Geographical expeditions

Bill Bunge was one of the first geographers to focus on children’s rights by suggesting that the plight of poor children is the touchstone upon which the ills of society reside; that children are the “canaries in the coalmine” (Bunge and Bordessa 1975, 7). In his “geographical expeditions” in Detroit and Toronto in the 1970s, Bunge highlighted the plight of poor children to make visible socio-spatial problems and he argued for a focus on children’s rights as a solution to those problems (Bunge 1971, 1973; Bunge and Bordessa 1975). His famous map of Detroit with infant mortality rates from the Global South superimposed on US census tracks suggests the nearness of seemingly distant issues; that the so-called Third World resides in Detroit. His “fly cover baby regions” map was created from field observations of whether houses had screens on windows and doors. Bunge’s focus on spatial “immediacy” wrecks the idea of static research that is out of touch with what children need now: He describes encounters with African-American women who

hated my concern about the three dimensionality of the species … filled with hatred against me because I did not notice the children being murdered by automobiles in front of their homes or children starving in front of abundant food. “Immediacy” was their cry, “To Hell with the World!”

(Bunge 1971, 170)

Bunge was a scientist and a Marxist, and his intent was to stir a revolution that was as obvious to him as if it were part of Darwin’s theories of species evolution (cf. Bunge 1973).

Beginning with a concern for children’s rights and well-being, Bunge moved through extensive fieldwork to produce knowledge that enabled the creation of new kinds of maps. Donna Haraway (1991, 191) calls these “maps of consciousness” for people, who by virtue of their age, class, ethnicity or sex are marginalized through masculinist, racist and colonialist domination. Haraway raised concerns about the ways we, as researchers, situate ourselves vis-
à-vis our so-called research subjects. For Bunge, in the 1970s, there were no social theories of situatedness. Nonetheless, he saw the ways that spatial and economic models of the time masked important social and political contexts, because they missed sites of reproduction where certain groups – especially children, but also injured workers, retired workers, unemployed workers and sexually, racially, ethnically and religiously discriminated-against workers – constituted marginalized groups even during periods of national economic well-being (Bunge 1971, 61). To offset this problem he reworked the standard spatial models of the day, such as those of the Chicago School of Urban Ecology, to emphasize oppression and rights (cf. Aitken 2010, 53–56).

The pioneering work of Bunge and others propelled a spatial revolution in academia through the 1970s and 1980s that led to geography as a discipline gaining credibility as a science with the development, amongst other spatial technologies, of Geographic Information Science (GIS) and Global Positioning Systems (GPS). During the 1990s, strands of this work focused on young people’s map-making abilities and their apprehension of places and environments (e.g. Matthews 1992), and by the 2000s GIS was used to highlight children’s activities and health (e.g. Wridt 2010), and their relations to planning and policy-making (e.g. Berglund and Nordin 2007). Unfortunately, Bunge’s critical spatiality and his focus on children’s rights were mostly lost to the technological mandates of spatial science. An enduring rights-based approach that encompassed young people emerged from elsewhere in the discipline, as feminist geographers focused on sites of reproduction.

3. Sites of reproduction

In 1982, Jan Monk and Sue Hanson published a landmark paper that heralded the beginnings of feminist geography. In making an argument for not excluding half of the human in human geography, they put forward the case for looking at women’s rights and issues in a discipline that was at the time focused on the politics, economics and cultures of men. In addition to opening geography to the work and lives of women, feminism raised the importance of reproductive spheres and the rights of those who resided within them; these spheres became known as sites of reproduction. Kim England (1993), for example, highlighted the “pink-collar ghettos” of mid- to late-twentieth-century suburban areas as sites of reproduction that sequestered women, the elderly and children in spaces deprived of adequate economic and political opportunities. Monk and Katz (1993) brought together the work of geographers, anthropologists and sociologists in an edited collection that focused on the spaces through which young girls are raised to women, and the spatial processes that are woven through intergenerational and embedded community relations. A clarion call to also focus on young people’s rights in and through space was made to the extent that by the early 2000s, Robert Vanderbeck and Cheryl Dunkley were able to claim that

(t)he very coalescence of children’s geographies into a recognizable subfield has … been predicated on (the) exclusion … of young people’s lives and experiences from mainstream human geography, mirroring broader patterns of social relations which peripheralize young people’s experiences and perspectives.

(Vanderbeck and Dunkley 2004, 178)

Perhaps more than any other geographer, Cindi Katz (1991, 2004, 2011, and also Mitchell et al. 2004) situates the work, lives and rights of children and young people within this evolving critical feminist perspective on social reproduction. She notes the ways that young people’s rights to education and economic opportunities are undervalued by a global neoliberal system
that is based upon uneven spatial distributions of wealth. Young people who were part of her
temporal work in Sudan and New York, Katz argues, are fodder for an unjust global system,
and their rights to education are sorely distorted in favor of creating specific kinds of labor. In
rural Sudan, economic restructuring through the 1980s and 1990s moved development money
into large-scale irrigation projects that attracted young men away from villages, which then
became dependent on remittances and the on-site labor of women and children. By compar-
sion, in New York City (NYC) the education system failed a generation of young people who
were trained for jobs that no longer existed. In both these cases, Katz argues, larger neoliberal
economic forces reworked capital through particular endeavors (e.g. banking, tied aid) and sites
(e.g. housing, large scale development projects) while a state-based welfare safety net that
bolstered basic rights to food, health-care and housing was stripped of resources at the same
time that the political clout of organized labor diminished. The enduring result in both Sudan
and NYC, argues Katz, was the creation of an army of de-skilled and desperate young people
without adequate rights to work, health-care or housing.

At around the same time that Katz was raising awareness of children’s rights in the context
of social reproduction and globalization, feminist sensitivities to difference, diversity and polit-
cical activism at the local scale focused discussion on children’s agency (Aitken 1994, 2001;
Holloway and Valentine 2000), and adolescents as unique social and political actors (Skelton and
Valentine 1998). In addition, the notion of what constitutes a “normal childhood” (e.g. inno-
cent, playful, carefree and focused on education) in “normal spaces” (e.g. nuclear and extended
families in caring communities and states) was challenged by geographic work that confronted
normalcy, contextualized children’s rights in different ways and looked at young people’s
competencies in a variety of adult spaces where they might be thought of as out-of-place
(Connolly and Ennew 1996) and/or doing unchildlike things (Aitken 2001).

Bosco and his colleagues (2011), for example, use Moosa-Mitha’s (2005) difference-
centered approach to argue the rights of young children to translate for their non-English
speaking parents in immigrant communities at a time when California was considering
making such practices illegal. Other work challenges assumptions that childhood should be a
time devoted to play and education. Researchers raise concerns about children’s right to play
and education as an enduring focus of institutions such as the International Labor
Organization (ILO). Alternatively, and particularly in the global South, studies show the
importance of children as part of the productive sphere through paid labor (Aitken et al. 2006;
Nieuwenhuys 2008). In addition, Elsbeth Robson and Nicola Ansell’s (Robson 2010; Ansell
et al. 2011) studies of young people in sub-Saharan African home-based health care suggest a
growing sense of self-esteem fostered by taking on adult responsibilities. Studies from the
global North note young people’s independence through video gaming or on email and their
rights to the Internet, social media and other virtual spaces (Valentine and Holloway 2002),
while others focus on specific spaces of the political including young people’s civic rights in
relation to communities, society and the state (Bosco et al. 2011, Kallio and Häkli 2011, 2013).
In addition, and developing from the right-to-the-city movement (Mitchell 2003), geogra-
phers focused on young people’s rights to protest and take back public space (Staeheli and
Mitchell 2008; Staeheli et al., 2013; see also Mitchell, Chapter 10 in this Handbook), and their
rights to engage politically at a variety of scales (Azmi et al., 2013; Aitken 2014). Empirical
studies that challenge the normalcy of childhood and the banality of space developed in
combination with theoretical discussions and policy debates on what precisely constitutes the
place of children in cities and in a rapidly globalizing world governed by increasingly neolib-
eral social, economic and political structures.
3.1. Children’s rights through global heterotopias and local places

In terms of current neoliberal agendas, the rights of children to participate freely in society are ascertainable only within specific socio-historic and geographic contexts. Mehmoona Moosa-Mitha (2005) is particularly concerned about Enlightenment ideas that espouse individualism, communitarianism and cosmopolitanism, and offers instead a difference-centered approach to rights and citizenship that focuses on two axes of recognition. Her first axis establishes the notion of the citizen as an active self, and the second defines the citizen self as a relational, dialogical self, who gains a sense of identity through relationships and dependencies with other people, places and events. Geographers add a third axis to this difference-centered approach that recognizes a young person’s multiple spatial relations. To the degree that Moosa-Mitha redefines children’s rights relationally by examining if children are able to have a presence in the many interactions through which they participate, these relations must also recognize young people’s presence through multiple spatial scales and within local heterotopias. By presence, Moosa-Mitha means the degree to which the “voice, contribution and agency of the child is acknowledged” (Moosa-Mitha 2005: 381). Not to recognize the presence of a political subject is itself a form of oppression. Presence, more than autonomy and individuation, acknowledges the self not only as relational and dialogical, but also as spatial. Young people always take up space.

An axis of multiple spatial relations suggests that it is problematic to consider children’s rights outside of issues of global consumption, production and reproduction because, as noted in the previous section, in a connected world of flexible capital and instantaneous market adjustments local places are increasingly important for understanding the contexts of children’s well-being. Of course, young people are not a simple tabula rasa upon which the will of capital is etched and rights are delimited as unviable. Children not only “become other” through the influences of these changing objects, they also bring something of themselves into cultural life as they actively participate in the day-to-day workings of places. In the same sense that the processes of globalization are neither unidirectional nor even, then it is impossible to characterize or position a uniform context for childhood because the local conditions of global children are so varied. In noting that local “belonging and inclusion are contested terms,” Staeheli and Kofman (2004: 1) suggest that they are nonetheless a vital part of imbuing political subjects with rights. As a consequence, establishing the spatial rights of children may be about difference rather than inclusion, and positioning young people as relational citizen-selves rather than as non-adults may be about understanding cultural reproduction. By arguing for a focus on spatial rights within global heterotopias, this chapter pushes a little further the idea of children’s rights as human rights elaborated in the Handbook’s introduction. The introduction noted that just like human rights more generally, children’s rights originate from the quest for human dignity and social justice, but the concrete meaning of the rights varies from person to person. Young people’s needs also vary from place to place and their needs for space vary from person to person. So, too, rights should encompass this spatial variability and personal flexibility. The important point is that young people are afforded the right to make and remake spaces and themselves in an ongoing dialectical process.

Roger Hart (1997, 16) argues that the debate over children’s rights is only important to the extent that it encompasses a discussion of fundamental changes in culture and how culture reproduces itself. Anne Trine Kjørhol (2002, 2008), for example, focuses on Norwegian projects that suggest a shift in focus from the “developing” child to the “competent” child; and from “pedagogy” to “culture”. The problem, she notes, is that a culture made by children (children’s own culture or play culture) is rapidly disappearing as they become what she calls...
“symbolic participants” in a larger neoliberal agenda. The larger neoliberal agenda, Harvey (2005) argues, was implemented by Thatcher and Reagan but began with Milton Friedman and the so-called Chicago Boys’ school of economics. It is a coherently thought out economic plan for a particular form of global capitalism that takes decision-making away from individuals and families but nonetheless forces the responsibility for those decisions squarely on the shoulders of those individuals and families least able to support economic failures. Children are symbolic participants in this plan because they have no input into its formulation and implementation, and they are unwitting victims of the inevitable outcomes of greater spatial disparities and social inequalities. Gibson-Graham (2006) notes that although this system appears gargantuan, rigid, and unwaveringly tilted towards the already rich, there are nonetheless always contexts of subversion and transformation, and these most often occur at the local scale, in what they call community economies. A critical examination of what this means for young people is needed in a world where more and more children are growing up in complex multi-cultural and multi-scalar settings creating identities that have the potential to confound adultist neoliberal projects (Aitken 2001, 174). This is not about children being or becoming citizens but about child formation, children’s rights, sustainability and citizenship formation (Marston and Mitchell 2004) that contests these terms as it critiques them.

4. Contesting universal children’s rights and global discourses

Iris Marion Young (1990) suggests that identity politics are laid out along axes of difference, which are characterized through gender, age, race/ethnicity, disability, sexuality and so forth. Geographers add spatial as an axis of political identity (e.g. nation, border, that place, this town) and show how spaces are tied intimately to other axes of identity (e.g. adult, adolescent, student, child). Kjørholt (2008) focuses on the impossibility of authenticity in children’s voices and the nonetheless undaunted search for them by some national and global institutions. For example, the CRC’s penchant for placing responsibility regarding particular kinds of rights on particular forms of childhood, argues Kjørholt, places it squarely in the realm of a neoliberal agenda that fixes individual categories of existence and identity. As a counter, she argues that children reproduce life on par with adults and, as such, they are co-creators of their childhoods. Questions remain about how much license children are given in their part of the creation. This problem is exacerbated by the specificity of CRC, which highlights a problematic subject/object dualism: the idea of children as objects of rights (the CRC’s focus on protection and provision) and the idea of children as subjects of rights (the CRC’s focus on participation and children making autonomous claims). Kjørholt (2008) suggests that the Western project of neoliberal globalization finds one of its most precise forms in the CRC and to the degree that this form also dominates national politics, the subject/object dualism fits nicely.

The CRC moved the rhetoric of child rights from moral to legal ground when it was ratified by most nations in the world and as attempts were made to implement its articles as national policy. There are several tensions that emanate from this top-down approach. First, and at a general level, there is tension regarding what specifically is meant by rights. As noted in the introductory chapter of this book, the CRC’s categorization of protection, provision and participation does not align with the larger agenda of human rights advocacy, which focuses on civil and political rights on the one hand, and social economic and cultural rights on the other.

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4 For example, Aitken et al. (2011) and Spyrou and Christou (2014) comprise studies that show how border regions affect the political identities of young people and how young people, in turn, shape the border places through which they pass.
Heller (2013) notes a geographic tension on what constitute appropriate rights’ foci, with issues relating to civil and political rights predominating in Eastern Europe as opposed to social rights, which stand out in the demands of popular movements in the global South. He goes on to point out, crucially, that although there are “profound asymmetries in global civil society,” there is also clear evidence that “while network linkages may be asymmetric, the outcomes are far less so … and the playing field is in the process of being significantly leveled” (Heller 2013, 13). A well-worn critique points out that in the majority of transnational networks, including the CRC, agendas are set by actors from the global North who privilege certain concerns and norms. But, Heller goes on to point out, partners in the global South are far from passive, and international institutions and NGOs recognize the importance of access to domestic political spheres of influence. Although Kjørholt’s (2008) denunciation of the CRC as neoliberal may be excessive, it is nonetheless true that the credibility and legitimacy of the Convention rests with its flexibility around the frames and objectives of national partners, and many of these frames are disturbingly neoliberal.

Kate Swanson (2010, 7–8), for example, notes this transformation for Ecuador in the context of economic restructuring. In 1990, Ecuador was the first country in the Americas, and the third in the world, to ratify the CRC. A year later, the Foro por la Niñez y Adolescencia was created to pressure the government to create laws that upheld children’s rights. By 1998 several of these rights were written into the Ecuadorian constitution and within a year a new civil code was created that became, in 2003, the Código de la Niñez y Adolescencia. It is important to note that the code was created with input from children and teens, and it “recognizes the rights of all children and advocates for a more integrated, context-specific, child-centered approach” (Swanson 2010, 7–8) that embraces the legal need to protect children’s rights. Focusing on the rights of marginalized populations, Swanson points out that these laws pay lip-service to a majority of young indigenous poor in Ecuador who find their way to the capital through an organized network, which pushes a variety of different forms of begging on the streets. She notes that a militarized policing of Quito’s streets was imported from Rudy Giuliani’s get tough stance on crime in a rapidly gentrifying NYC and, like Giuliani’s policies, it looks a lot like revanchism against indigenous poor and homeless young people who are now banned from what they call the “gringo pampas”, an area of the city that was created specifically to attract tourist dollars. The rights of indigenous poor children cannot compete with the right of neoliberal economic policy to create a global tourist city out of Quito.

Kallio and Häkli (2011) raise a different child rights context in Finland, a country like Ecuador with a strong precedent in socialism, which is also facing the reworking of local relations through neoliberal social doctrinaireism. After ratification of the CRC in 1991, Finnish child policies strove to become the most progressive in the world by mandating participation, protection and provision not only for children and youth, but also infants. In 1999 the Finnish Constitution was amended to acknowledge children’s right to be heard in matters concerning them and, in 2006 the Youth Act declared that people under 29 had the right to participate in local and regional youth work and policy. This was followed by the Youth Welfare Act (2007), which detailed how the “will, views, opinions and wishes” of children between 0 and 17 years of age and young people between the ages of 18 and 20 “are to be canvassed and taken into account in all situations in which their well-being is considered” (Kallio and Häkli 2011, 101).

A year later, the country enacted the governmental Policy Program for the Well-Being of Children, Youth and Families (2007), which focused not just on children’s rights and democratic skills, but also on their “communal competencies”. The program, however, was focused exclusively on what children offer community and democracy and not vice versa. To the extent that the young people who got involved in these programs were self-selecting, Kallio and Häkli (2011,
2013) found that they tended to create a particular class of child whose politics in the official Finnish settings were quite different from child politics in everyday settings.

In the cases of Ecuador and Finland, problems arose with neoliberal concepts of the universal autonomous child. Michael King’s (2007: 206) critique of the CRC’s dualism that constructs children as objects of rights (e.g. protection by adults) and subjects of rights (e.g. capable of autonomous claims) is to link it with the rhetoric of the new sociology of childhood, which, he argues, pushes the child from a rights holder to a citizen to be consulted and voice to be heard, to a “fully-fledged theoretical concept: that of the child as social agent.” To the extent that the concept is fully-fledged, a universality is suggested that belies the complex relations and variability of children’s lived worlds, and it denies their propensity to become different from something that adults imagine. The rhetoric of the child as “fully-fledged” shows up uncritically in academic and policy discourses (e.g. Verhellen 2004). A critical perspective on child rights notes that no child or adult is fully-fledged and that we are all, rather, in various processes of becoming that is dialogic and relational. Critical geographers point out that a focus on children’s presence, voice and participation in these discourses requires an understanding of how the child “becomes other” in the sense that s/he can choose something different from adult norms and mores, and the absence of familial, community and state relations in those choices severely limits “… the wider fields of power within which children’s lives unfold” (Vanderbeck 2008, 397; cf. Ansell 2009).

Tracey Skelton (2008) argues that we need to critically assess the CRC’s focus on participation with particular concern for one of its sponsors, UNICEF, and its practice through the 2003 State of the World’s Children report. In noting with King (2007) that the CRCs first set of emphases on protection and provision has of late been superseded by notions of child participation, Skelton sees a problem with forms of use that are never viewed uncritically or unfavorably; there is a presumption that child participation is always of value. Using critical discourse analysis, Skelton argues that the 2003 UNICEF report problematically focuses on children’s naivety, and their forward-looking hopes and dreams. She shows how this rhetoric is problematically decontextualized and focused on an uncritical “deepening of democracy”, which may be inclusive and responsive but is also linked to a progressive form of development. In a skilful historical analysis of progressive forms of development, Elizabeth Gagen (2008) points out a problematic link not just to Jean Piaget’s work in child development in the mid-twentieth century but also to imperialism and the creation of a new world order beginning in the nineteenth century. Gagen contextualizes Piagetian development as an extension of the nineteenth century’s elaborated hegemony of empire, at a time when colonialism and imperialism expanded the so-called metropolitan heartlands to colonial hinterlands. This expansion saw space as something to be controlled and history as a developmental given. Peripheral colonial spheres were “civilized” with the imposition of governmental, legal, economic and educational frames from the metropolitan heart. The links to child development are clear, and the specific spatial framing that Gagen elaborates focuses on the ways domestic US changes propelled psychology’s suggestion of “normal” development. Gagen shows that the “infantilization” of so-called primitive colonial cultures is, in actuality, a discourse from the normative liberal developmentalism of nineteenth-century psychology. Joining with the critiques of King (2007), Kjørholt (2008) and Skelton (2008), Gagen makes an important argument about the ways liberal discourses of national and child development are insidiously intertwined, and are part of the same imperial project. Like nascent colonies in the nineteenth century and countries of the global South today, children move along a prescribed and normalized path from underdevelopment to development. Olga Nieuwenhuys (2008) brings Gagen’s critique into the twentieth century by showing how institutions like the International Labor Organization
(ILO) and the CRC, dis-embedded from a wider context, help justify states’ disengagement from sites of social and cultural reproduction in the direct interest of the global North and southern elites. This is the heart, she argues, of disciplining the “global womb”. And it is a heart which is populated by a lifeworld we know little about because much of the international rhetoric and research is focused upon what is appropriate and what is inappropriate in terms of children’s rights, while dismissing as inconsequential their work to support families and economies through day-to-day activities. Nieuwenhuys’ argument is that a large part of the globalized discourses from the CRC and the ILO, when they land in local places, curtail children’s choices in an attempt to tame them.

The issue of more choices for young people is intriguing and hotly debated within the context of universal children’s rights. The argument that King, Kjørholt, Nieuwenhuys and others put forward is that fixed rights emanate from a progressive neoliberal individualism that assumes identities are always already constituted. What many geographers want to do is replace this rhetoric with a politics that takes as a central concern the constitution of young people’s situated identities and the local and scaled relations through which they are constructed. What this means is to set aside ideas of universal fixes and neoliberal individualism presaged by assumptions of what we think we know about young people, and instead focus on the ways young people show up locally, and how they are shaped and in turn shape those local places. In terms of global politics, these local and scaled relations must be understood as embedded material spatial practices. Similarly, it is important to let go of our assumptions about space and instead see it too as a product of these local and scaled relations and as important as space is to young identities, it does not exist prior to children’s material spatial practices.

One possible solution to getting passed the fixity of space and children is to create what Katz (2004, 2011) calls counter-topographies through the politics of play. For Walter Benjamin, emancipation through revolutionary imaginations arises from play. He understood play not as the capacity to imitate, or learn through imitation, but as the capacity to affect and be affected by the world. As such, young people’s capacity to play is also a capacity to re-conceive history and geography, which in turn creates a “moment of revolutionary possibility” (Benjamin, cited in Buck-Morss 1991, 339). Benjamin (1978) suggests that from within children’s playful activities comes not only the capacity to imagine things differently, but also the ability to experiment with cultural, social and political relations:

[c]hildren’s cognition had revolutionary power [to Benjamin] because it was tactile, and hence tied to action, and because rather than accepting the given meaning of things, children got to know objects by laying hold of them creatively, releasing from them new possibilities of meaning.

(Buck-Morss 1991, 264)

Play as a space of “becoming other” may be reworked through the idea that it is mimetic not just in the sense of copying something but also as a radical flash of inspiration and creativity when something is performed or used differently. From this perspective, children’s play is not just about identity making, it is about world making (Katz 2011).

5. Rights in place and rights to space: Where are we now?
According to David Harvey (2005, 39) neoliberalism was birthed in Chile when Pinochet’s military coup, with US backing, ousted the democratically elected Allende government. An imposed neoliberal economic model from Milton Friedman and the Chicago Boys extended
a pernicious form of social doctrinarianism where schools were privatized and free-market ethics were introduced. At the core of the ensuing Penguin Revolution were rights to a fair education system that encompassed all social and economic classes. Common wisdom deems as un-childlike young children protesting in the streets, and so the Pingüinos showing up in school uniforms was seen as out-of-place. To the degree that the protests were playful, something different was exposed with this revolution. In 2006, newly elected president Michelle Bachelet went on state television with a public announcement to the Pingüinos saying “We have realized that your demands are justified and reasonable.” After three months of struggle and with many of their demands met, the Pingüinos disbanded in June 2006 and normal classes were resumed with the proviso that the government follow through with its promises. To the extent that the government did not follow through, deterioration of the Chilean education system continued and the Pingüinos re-engaged their protests. Many of the original protestors are now at university, and rather than donning school uniforms they take to the streets in costume and perform dance routines. Their performances are often met with tear-gas and water cannons. The Pingüinos’ playful protests nonetheless are witnessed by a sympathetic national and international audience. In December 2013, Bachelet was re-elected on a platform that promised a reconstituted education system.

The Pingüinos performed new kinds of protest; playful and out-of-place. The Izbrisani lost their rights by fiat, in a vicious cycle where they could not leave their birth country to collect necessary documentation from elsewhere for fear of being unable to return; they were stateless and locked-in-place. Many Izbrisani were ethnic Bosnians, Serbs and Croats who were born in Slovenia and chose not to give up their transnational identities. It seems that in this case the quest for citizenship trumps the quest for rights and ties young people legally and geographically to a form of permanent residency that deprives certain freedoms. In extreme neoliberal terms, it creates a potential workforce for which the nation-state has no responsibility; a workforce upon whom is forced the costs not only for social welfare but also for basic human rights. It also broaches concerns about cosmopolitanism and universal rights as opposed to difference or, at the very least, a fixed ethic of difference that denies rights and counters the freedom and mobility that transnationalism confers. The issue of the Izbrisani creates a constitutional crisis for Slovenia, which struggles with how its peoples are contextualized and counted as nationals. The crisis raises the global issue of young people’s mobilities and their rights to stay put. It highlights loss of control at national and international levels when neoliberal economic structures focused on autonomy, independence and free-market economies presage the rights of young people residing in disadvantaged places to move from one place to another or, if they choose, to stay put.

The Izbrisani and Pingüinos offer poignant examples of children locked-in-place and young people out-of-place that raise to high relief the importance of understanding spatial contexts as a basis of rights and young people’s collective right to make and re-make space.

The clarion call from a relational and critical geography is for a realization and re-imagining of the full challenge of children’s rights within spaces and scales that are not immutable, and their rights to create and re-create spaces and themselves. A central part of the questioning in this revolves around a critique of the seeming inevitability of global development (and, in particular, its neoliberal construction) and children’s development (and, in particular, their normative cognitive development). In this formulation, both globalization and child development are problematically enframed by forces emanating always from “elsewhere”. A critical geographic perspective on children’s rights demands that the spatial frameworks of progress and development, for both young people and nations, is replaced with something more fluid and politically open.
Questions for debate and discussion

- How can we understand children’s rights as the product of interrelations constituted through spatial and scalar interactions, from the immensity of the global to the intimacy of the local?
- How do we unravel the ways that these relations are necessarily embedded material practices?
- To the extent that we understand space as the sphere of possible multiple stories through which children are problematically fixed as objects and subjects of rights, how do we construct a post-developmental future where a multiplicity of children’s stories-so-far are contextualized in a plurality of spaces and across all scales?
- Given that space and children’s rights are always already under co-construction, and that there is never closure, how do we imagine and create a space for multiple possible futures that are not presaged by current neoliberal projects?
- To the degree that the significance of children’s rights and how we understand them varies according to what aspects of children’s lives and situations are focused upon, and given that children may be directly involved in neoliberal projects, with positive or negative outcomes, how do we recognize contexts of marginalization and exploitation?

References


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