

Do Children's Rights Improve Children's Welfare?

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Across the world, children's rights continue to be subject of debate and pursuit. This paper arises from research that asks, "Do children's rights improve children's welfare? This paper has two objectives. First, it presents the Children's Rights Index (CRI). We believe the CRI is the first international, systematic measure of children's rights; scores for over 190 countries are provided. Second, this paper seeks to examine impacts of rights on children's welfare. Employing ordinary least square regression analysis, this paper compares impacts of domestic factors, children's rights and country wealth, to international factors, economic openness and presence of international human rights organizations, on four welfare outcomes for children: bans on corporal punishment, infant mortality levels, life expectancy, and literacy levels. This research finds some support that children's rights positively influence children's outcomes. Children's rights seem to have weaker impacts for welfare outcomes inside the household, such as corporal punishment, raising concerns for the usefulness of children's rights in private domains. Children's rights are found to have strong impacts on infant mortality and literacy levels, but weaker (albeit significant) impacts on school enrollment. This research indicates further studies of impacts of children's rights on children's welfare outcomes is needed before social scientists can conclude that children's rights matter for children's welfare.

Do Children's Rights Improve Children's Welfare?

Introduction

What rights do children possess? Do children's rights improve children's welfare? Do some configurations of socio-economic resources, cultural and political arrangements, and institutions produce superior welfare outcomes for children? Research on children's rights has typically focused on individual countries and shocking situations of children located in different locales. This paper arises from a project that seeks to develop the Children's Rights Index (CRI), which we believe is the first measure of children's rights systematically measured across nearly all countries. This measure represents an important innovation in comparative research on children's rights and welfare.

Citizenship and Human Rights: An Overview

Children's rights can be conceptualized within the framework of their standing as citizens. T. H. Marshall (1964: 69, 70) suggested that citizenship is a status that indicates an individual is a full member of his or her society. Defined this way, citizenship arose from a sequence of three rights: civil, political, and social (Marshall 1964: 71). For Marshall (1964: 71, 75, 87) civil rights enable an individual to speak and think freely, to own property and participate in a capitalist-oriented society through paid work, and to defend one's civil rights and obtain due process when another individual tries to restrict civil rights. Marshall indicated the primary institution where civil rights are enforced is the legal system, in particular courts of law.

Political rights are rights individuals possess to participate fully in a political system (Marshall 1964: 71-72, 77-78). Marshall (1964: 72) went further to suggest a political right is "the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body." The institutions in which political rights are enforced are national and local governments. Although Marshall's notion of political rights may appear limited to voting or serving in an elected office, it seems fair to include within Marshall's notion the ability to shape governing institutions through participation in other institutions, such as trade unions and other associations.

The right that follows civil and political rights is social rights. According to Marshall (1964: 72, 78-83), social rights enable an individual to enjoy a level of economic and social well being that permits effective participation in his or her own society. Institutions where social rights are enforced include schools and social services (Marshall 1964: 72). Marshall suggested that if an individual could not enjoy a modicum of well being that allowed societal participation, she could not effectively enforce her civil and political rights. Without an education, an individual could not effectively exercise her civil and political rights (Marshall 1964: 93). Hindess (1993: 25) states, "In the absence of social rights, then, the impact of a formal equality of civil and political rights will be somewhat restricted." The ability to "go to court" is not meaningful if an individual cannot pursue a legal action because she does not have the resources to hire a lawyer or pay court fees (Marshall 1964: 97).

According to Marshall then, citizenship rights consist of civil, political, and social rights. For the individual citizen, effective use of civil and political rights requires education and a level of well being permitting socio-economic integration and participation.

Other experts of sociological theories of citizenship have argued for inclusion of additional rights. Bryan Turner (1993: 7; see Soysal 1994: 126-127) contends that citizenship theorists need to contend with economic rights. He suggests that the absence of economic rights for most people poses a "fundamental problem in the liberal theory of rights." Turner defines economic rights as "the idea of industrial democracy which would have made further inroads into the autonomy of capitalist property." Through economic rights, workers would control capitalist enterprises.

Turner (1993) reminds analysts that citizenship rights are based in the nation state. If government actors and institutions are not willing to enforce citizenship rights, they have limited utility. Human rights, according to Turner, are not based in the nation state. Indeed, human rights can be employed against a government that will not honor and enforce citizenship rights.

In 1989 the United Nations Convention on the Rights of the Child (U.N. Convention) was adopted. This Convention provides that national governments signing the Convention will respect and enforce children's rights, among other objectives. This convention states that because children are

vulnerable, they need special care and protections. Among other important items, the Convention highlights different rights children possess, including civil rights such as freedom of conscience; political rights like the right to express views and representation of those views; social rights, for example, rights to health care and education; and economic rights, for instance, freedom from exploitation and hazardous work (see Freeman 2004: xiv-xv; McGoldrick 1991). Since 1989, all countries except the United States and Somalia have ratified the convention.

Criticisms of Citizenship and Human Rights

Experts have criticized citizenship and human rights, among other reasons, for overlooking class and other differences, ignoring matters surrounding enforcement of rights, and perhaps most important, for their weak relevance or use to members of some cultural groups. Bendix (1964: 122) describes citizenship rights, extended to “lower classes of Western Europe,” as tokens of nationwide equality. Bendix emphasizes that citizenship rights are not used in a vacuum. Instead, citizenship rights can intensify social inequalities because an individual must associate with others to employ his or her rights. If an individual is prevented from or refrains from participating, he or she will not be able to use fully his citizenship rights. The haves, according to Bendix (1964), will continue to come out ahead (Galanter 1974). Others have voiced concern that citizenship is sometimes equated with sameness (Turner 1993: 15). Notions of rights in general and citizenship and human rights in particular are criticized for promoting universalism while ignoring diverse values and indeterminacy. Some analysts emphasize that citizenship and human rights promote worldviews that may conflict with perspectives of some cultural groups (see Alston 1994 for discussions). As a result, the views of these cultural groups are weakened and delegitimized.

Tushnet (1984) reminds us that rights are not automatically enforced or clearly understandable. Instead, decision makers must interpret rights, then implement them. He contends that decision makers make their decisions in situations of political maneuvering and typically have their own objectives to fulfill. Alston (1994: 16-19) observes a significant weakness of rights in general is that decision makers make decisions based on their own values, whether they recognize it or not (see Mnookin 1985: 17-18).

Consequently, although rights may seem crystal clear and can be universally applied, political and social factors will contribute to factors influencing outcomes. Perhaps more important, rights are not universally valued or understood. Declaration of rights and their imposition not only ignores different cultures, values, and histories, it restricts possibilities of exploring alternate approaches to ways of living together and cooperation.

Criticisms of Children's Rights

In addition to concerns about class and other differences, enforcement, and cultural relativism, notions of children's rights have received criticism. Often children per se possess some citizenship rights, such as freedom of thought or a right to public education, but must rely on their parents or caretakers to enforce those rights (Mayall 2001). Without the willingness of a parent or caretaker to enforce those rights, in many instances, children cannot fulfill citizenship rights. Romany (1994) has expressed an important concern about human rights relevant to children. Human rights, which an individual can employ against a nation state, typically cannot be employed within the private sector, in particular the home. For many individuals, the home is not a safe environment where fundamental rights are observed. In addition to differences in cultural perspectives on rights, childhood is socially constructed and conceptualized in different ways across cultures and time (Smith 2002). Various cultures differentially define childhood and treat the family as the basic content for participation (Tomanović, 2003).

Nevertheless, many experts are not prepared to give up on children's rights. Romany (1994) and Minow (1991) contend that rights may be essential to improving children's experiences and statuses in the private sector, particularly the household. Others respond that internationalization of law, such as the U.N. Convention, may change cultural attitudes toward children in universally accepted ways. An example is female genital mutilation (FGM; Boyle 2005). Some analysts contend it is difficult to identify rationales for FGM practices; elimination of FGM practices is a reasonable, universal goal.

In sum, notions of citizenship and human rights, particularly as they apply to children, have their critics. Nevertheless, a reasonable empirical question is whether children's rights improve children's welfare.

Children’s Rights and Children’s Welfare

Across the world, children’s rights continue to receive attention, in some places dominating political debates. Earlier this year, a California assemblywoman introduced a bill to ban corporal punishment of children by parents. After outcries that this bill would restrict parental rights, her bill was withdrawn. Across the United States and elsewhere, minors’ rights to bodily control, particularly a right to a legal abortion, are subjects of discussion and lawmaking. Do young people have the right to work, or should all children be free from work until reaching majority?

Since 1989, all but two national governments have ratified the U.N. Convention on the Rights of the Child (hereinafter “Convention”). The U.N. Committee on the Rights of the Child monitors national implementation of the Convention and pursues advances in children’s rights at the international and national levels. The Committee uses its extensive powers to improve children’s rights. Nonprofit organizations, including Save the Children and Childwatch International, monitor international and national efforts at enforcing children’s rights. These powerful actors use their prominence, expertise, and other resources to advance children’s rights.

Yet a fair question to ask is why pursue children’s rights? While rights in and of themselves can be important (Williams 1987), rights are often valued as tools useful for producing social change (Kluger 2004) and improving individuals’ welfare. The question of whether children’s rights are relevant to improving wellbeing of children seems to be assumed by many advocates. Prompted by these efforts to implement and advance children’s rights across the globe, this paper examines whether children’s rights improve children’s welfare.

Citizenship rights, including social rights, are conceived as a basis to and result of a strong welfare state (Marshall 1964). In studies of the welfare state, social rights are often conceived as welfare entitlements (Esping-Andersen 1990; 1999). Strong social rights means an individual is entitled to extensive welfare state programs, services, and protections. Although Marshall conceptualized that mutual dependency among civil, political, and social rights is essential to the overall success of using

citizenship rights for achieving a civilized life, it is an empirical question whether rights do produce superior outcomes.

Explanations of Children's Welfare Outcomes

Researchers tend to focus on domestic and international factors as critical for implementation of human rights. Domestically, rights are conceived as essential for improving welfare. Socio-economic resources are essential to improving welfare outcomes (Wilensky 1975). Even if a law is passed that provides welfare entitlements to individuals, without resources to pay for those entitlements, the law nearly is empty.

Experts contend that international pressures, particularly for politically weak groups such as young people, can produce improvements in children's outcomes (Boyle, Songora, and Foss 2001). International trade arising from open borders not only can result in exchange of goods and services, it can produce exchanges in ideas and attitudes. This line of research suggests that international exchange of human rights ideas has taken place, with the assumption that more and more countries come to value human rights. International human rights organizations established in nations are expected to be vocal advocates of human rights, resulting in improvements in human rights () .

Data and Methodological Approach

The CRI

The Children's Rights Index is a measure of children's rights for over 190 countries for the year 2005. We approach children's rights by considering the rights delineated in the United Nations Convention on the Rights of the Child. The CRI is based on four types of rights: civil, political, social, and economic. For each *type* of right, two separate rights are coded (in parentheses are relevant articles from the U.N. Convention). The two *civil* rights are freedom to practice religion (Article 14) and freedom from imprisonment with adults (Article 37). The two *political* rights are right to assembly (Article 15) and right to suffrage. The *social* rights are right to education (Article 24) and right to health care (Article 24). The two *economic* rights are freedom from hazardous work (Article 32) and freedom from economic exploitation (Article 32).

Each right is coded according to a scale of 1 to 4, with 1 indicating the specific right is not in place, 2 indicating a significant, formal limitation on the right exists, 3 indicating a minor, informal limitation affects the right, and 4 indicating the right exists. The range of potential scores is 8 (a score of 1 on each of the eight rights) to 32 (a score of 4 on each of the eight rights).

Our data source for these rights is the U.S. Department of State's *Country Reports on Human Rights Practices*. Experts contend these reports are reliable (Poe, Carey, and Vazquez 2001). The CRI has a Cronbach alpha of .714. Its skewness is .013 and kurtosis is -.56. We present a histogram of the CRI (see Figure 1); many experts recommend examining a histogram with a normal curve.

Other Independent Variables

We compare impacts of children's rights to other influences found by experts to be influential in young people's outcomes. For each variable, we examine skewness and kurtosis. We conceptually split our analyses into domestic and international influences. For domestic influences, we examine the level of children's rights and country's wealth. Previous research suggests that implementation of rights requires material resources. This study examines whether greater resources is associated with superior outcomes for children. Country wealth is measured as gross domestic product per capita; its source is the CIA World Factbook. We find GDPPC is skewed; we take the square root of GDPPC, which lowers the skewness to .804.

We consider two international influences on children's outcomes, economic openness and presence of international human rights organizations. Previous research suggests that the more open an economy is, the more likely ideas and beliefs will change the national culture. These cultural changes, it is expected, will result in superior outcomes for young people. Economic openness is measured as the proportion of imports plus exports as a proportion of gross domestic product. This variable is skewed. As a result, we take the square root of economic openness, which lowers the skewness to .537. International human rights organizations are expected to pursue human rights. An assumption is the more significant their presence, the better outcomes children will experience. Because this variable is skewed, its square root was taken, but its skewness did not sufficiently decline, and a logged approach was taken. This

variable does contain zero values; consequently, we followed previous research by adding .001 to each case. After taking this approach, the variable's skewness was .497.

Dependent Variables

We examine four outcomes important to young people. The first outcome is whether corporal punishment of young people has been banned in three settings: state penal institutions, schools, and homes. Data for this variable are from End Corporal Punishment (www.endcorporalpunishment.org). The second outcome is infant mortality levels per 1000 children; the source of these data is UNICEF. The third outcome is the difference between male and female primary school enrollment; these data also are from UNICEF. This measure takes the percent of male enrollment minus the percent of female enrollment of the appropriate age group. The fourth outcome is the difference between male and female literacy levels; these data are from UNICEF, too. Similar to the enrollment measure, this indicator takes the percent of men who are literate minus the percent of women who are literate.

Analyses

Descriptive Statistics

The average CRI score is 22.13, but country scores range from 12 to 31.

Table 1: Descriptive statistics

Variable	Mean	Minimum	Maximum
Children's rights	22.13	12	31
Country wealth (square root)	76.905	22.58	190.79
Economic openness (square root)	9.119	4.49	16.82
International human rights organizations (log)	-1.6165	-3	2
Corporal punishment	1.17	0	3
Infant mortality	36.282	2.3	184.44
Low birth weight babies	10.75	0	32
Primary school enrollment gender differences	2.8778	-9	27
Literacy gender differences	8.3533	-20	23.6

Figure 2 is a map presenting total CRI scores of each country included in this study (a score of zero indicates the country was not included). Raw scores of country wealth indicate the average level of gross domestic product per capita is \$7817.74. The average level of economic openness is 88.6%, and the average number of international human rights organizations present in the examined countries is 2.95.

The typical country has banned corporal punishment in one arena, usually state penal institutions. The average level of infant mortality is 36.282 of 1000 children. Approximately 2.9% more boys are enrolled in primary school compared to girls, although the range is 9% more women (which reads -9) to 27% more boys. On average, 8% more men than women are literate across the examined countries, but the range is 20 more women (which reads -20) to 23.6 more men.

OLS Regression Analyses of Corporal Punishment

The strongest explanation, and the only statistically significant explanation of bans on corporal punishment, is country wealth (see Table 2).

Table 2: Corporal Punishment (N = 163): R² = .168

Variable	Beta	T	Sig.
Children's rights	.094	1.072	.285
Country wealth (square root)	.274	2.748	.007
Economic openness (square root)	.041	.521	.603
International human rights organizations (log)	.108	1.238	.218

More affluent countries tend to have stronger bans of corporal punishment of young people. This study's measure of children's rights is a statistically insignificant explanation of bans on corporal punishment of young people. Nearly 17% of the variation in corporal punishment bans is explained by these four variables.

OLS Regression Analyses of Infant Mortality

An important outcome for young people is infant mortality levels (see Table 3); these domestic and international factors explain nearly 54% of variation in infant mortality levels.

Table 3: Infant Mortality per 1000 Children (N = 163): R² = .537

Variable	Beta	T	Sig.
Children's rights	-.207	-3.172	.002
Country wealth (square root)	-.607	-8.192	.000
Economic openness (square root)	-.068	-1.159	.248
International human rights organizations (log)	.073	1.116	.266

Measured as infant mortality levels of 1000 children, the strongest explanation of low infant mortality levels is country wealth. The wealthier the country, the lower the infant mortality levels. More affluent countries may have great health care resources, including public health programs, as well as other programs and services that will lower infant mortality. Children's rights are statistically significant explanations of infant mortality levels. Of course, infant mortality affects children who are dependent on adults for their well being. Thus, it is difficult to conceptualize a direct relationship between children's rights and infant's outcomes, unless what is good for older young people also is good for younger young people.

OLS Regression Analyses of Gender Differences in Primary School Enrollment

One reason to pursue rights is because rights are expected to entitle all possessors to similar outcomes (see Table 4). For instance, both men and women should enjoy similar outcomes if they possess similar rights. These domestic and international factors explain almost 22% of variation in gender differences in primary school enrollment levels.

Table 4: Male-Female Primary School Enrollment (N = 160): R² = .218

Variable	Beta	T	Sig.
Children's rights	-.187	-2.013	.046
Country wealth (square root)	-.329	-3.263	.001
Economic openness (square root)	-.087	-1.121	.264
International human rights organizations (log)	.09	1.045	.298

Do children's rights influence gender differences in primary school enrollments? In this analysis, children's rights have statistically significant impacts at the .05 level. Children's rights do tend to reduce differences between males and females in their primary school enrollment levels. The strongest explanation of gender differences in primary school enrollment is country wealth. The wealthier the country, the narrower the gap between male and female enrollment levels in primary schools.

OLS Regression Analyses of Gender Differences in Literacy Levels

Although education is expected to produce higher levels of literacy, across countries men and women often do not enjoy similar access to formal education (see Table 5). Approximately 32% of variation in gender differences in literacy levels is explained by these four variables.

Table 5: Male-Female Literacy Levels (N = 158): R² = .317

Variable	Beta	T	Sig.
Children's rights	-.374	-4.528	.000
Country wealth (square root)	-.197	-2.14	.034
Economic openness (square root)	-.171	-2.38	.019
International human rights organizations (log)	.051	.64	.523

Children's rights is the strongest explanation of male-female differences in literacy levels. The stronger children's rights are, the lower the differences in literacy levels between men and women. Economic openness is the second strongest predictor; for countries whose economies are more open to exchange, the lower the male-female differences in literacy levels. Countries that are wealthier tend to have less male-female differences in literacy levels.

Discussion and Conclusion

The objective of this paper has been to examine whether children's rights are associated with children's welfare outcome. This paper's results find mixed support for this relationship between rights and welfare outcomes. Children's rights seem to have weaker impacts for welfare outcomes inside the household, such as corporal punishment, raising concerns for the usefulness of children's rights in private

domains. Children's rights are found to have strong impacts on infant mortality and literacy levels, but weaker (albeit significant) impacts on school enrollment. This limited impact on school enrollment may again indicate that children's rights have limited utility when a parent can stand in the way of their enforcement.

Two major limitations on this paper is that the CRI is for one time point and the length of time between the CRI and welfare outcomes is insufficient to make strong claims about impacts of children's rights on children's outcomes. Another limitation is that other types of rights not measured in the CRI may be important to children's outcomes. Likewise, other children's outcomes that are not examined in this paper may be influenced by children's rights.

This paper has presented the Children's Rights Index, a measure of young people's rights in over 190 countries for the year 2005. In the long term, the project that produced this index intends to replicate the CRI for past and future years. Measuring children's rights over time will enable us to make stronger assertions of causality and help us identify mechanisms and contexts essential to making claims of impacts of rights on children's outcomes. (We also hope to produce children's rights indices for the United States and Canada with similar objectives).

References

- Alston, Philip. 1994. "The Bests Interests Principle: Towards a Reconciliation of Culture and Human Rights," in Philip Alston (ed.), *The Best Interests of the Child: Reconciling Culture and Human Rights*. Oxford: Clarendon Press.
- Bendix, Reinhard. 1964. *Nation-building and citizenship*. New York, New York: John Wiley and Sons.
- Boyle, Elizabeth Heger. 2005. *Female Genital Cutting*. Baltimore, Maryland: The Johns Hopkins University Press.
- Boyle, Elizabeth Heger, Fortunata Songora, and Gail Foss. 2001 "International Discourse and Local Politics: Anti-Female-Genital-Cutting Laws in Egypt, Tanzania, and the United States." 48 (4) *Social Problems* 524-544.
- Esping-Andersen, Gøsta. 1990. *The Three Worlds of Welfare Capitalism*. Princeton, New Jersey: Princeton University Press.
- Esping-Andersen, Gøsta. 1999. *Social Foundations of Postindustrial Economies*. New York, New York: Oxford University Press.
- Freeman, Michael. "The sociology of childhood and children's rights." 6 *International Journal of Children's Rights* 433-444.
- Galanter, Marc. 1974. "Why the Haves Come out Ahead." 9(1) *Law and Society Review* 95-160.
- Kluger, Richard. 2004. *Simple Justice*. New York, New York: Vintage.
- Marshall, T. H. 1964. *Citizenship and Social Class*.
- Mayall, Berry. 2001. "The sociology of childhood in relation to children's rights." 8 (3) *International Journal of Children's Rights* 243-259.
- McGoldrick, Dominic. 1991. "The United Nations Convention on the Rights of the Child." 5 (2) *International Journal of Law, Policy, and the Family* 132-169.
- Minow, Martha. 1991. *Making all the Difference*. Ithaca, New York: Cornell University Press.
- Mnookin, Robert H. 1985. *The Interests of Children: Advocacy, Law Reform & Public Policy*. New York, New York: W.H. Freeman and Company.
- Poe, S.C., S.C. Carey, and T.C. Vazquez. 2001. "How are these Pictures Different?: A Quantitative Comparison of the U.S. State Department and Amnesty International Human Rights Reports." 23 (3) *Human Rights Quarterly* 650-677.
- Romany, Celina. 1994. "State Responsibility Goes Private: Critique of the Public/Private Distinction in International Human Rights Law." *Human Rights of Women: National and International Perspectives*. Edited by Rebecca J. Cook. Philadelphia: University of Pennsylvania Press.
- Smith, A.B. 2002. "Interpreting and supporting participation rights: contributions from sociocultural theory." 10 *International Journal of Children's Rights* 73-88.
- Soysal, Yasemin. 1994. *Limits of Citizenship*. Chicago, Illinois: University of Chicago Press.
- Tomanović, S. 2003. "Negotiating children's participation and autonomy within families." 11 *International Journal of Children's Rights* 51-71.
- Turner, Bryan S. 1993. "Contemporary Problems in the Theory of Citizenship." Pages 1-18 in *Citizenship and Social Theory*. Edited by Bryan S. Turner. London, England: Sage.
- Tushnet, Mark V. 1984. "An Essay on Rights." 62 *Texas Law Review* 1363.
- U.S. Department of State. 2006. Country Reports on Human Rights Practices. Washington, D.C.: U.S. Department of State.
- Williams, Patricia. 1987. "Alchemical Notes: Reconstructing Ideals from Deconstructed Rights." 22 *Harvard Civil Rights-Civil Liberties Law Review* 401-33.

Websites cited

- www.cia.gov
www.endcorporalpunishment.org
www.unicef.org

Figure 1: Histogram with normal curve of The Children's Rights Index

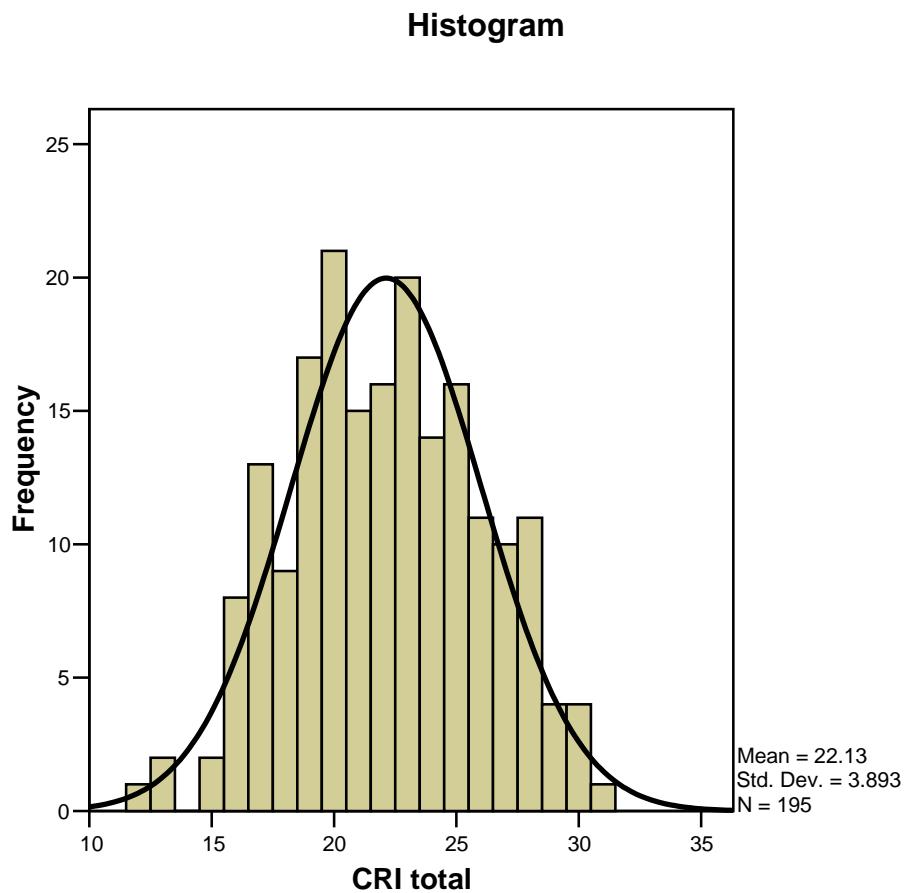


Figure 2: Map of the Children's Rights Index

