



Introduction

'I want to be big,' says 12-year-old Josh Baskin to Zoltar Speaks, an arcade machine, in Penny Marshall's 1988 film *Big*. The next morning, Josh wakes up inside the body of a 30-year-old man. Overnight, Josh has skipped the process of growing up and is transformed from a child into an adult. For international children's rights scholars and advocates, the process of transformation is far more fraught. In fact, international children's rights law dedicates much attention to this process by establishing the right of children to develop. This book shows how the process might be rethought, and why that might be worth doing for the intended agents and beneficiaries of international children's rights law: children.

Ever since the League of Nations adopted the Declaration of the Rights of the Child in 1924, one of the main objectives – if not the most important one – of international children's rights law has been to enhance children's development. This objective is derived from a certain conception of children as developing human beings that dominated studies of childhood throughout the twentieth century.¹ For these reasons, Article 6(2) of the 1989 UN Convention on the Rights of the Child (the Convention), the most ratified of all international human rights treaties, protects the child's right to development. In addition, five other Articles of the Convention – Articles 18(1), 23(3), 27(1), 29(1)(a) and 32(1) – mention eight specific aspects of child development that are worthy of attention and protection: physical development, mental development, moral development, social development, cultural development, spiritual development, development of the personality, and development

¹ Martin Woodhead, 'Child Development and the Development of Childhood' in Jens Qvortrup *et al.* (eds.), *The Palgrave Handbook of Childhood Studies* (Palgrave, Basingstoke 2009, 2011) 46–61.

of talent. No other binding international human rights treaty contains a protection of the right to development that is similar, either in its breadth or in its language.²

The right to development of children is not often discussed in human rights scholarship, or in children's rights practice. When the right to development is mentioned or debated, it is usually as a derivative of other rights of the child,³ while its articulation in human rights terms is overlooked.⁴ As an independent right of children, and as one of the four guiding principles of the Convention,⁵ the right to development deserves much more attention. This book analyses the context in which this right was created and developed. It asks how the right has been understood and how it can be better substantiated. Arguing that the current interpretation of the child's right to development is insufficient, too abstract, and falls short on respecting children's agency, the book suggests a new way to look at children, childhood, and the process of transformation into adulthood. This book is premised on the suggestion that the child's right to development should be critically analysed within the context of the Convention, while considering the impact that different images of 'the child' and different conceptions of 'childhood' (namely 'a hybrid childhood') have on the interpretation of children's rights. It therefore considers the subsequent space that this new interpretation can open for the right to development.

² At the regional level, Article 5(2) of the African Charter on the Rights and Welfare of the Child protects the child's right to 'survival, protection and development'. The 1986 Declaration on the Right to Development recognises such a right, but it is not a binding treaty.

³ Manfred Nowak, *Article 6: The Right to Life, Survival and Development* (Martinus Nijhoff Publishers, Leiden 2005) 43–49; James R. Himes, 'Children's Rights: Moralists, Lawyers and the Right to Development' (1993) 1 *International Journal of Children's Rights* 81; Douglas Hodgson, 'The Child's Right to Life, Survival and Development' (1994) 2 *International Journal of Children's Rights* 369; Geraldine Van Bueren, *The International Law on the Rights of the Child* (Martinus Nijhoff Publishers, The Hague 1998) 318–320.

⁴ Martin Woodhead, 'Early Childhood Development: A Question of Rights' (2005) 37 *International Journal of Early Childhood* 80.

⁵ UNCRC, 'General Comment No. 5 (2003): General Measures of Implementation of the Convention on the Rights of the Child' (27 November 2003) UN Doc. CRC/GC/2003/5. But see Karl Hanson and Laura Lundy, 'Does Exactly What It Says on the Tin? A Critical Analysis and Alternative Conceptualisation of the So-Called "General Principles" of the Convention on the Rights of the Child' (2017) 25 *International Journal of Children's Rights* 285.

Childhood Studies and the Image of the Developing Child

Childhood is neither a natural nor a neutral concept.⁶ It is a socially constructed conception⁷ that changes over time⁸ and among societies,⁹ in accordance with shifting views about family, gender roles, the labour market, crime and punishment, and religion, to name just a few factors.¹⁰ An illustration of the fluid content of the term is the perception of childhood as a time of innocence and purity, or conversely as a period of depravity.¹¹ Children have been seen as both 'little angels' and 'little devils'. Thomas Hobbes, for example, characterised the children of the seventeenth century as being as malicious as adults, thus eliminating any difference in that regard, while John Locke thought that it was parents' economic pressure that shaped children's behaviour.¹² At the turn of the twentieth century, with the growing influence of capitalism and consumerism in the West, childhood was seen as a time of happiness and cheerfulness, and therefore children became worthy of investment of

⁶ Allison James *et al.*, *Theorizing Childhood* (Polity Press, Cambridge 1998) 126–128.

⁷ Allison James and Adrian James, *Constructing Childhood: Theory, Policy and Social Practice* (Palgrave Macmillan, Basingstoke 2004) 10–26.

⁸ Colin Heywood, 'Centuries of Childhood: An Anniversary – and an Epitaph?' (2010) 3 *Journal of the History of Childhood and Youth* 343, 357–358; Richard T. Vann, 'The Youth of Centuries of Childhood' (1982) 21 *History and Theory* 279. Though he was at the early stages of writing the history of childhood a half-century ago, Philippe Ariès argued in *Centuries of Childhood* that childhood, as a social conception, was invented only in the seventeenth century: Philippe Ariès, *Centuries of Childhood: A Social History of Family Life* (trans. Robert Baldick; Jonathan Cape, London 1962). For a contesting argument, see Rex Stainton Rogers and Wendy Stainton Rogers, *Stories of Childhood: Shifting Agendas of Child Concern* (University of Toronto Press, Toronto 1992) 65–66. Ariès's method and sources were grounds for harsh critique: see Adrian Wilson, 'The Infancy of the History of Childhood: An Appraisal of Philippe Ariès' (1980) 19 *History and Theory* 132.

⁹ Suzanne Shanahan, 'Lost and Found: The Sociological Ambivalence towards Childhood' (2007) 33 *Annual Review of Sociology* 407.

¹⁰ James and James, *supra* n. 7, 70–74. On childhood and 'time', see Judith Ennew, 'Time for Children or Time for Adults?' in Jens Qvortrup *et al.* (eds.), *Childhood Matters* (Ashgate, Farnham 1994) 125–134.

¹¹ Colin Heywood, *A History of Childhood* (Polity Press, Cambridge 2001).

¹² Cynthia Price Cohen, 'The Relevance of Theories of Natural Law and Legal Positivism' in Michael Freeman and Philip Veerman (eds.), *The Ideologies of Children's Rights* (Martinus Nijhoff Publishers, Dordrecht 1992) 53–70; Peter O. King, 'Thomas Hobbes's Children' in Susan M. Turner and Gareth B. Matthews (eds.), *The Philosopher's Child: Critical Perspectives in the Western Tradition* (University of Rochester Press, Rochester, NY 1998) 65–84. For a claim that no conclusions can be drawn from Locke's writing about children, see David Archard, 'John Locke's Children' in Susan M. Turner and Gareth B. Matthews (eds.), *The Philosopher's Child: Critical Perspectives in the Western Tradition* (University of Rochester Press, Rochester, NY 1998) 85–104.

time and energy.¹³ The declining mortality rates for infants and children also meant that middle-class mothers had fewer pregnancies and fewer children to bury, thus transforming children into a symbol of joy.

These social attitudes towards children and childhood shape the legal treatment of children. But law, as a powerful social instrument, also plays a pivotal role in the institutionalisation¹⁴ and conceptualisation of childhood.¹⁵ It is thus simultaneously a reactive and a constructive force. Law shapes, develops, and reconfigures childhood,¹⁶ thus affecting children and adults alike¹⁷ – for example, in setting the minimum ages for criminal responsibility and for marriage, and in determining the duties of care that parents owe their children. Despite changes in the image of childhood and in the jurisprudence concerning children, which are discussed in more detail in the next chapter, the ‘human becomings’ approach to children¹⁸ has prevailed in the twentieth century. That conception sees children as passive actors, lacking in agency, weak, vulnerable, and in need of protection.¹⁹ It positions children against adults, describing childhood as ‘the absence of adult qualities’.²⁰ Positioning children against adults has ultimately enabled adults to define ‘the child’ as the negative other.²¹ And, as Erica Burman argues, this separation of people on the basis of their age has also enabled adults to assume control over children, to colonise them, and, eventually, to ‘civilise’ them.²²

¹³ Peter N. Stearns, ‘Defining Happy Childhoods: Assessing a Recent Change’ (2010) 3 *Journal of the History of Childhood and Youth* 165; Paula Fass, *The Damned and the Beautiful: American Youth in the 1920s* (Oxford University Press, Oxford 1977) 15.

¹⁴ James and James, *supra* n. 7; Emily Buss, ‘What the Law Should (and Should Not) Learn from Child Development Research’ (2009–2010) 38 *Hofstra Law Review* 13.

¹⁵ Michael King and Christine Piper, *How the Law Thinks about Children* (Gower, Vermont 1990) 36–37.

¹⁶ James and James, *supra* n. 7, 64–70. ¹⁷ *Ibid.*, 214.

¹⁸ Nick Lee, *Childhood and Society: Growing Up in an Age of Uncertainty* (Open University Press, Buckingham 2001) 8.

¹⁹ For non-Western perspectives, see, for example, Charles Stafford, *The Roads of Chinese Childhood* (Cambridge University Press, Cambridge 1995); Toshiko Ito, ‘New Education for Underprivileged Children: The Condition of Children’s Rights in Japanese Law’ (2012) 48 *Paedagogica Historica* 153. See also Robert A. LeVine and Rebecca S. New, *Anthropology and Child Development* (Blackwell Publishing, Malden, Mass., and Oxford 2008).

²⁰ David Archard, *Children: Rights and Childhood* (Routledge, London 2004) 38.

²¹ David Archard, ‘Philosophical Perspectives on Childhood’ in Julia Fionda (ed.), *Legal Concepts of Childhood* (Hart Publishing, Oxford 2001) 43–56, 46.

²² Erica Burman, *Deconstructing Development Psychology* (3rd edition, Palgrave, London, 2017), 123.

The child is seen as an 'unfinished product',²³ a human being in the making. Therefore, childhood is a 'journey toward a destination'.²⁴ As James and Prout argue, under this conception, childhood is 'a highly complex and engineered trajectory towards adulthood'.²⁵ The virtue of fostering this developmental trajectory is, according to Richard Kraut, good not only for the individual but also for society.²⁶ As Chapters 1 and 2 argue, this 'desire'²⁷ to enable children to 'grow up'²⁸ led to the creation of their right to development in international law, and to a large extent has dictated the interpretation of this right.

A good example of the prominence of the human becoming approach to childhood in Western culture is Émile Durkheim's article on education, published in 1911:

The essential function of this age, the role and purpose assigned to it by nature, may be summed in a single word: it is the period of *growth*, that is to say, the period in which the individual, in both the physical and moral sense, does not yet exist, the period in which he is made, develops and is formed... In everything the child is characterized by the very instability of his nature, which is the law of growth.²⁹

Durkheim's vision of childhood is very clear: the child does not yet exist as an individual with agency, and the 'law of growth' should therefore govern childhood and dictate the treatment of children. The field of anthropology, as another example, was also dominated by the 'law of growth' approach. The first major research into the lives of children was Margaret Mead's seminal book *Coming of Age in Samoa*, published in 1928.³⁰ In her study,

²³ Carol Smart *et al.*, *The Changing Experience of Childhood* (Polity Press, Cambridge 2001) 1.

²⁴ Lee, *supra* n. 18, 8.

²⁵ Allison James and Alan Prout, 'Re-Presenting Childhood: Time and Transition in the Study of Childhood' in Allison James and Alan Prout (eds.), *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* (2nd edition, Falmer Press, London 1997) 230–250, 235.

²⁶ Richard Kraut, *What Is Good and Why: The Ethics of Well-Being* (Harvard University Press, Cambridge, Massachusetts 2007) 165.

²⁷ Erica Burman, 'Desiring Development? Psychoanalytic Contribution to Antidevelopmental Psychology' (2011) 24 *International Journal of Qualitative Studies in Education* 1, 9.

²⁸ James *et al.*, *Theorizing Childhood*, *supra* n. 6, 196. See also Onora O'Neill, 'Children's Rights and Children's Lives' (1988) 98 *Ethics* 445.

²⁹ Émile Durkheim, 'Childhood' in W. S. F. Pickering (ed.), *Essays on Morals and Education* (trans. H. L. Sutcliffe; Routledge, London 1979; first published 1911) 150.

³⁰ Margaret Mead, *Coming of Age in Samoa: A Psychological Study of Primitive Youth for Western Civilisation* (Penguin Books, Harmondsworth 1943; first published 1928).

Mead observed the maturation process of girls from childhood to adulthood, focusing her attention on what the future held for these children.³¹ *Growing up in Samoa* led to the establishment of the 'Culture and Personality' school of anthropology,³² in which anthropologists and developmental psychologists teamed up to study the ways that 'children became adults'.³³ Another important anthropological study that was published around the same time was Katharine Bridges's *The Social and Emotional Development of the Pre-School Child*.³⁴ This research, which was described by the *Lancet* at the time as one of the most influential studies on children's lives and behaviour,³⁵ observed the daily lives of children in the classroom and the playground, in order to create a 'development scale' of the child.³⁶

Since the late nineteenth century, developmental psychology has heavily influenced social and legal attitudes towards children.³⁷ It has replayed and legitimised evolutionary ideas about growth and domination,³⁸ dividing childhood into sequential stages with the child moving from one developmental phase to the next. Over time, the child transforms from being incompetent to being competent, gradually learning the necessary skills to 'achieve the fully social state of adulthood'.³⁹ There is a range of developmental psychology theories, some more influential than others. Sigmund Freud, for example, focused on sexual development, while Erik Erikson emphasised psychosocial development. Jean Piaget's theory of cognitive development and Lev Vygotsky's theory of proximal development, which concerned the child's process of transforming into a healthy adult, probably had the most influence on law and on legal discourse on children's capacities.⁴⁰ The prominence of these

³¹ For a critique on Mead's work, see Derek Freeman, *Margaret Mead and Samoa: The Making and Unmaking of an Anthropological Myth* (Harvard University Press, Cambridge and London 1983).

³² Heather Montgomery, *An Introduction to Childhood* (Wiley Blackwell, Chichester 2009) 22–23.

³³ *Ibid.*, 23.

³⁴ Katharine M. Banham Bridges, *The Social and Emotional Development of the Pre-school Child* (Kegan Paul, Trench, Trubner & Co., London 1931).

³⁵ Anonymous note, 'The Development of Young Children' (1931) 218 (5638) *The Lancet* 668.

³⁶ See also LeVine and New, *supra* n. 19.

³⁷ Lloyd deMause, 'The Evolution of Childhood' in Lloyd deMause (ed.), *The History of Childhood* (Souvenir Press, London 1976) 1–74.

³⁸ Burman, *Deconstructing Development Psychology*, *supra* n. 22.

³⁹ Smart *et al.*, *supra* n. 23, 4.

⁴⁰ Buss, *supra* n. 14, 48–50; Woodhead, 'Early Childhood Development', *supra* .

Euro-American psychological theories has been widely challenged,⁴¹ and their cultural, gender,⁴² and class biases⁴³ have been highlighted. According to Michael Wyness, the combination of the child's biological growth and psychology makes it 'difficult for us to view childhood any differently'.⁴⁴ And, as John Modell rightly notes, the history of childhood is written from a developmental perspective.⁴⁵ Childhood, therefore, seems to be important only in terms of the child's future.⁴⁶ 'Development', then, is not only a hypothesis, but also the prognosis of childhood. Thus, it is clear why, according to this paradigm of childhood, 'children didn't have rights'.⁴⁷ As persons in the making, children were subject to the 'law of growth' and not to human rights law. But, despite its theoretical and conceptual shortcomings,⁴⁸ developmental psychology still has significant influence on law – including international children's rights law.

After the First World War, one of the main projects of childhood studies was to define the 'normal' and 'abnormal' child,⁴⁹ and to understand how children's lives, bodies, and minds should be treated.⁵⁰ Dozens of manuals were published in the United Kingdom targeting parents. These guides used medical and psychological jargon to explain how to educate and discipline children, essentially seeking to enlighten parents about how to raise a 'healthy child'.⁵¹

⁴¹ Erica Burman, 'Deconstructing Neoliberal Childhood: Towards a Feminist Antipsychological Approach' (2012) 19 *Childhood* 423, 425. See also Alison Diduck, *Law's Families* (LexisNexis, London 2003) 74–77.

⁴² Carol Gilligan, *In a Different Voice* (Harvard University Press, Cambridge, 1982).

⁴³ Burman, *Deconstructing Development Psychology*, *supra* n. 22, 18–19.

⁴⁴ Michael Wyness, *Childhood and Society: An Introduction to the Sociology of Childhood* (Palgrave, Basingstoke 2006) 18.

⁴⁵ John Modell, 'How May Children's Development Be Seen Historically?' (2000) 7 *Childhood* 81.

⁴⁶ James and Prout, 'Re-Presenting Childhood', *supra* n. 25, 239.

⁴⁷ Michael Freeman, 'The Human Rights of Children' (2010) 63 *Current Legal Problems* 1, 9.

⁴⁸ Lindsay O'Dell *et al.*, 'Introducing Normative and Different Childhoods, Developmental Trajectory and Transgression' in Lindsay O'Dell *et al.* (eds.), *Different Childhoods: Non/Normative Development and Transgressive Trajectories* (Routledge, Abingdon 2018) 1–6.

⁴⁹ André Turmel, *A Historical Sociology of Childhood: Developmental Thinking, Categorization and Graphic Visualisation* (Cambridge University Press, Cambridge 2008). See also Helga Kelle, '"Age-Appropriate Development" as Measure and Norm' (2010) 17 *Childhood* 9.

⁵⁰ For a good review on this point, see Annemieke van Drenth and Kevin Myers, 'Normalising Childhood: Politics and Interventions Concerning Special Children in the United States and Europe (1900–1960)' (2011) 47 *Paedagogica Historica* 719.

⁵¹ John Stewart, '"The Dangerous Age of Childhood": Child Guidance and the "Normal" Child in Great Britain, 1920–1950' (2011) 47 *Paedagogica Historica* 785.

How children grow up and what constitutes a normal process of maturation are themes explored in anthropology, sociology, medicine, history, psychology, social work, political science, the built environment, and educational pedagogy. Child development is the subject of numerous other studies – including, for example, research into children's play and development, language and development, social bonding and development, brain development, bodily development, sexual development, cognitive development, and biosocial development.⁵² These studies attempt to 'reveal' how children develop, what factors have positive or negative influences on their development, what qualifies as 'good' development and what is considered a disability. But such studies should be treated with caution, according to Brian Hopkins. He writes in *The Cambridge Encyclopedia of Child Development* that 'development is one of those terms that we freely use in everyday language and yet when we try to pin it down with a precise definition it assumes an almost evanescent-like quality'.⁵³

The findings and conclusions of these studies are of less significance in our context. What concerns me is the volume of diverse meanings of 'child development' that they create. The colossal corpus of literature is evidence of the dominance of a conception of children as human becomings.

An alternative conception of childhood, the 'human beings' approach, emerged in the 1970s,⁵⁴ embracing more diverse and complex notions of childhood.⁵⁵ The human beings approach perceives children as persons rather than as 'projects',⁵⁶ suggesting that the study of childhood and children should be accomplished without comparing children to adults.⁵⁷

⁵² See Brian Hopkins (ed.), *The Cambridge Encyclopedia of Child Development* (Cambridge University Press, Cambridge 2005); Kathleen Stassen Berger, *The Developing Person* (7th edition, Worth Publishers, New York 2006).

⁵³ Brian Hopkins, 'What Is Ontogenetic Development?' in Brian Hopkins (ed.), *The Cambridge Encyclopedia of Child Development* (Cambridge University Press, Cambridge 2005) 18–24, 18.

⁵⁴ Karen Wells, *Childhood in a Global Perspective* (Polity Press, Cambridge 2009) 1–24.

⁵⁵ Alan Prout, *The Future of Childhood: Towards the Interdisciplinary Study of Children* (Routledge, London 2005) 7–34; Alan Prout and Allison James, 'A New Paradigm for the Sociology of Childhood? Provenance, Promise and Problems' in Allison James and Alan Prout (eds.), *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* (3rd edition, Routledge, Oxon 2015) 7–33.

⁵⁶ Smart *et al.*, *supra* n. 23, 13.

⁵⁷ Prout and James, 'A New Paradigm', *supra* n. 55, 8. See also Berry Mayall, *Towards a Sociology for Childhood: Thinking from Children's Lives* (Open University Press, Buckingham 2002) 33.

According to this approach, children are active human beings who can and should participate in shaping their own lives and play an active role in their communities.⁵⁸ An essential component is respecting children's agency, which is probably 'one of the most important theoretical developments in the recent history of childhood studies'.⁵⁹ As human 'beings', children are defined in their own right⁶⁰ and not by comparison to adults. This also means that children are considered to be human-rights holders.⁶¹ As Michael Freeman notes, rights and agency are interdependent and indivisible, as those who have human rights 'can exercise agency . . . as agents, rights bearers can participate. They can make their own lives, rather than having their lives made for them'.⁶²

An important implication of respecting children's agency is giving children a voice in their own lives. This is reflected in Article 12 of the Convention, which protects the child's right to participation.⁶³ Children can surprise you, as Baroness Hale of the United Kingdom Supreme Court has said,⁶⁴ by how much they know about their lives and about their world. Children, for example, can make sense of their experiences of poverty (and what qualifies as well-being)⁶⁵ and of living on the street.⁶⁶ They contemplate their health and their fear of dying,⁶⁷ enabling them to

⁵⁸ James and James, *supra* n. 7, 38–39.

⁵⁹ Allison James, 'Agency' in Jens Qvortrup *et al.* (eds.), *The Palgrave Handbook of Childhood Studies* (Palgrave, Basingstoke 2011) 34–45, 34.

⁶⁰ Lee, *supra* n. 18, 54.

⁶¹ Michael Freeman, *The Moral Status of Children* (Martinus Nijhoff Publishers, The Hague 1997).

⁶² Michael Freeman, 'Why It Remains Important to Take Children's Rights Seriously' (2007) 15 *International Journal of Children's Rights* 5, 8.

⁶³ For an analysis of Article 12, see Laura Lundy, '"Voice" Is Not Enough: Conceptualising Article 12 of the UN Convention on the Rights of the Child' (2007) 33 *British Educational Research Journal* 927.

⁶⁴ *ZH (Tanzania) (FC) v. Secretary of State for the Home Department* [2011] UKSC 4 at [37].

⁶⁵ Laura Camfield *et al.*, 'What's the Use of "Well-Being" in Contexts of Child Poverty? Approaches to Research, Monitoring and Children's Participation' (2009) 17 *International Journal of Children's Rights* 65; Haridhan Goswami, 'Social Relationships and Children's Subjective Well-Being' (2011) 107 *Social Indicator Research* 575; Zoran Pavlovic and Tina Rutar Leban, 'Children's Rights International Study Project (CRISP) – A Shift from the Focus on Children's Rights to a Quality of Life Assessment Instrument' (2009) 2 *Child Indicators Research* 265.

⁶⁶ Udi Mandel Butler, 'Freedom, Revolt and "Citizenship"' (2009) 16 *Childhood* 11. See also Marcela Raffaelli, 'How Do Brazilian Street Youth Experience "the Street"? Analysis of a Sentence Completion Task' (2001) 8 *Childhood* 396.

⁶⁷ Myra Bluebond-Langner, *The Private Worlds of Dying Children* (Princeton University Press, Princeton 1978) 5.

participate in the design of paediatric wards.⁶⁸ They think about how their relationships with friends and family members affect their happiness and well-being.⁶⁹ If given the opportunity, they can also contemplate what human rights mean,⁷⁰ how they would like to see the Convention interpreted,⁷¹ and how they would have drafted it. They have views about what rights they should have,⁷² how they would change government spending,⁷³ and how to exercise their civil and political rights.⁷⁴ Children can also provide accounts of their well-being and development.⁷⁵ For example, one participatory study found that children distinguish between the evolution of their development and the aims that this process should achieve. Children understand 'development' as something that gives their lives a sense of direction, seeing it as their natural process of maturation.⁷⁶

The capacity of children to make sense of the world around them does not have any age limits.⁷⁷ As Priscilla Alderson *et al.* (2005) have shown,

⁶⁸ Katherine Bishop, 'Challenging Research: Completing Participatory Social Research with Children and Adolescents in a Hospital Setting' (2014) 7 *Health Environments Research & Design Journal* 76.

⁶⁹ Goswami, *supra* n. 65.

⁷⁰ Martin D. Ruck *et al.*, 'Children's and Adolescents' Understanding of Rights: Balancing Nurturance and Self-Determination' (1988) 64 *Child Development* 404; Martin D. Ruck *et al.*, 'Adolescents' and Children's Knowledge about Their Rights: Some Evidence for How Young People View Rights in Their Own Lives' (1998) 21 *Journal of Adolescence* 275.

⁷¹ Wiebina Heesterman, 'An Assessment of the Impact of Youth Submissions to the United Nations Committee on the Rights of the Child' (2005) 13 *International Journal of Children's Rights* 351.

⁷² Laura Lundy *et al.*, 'What If Children Had Been Involved in Drafting the United Nations Convention on the Rights of the Child?' in Alison Diduck *et al.* (eds.), *Law in Society: Reflections on Children, Family, Culture and Philosophy – Essays in Honour of Michael Freeman* (Brill, Leiden 2015) 223–242.

⁷³ Laura Lundy *et al.*, *Towards Better Investment in the Rights of the Child: The Views of Children* (Belfast, Queens University Belfast, 2015).

⁷⁴ Karen Orr *et al.*, *Enabling the Exercise of Civil and Political Rights: The Views of Children* (Save the Children, London 2016).

⁷⁵ Hanita Kosher and Asher Ben-Arieh, 'What Children Think about Their Rights and Their Well-Being: A Cross-National Comparison' (2017) 87 *American Journal of Orthopsychiatry* 256.

⁷⁶ Helga Kelle, 'The Discourse of "Development": How 9- to 12-Year-Old Children Construct "Childish" and "Further Developed" Identities within Their Peer Culture' (2001) 8 *Childhood* 95, 109. In a different context, see Richard Maclure, 'The Dynamics of Youth Participation: Insights from Research Fieldwork with Female Youth in Senegal' in Myriam Denov *et al.* (eds.), *Children's Rights and International Development* (Palgrave, New York 2011) 155–174.

⁷⁷ Jérôme Ballet *et al.*, 'Children's Agency and the Capability Approach: A Conceptual Framework' in M. Biggeri *et al.* (eds.), *Children and the Capability Approach* (Palgrave, Basingstoke 2011) 22.