

Parents' perceptions of children's rights in the family setting in Auckland, New Zealand

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Dedicated to

Paige

May the wonders of childhood never cease

Uncle John (Clarkie)

Here's to following in your footsteps, till we meet again

Abstract

The purpose of this study is to explore parents' perceptions of young children's rights in the home setting. The research addressed parents' knowledge of children's rights, their perceptions of children's rights in the home setting, how they facilitate rights in the home and their perceptions of any clashes of "wills".

The theoretical and conceptual frameworks of childhood studies, the social construction of childhood, human rights, children's rights, Bronfenbrenner's (1979) ecological model of human development and Baumrind's (1971) parenting styles were used to guide and inform the study. This study highlights how these theoretical and conceptual frameworks intersect to create diverse understandings of children, childhood and children's rights.

A qualitative descriptive approach, with an interview guide in addition to semi-structured interviews was used. Interviews were conducted in Auckland, New Zealand, in 2015 with seven parent participants. Participants were selected using snowball sampling via the researcher's extended network. The participants represented parents with young children aged between 3 and 5 years. Qualitative content analysis was used to analyse the data to identify the emerging themes in the data and to code categories.

The study found that parents lack a formal knowledge of children's rights. Parents in this study tended to conflate rights-related concepts such as children's rights and parents' rights with privileges or responsibilities. However, the findings also show that even with a lack of children's rights knowledge, parents facilitate their young children's access to some rights to participation, protection and provision in the home setting. More specifically, parents facilitated and supported the idea of Article 12 in the home setting. Lastly, the findings also show that two types of clashes are perceived to exist in the home

setting, a clash of wills between children and parents and between parents and external authorities.

This thesis contributes to the literature on parents' perceptions of young children's rights with a particular focus on the home setting. The thesis highlights the need for more research on parents' perceptions of children's rights. Lastly, it highlights that education about children's rights is needed for parents to be able to fully facilitate young children's access to and experience of their rights in the family setting.

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Abbreviations

Action for Children and Youth Aotearoa **ACYA**
Auckland University of Technology **AUT**
Auckland's University of Technology Ethics Committee **AUTEC**
Blind Carbon Copy **BCC**
Children's Rights Interview Questionnaire **CRI**
International Covenant on Civil and Political Rights **ICCPR**
International Covenant on Economic, Social and Cultural Rights **ICESCR**
International Labour Organisation **ILO**
Ministry of Foreign Affairs and Trade **MFAT**
Ministry of Social Development **MSD**
Non-Governmental Organisation **NGO**
Office of the Children's Commissioner **OCC**
Revised Children's Rights Interview Questionnaire **rCRI**
Strategies with Kids Information for Parents **SKIP**
Socio-Economic Status **SES**
Universal Declaration of Human Rights **UDHR**
United Nations **UN**
United Nations Commission on Human Rights **UNCHR**
United Nations Convention on the Rights of the Child **UNCRC**
United Nations Convention on the Rights of the Child Monitoring Group **UMG**
United Nations Children's Fund **UNICEF**
United States of America **USA**
Universal Serial Bus **USB**
World War One **WWI**
World War Two **WWII**

Attestation of Authorship

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person (except where explicitly defined in the acknowledgments), nor material which to a substantial extent has been submitted for the award of any other degree or diploma of a university or other institution of higher learning.

Signed: _____

Date: _____

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Chapter One: Introduction

The very idea that children have rights is a transformative concept that reconceptualises the power relations between children, adults and the state. Instead of being seen as chattels of their parents or objects in need of benevolent guidance and protection, children become active subjects with individual entitlements which they are entitled to claim. (Tobin, 2011, p. 89)

Overview

Rights in any form are difficult to define and are debated by scholars and commentators widely (Alderson, 2000; Freeman, 2002; Te One, 2009). Indeed, there is no universal definition of what a “right” is. Therefore, the idea that humans possess universal ‘rights’ arouses a plethora of divergent and contentious theoretical and conceptual views (Freeman, 2002; James, 2008; Heywood, 2011). Within the realm of human rights, in particular parents’ and children’s rights, parents throughout Western history were seen to have almost unfettered rights over their children and children were seen to be the property of their parents (Cunningham, 2006; Pardeck, 2006; Te One, 2008; Wood, Hassall, Hook & Ludbrook, 2008). It was not until the early 20th century, when the children’s rights movement began, that new and profound scholarly understandings of children and childhood came to the fore. No longer were children perceived to be the property of their parents, but rather children started to be acknowledged as individuals with separate and inviolable rights. Notably, the United Nations Convention on the Rights of the Child (1989) (UNCRC) contributed significantly to the redefining of children and childhood. This shift in the image of the child has, however, also created antagonism with detractors stating that children’s rights stand in opposition to parents’ rights and can lead to unruly children who defy parental authority (Reid, 2006).

Children’s rights

The New Zealand government ratified the UNCRC in 1993. The UNCRC set out the relationship between the government and the child (18 years and below), with the

government having a duty to uphold the rights of the child. However, the UNCRC also acknowledges the important role of parents and caregivers in raising their children and ensuring their children are enabled to exercise their rights. The rights of the child, set out in 54 articles, covering the full range of civil, political, economic, social and cultural rights afforded to children, are often divided into three categories: rights to provision, protection and, most controversially, participation (Committee on the Rights of the Child, 2009; Lansdown, 1994). Provision rights set out a child's right to a minimum standard of family life and access to basic needs, health, and education. Protection rights include the right to be safe from harms such as a sexual abuse, exploitation, injustice and discrimination. Lastly, participation rights set out a child's civil and political rights such as the right to an identity and to have their views taken into account in decisions that affect their lives (Lansdown, 1994). Acknowledgement of children's rights, through policies and law, has contributed to the way in which society understands and treats children. Indeed, Moss and Petrie (2002) have described, for example, policy as a manifestation of values and assumptions held by society regarding children at a given period of time in history. Therefore, it is also important to consider the implementation of the UNCRC in New Zealand policy and law and how this may play a part in shaping perceptions of children's rights.

Amongst other things, the child's rights framework invokes the idea that children's perspectives are important and that adults can no longer make decisions about children's lives without involving children in the conversation. Article 12 extends to children the right to express their opinions and to have these opinions taken into account in accordance with their age and maturity. This right, whilst also one of the most controversial underlying principles of the UNCRC, acknowledges children's own views as important and acknowledges children as active social agents (Lansdown, 2005). Smith (2000) and Morrow (2011) postulate that the notion of children bearing rights can clash with society's

image and ideal of the adult as the powerful, authoritative being. Indeed, a perception of a clash between parents' and children's rights is well documented in the literature (Alston, 1994; Reid, Simon, 2000; Te One, 2008; Wood et al., 2008). However, there is a paucity of research that specifically discusses what parents' rights are and how they came into existence.

Topic and Purpose of the Research

While there have been numerous studies on children's perceptions of their rights, there has been limited research conducted on parental perceptions of children's rights. Parents' views are, however, pertinent to a holistic understanding of children's rights (Ruck, Peterson-Badali & Helwig, 2014). Parents are considered key gatekeepers and facilitators to their children's ability to access and experience their rights (Cherney, Greteman & Travers, 2008; Day, Peterson-Badali & Ruck, 2006, & Helwig, 1997).

From the relatively few studies that have explored parents' attitudes towards children's rights, it can be seen that there is great variability in their support for children's rights. This suggests that there is yet to be a consensus of public opinion pertaining to children's rights (Peterson-Badali & Ruck, 2008). Indeed, the few studies conducted have shown that there are numerous factors that appear to influence parental perceptions of children's rights. Some of these include parenting styles and socio-political attitudes (Bohrnstedt, Freeman & Smith, 1981; Day et al., 2006; Peterson-Badali, Morine, Ruck & Slonim, 2004); the gender of the parent (Cherney, 2010; Morine, 2000); the type of right in question (Bohrnstedt et al., 1981, Morine, 2000, Te One, 2008) and the age and gender of the target child (Bohrnstedt et al., 1981).

The rationale for the current research is based on lacuna in various germane areas, listed below:

1. Few studies have asked parents what they think about pre-school-aged children's rights, particularly in the family setting.
2. Fathers' perspectives are largely absent from the literature and mothers' perspectives predominate.
3. Few studies have asked parents how they would define children's rights, especially in the family setting.
4. Most of the research looking at parents' attitudes towards children's rights use invented and extreme vignettes to explore perceptions, rather than asking parents to reflect on their own experiences.
5. Lastly, there are no New Zealand studies that ask parents about their perceptions of children's rights in the family setting.

This study will contribute to the gap in the literature by providing new insight into parents perceptions of young children's rights in the family setting.

The theoretical and conceptual frameworks that frame this research include childhood studies, the ecological model of human development and parenting styles. The theoretical framework of childhood studies, in part, posits that the images and understandings of children and childhood that society has are socially constructed (Clark, 2010a). Therefore, economic, political, and social processes outside of the home can alter the constructed images that parents have of children and notably, children as rights holders. The ecological model of human development by Bronfenbrenner (1979) shows how perceptions of children's right can be influenced by structures within the home and outside of the home, such as parenting style and parents' workplace. His model can also be used to show how broader contexts such as policy can directly and indirectly influence parenting practices within the home setting. Understanding exactly what shapes parents' perceptions of children's rights within the family setting is important to understanding

how children's ability to exercise their rights may be facilitated or hindered by those perceptions.

The purpose of this study is to explore parents' perceptions of children's rights in the home by addressing the following key questions "How do parents perceive children's rights within the home setting?"; "How, if at all, do parents facilitate those rights?"; "Do parents perceive a clash between children's and parents' rights in the home setting?" and "How are those clashes resolved?" To explore these research questions, a qualitative descriptive methodology was used. This qualitative method is considered most useful when the research involves asking people about their perceptions of an event or phenomenon (Magilvy & Thomas, 2009). It aims to present the data in the everyday language of participants and to provide straight-forward descriptions of events or phenomena (Sandelowski, 2000).

Personal Rationale

My interest in children's rights began at the end of my undergraduate degree in mid-2013. I noticed that when I would ask questions to family, friends and colleagues about children's rights two common and unnerving themes appeared. Firstly, no-one had heard of children's rights and questioned if it was a "craze of the day", something that I had made up or something academics had invented. Secondly, the phrases "Rights? What rights? Children don't have rights" and "children should be seen and not heard" were joked about in reference to children's rights, a lot. This made me question a number of things such as why do traditional societal constructions of children and childhood appear to be dominant in attitudes of some adults today? Why does something (children's rights) so important appear to be insignificant to people who should care about it most, for example, parents and children? And why is that the majority of people I talk to seem to have no conceptual knowledge of the UNCRC? As such I decided to complete a Master's

degree in policy studies so I could find out the answers to my questions and hopefully contribute to championing children's rights in the process.

Significance of the Research

This research is significant because it provides a voice for parents in the literature regarding their knowledge and perceptions of children's rights in the family setting in New Zealand. It also contributes new knowledge to the field of childhood studies and children's rights for understanding how parents perceive young children's rights. Moreover, this research has the potential to illuminate how those perceptions may act as barriers or enablers to young children's exercise of their rights in the family setting in New Zealand. This research may in turn be used to find ways of overcoming any barriers so that children are enabled to exercise their rights and the New Zealand government is able to fulfil its obligations under the UNCRC.

Scope of the Research

This research explores parents' perceptions of children's rights within the family setting in Auckland, New Zealand. It specifically addresses the perceptions of a small sample of parents who have children of pre-school age (3 to 5 years). Parents with pre-school aged children were chosen for this study because there is a noteworthy paucity of research that has examined what parents with "young" children (3 to 5 years respectively) think about children's rights, especially within the home setting. Contextually, in New Zealand no research has looked at parents' views of young children's rights in the home setting. Due to the small sample size, this research does not claim to be representative of the New Zealand parent population. However, this study could contribute new knowledge about parents' understanding of children's rights in the New Zealand context.

Lastly, this study is shaped by certain theoretical and conceptual frameworks that acknowledge particular scholarly views of children and childhood. Therefore, it must be

recognised that parents' perceptions of children's rights can be explored using different theoretical and conceptual frameworks. This study acknowledges that it only represents a specific view from a few of the possible frameworks.

Structure of the Thesis

The literature review is divided into four chapters. Chapter two reviews human rights and children's rights literature. This chapter starts with a brief discussion of rights, which is followed by a brief historical overview of international human rights, children's rights and parents' rights. Chapter three reviews the UNCRC in New Zealand policy and law and provides a brief overview of New Zealand's progress in implementation since ratification. Chapter four explores the theoretical and conceptual frameworks that have guided understanding of parents' perceptions of children's rights in the current study. These include childhood studies, the social construction of childhood, Bronfenbrenner's Ecological Model and Baumrind's parenting styles. Chapter five explores some of the previous research conducted on children's perceptions of children's rights and parents' perceptions of children's rights. These studies highlight some of the key issues and gaps surrounding parents' perceptions of children's rights.

Chapter six reviews the methodological and ethical frameworks adopted to conduct this study. This includes a description of qualitative descriptive studies, the rationale for choosing this method, and an overview of the ethical guidelines followed while conducting this study. Chapter seven presents the findings of this study under the thematic headings that were drawn from the research. Lastly, chapter eight presents a discussion of the findings. It also discusses the practical implications of the study, the study's strengths and limitations and draws conclusions that are of relevance to the New Zealand context.

Chapter Two: Human Rights and Children's Rights

Introduction

The present research aims to investigate parents' perceptions of children's rights within the family home in Auckland, New Zealand. To fully comprehend parents' perceptions of children's rights it is essential that a holistic overview of the doctrines that have provided the basis for this study be examined. This chapter provides a detailed, but not exhaustive, overview of international and domestic human rights, children's rights and parents' rights literature as it pertains to specific human rights treaties. For the purpose of this thesis I take the view that human rights are for everyone and in virtue of the philosophical debates that exist, acknowledge children as rights-holders as a result of being human.

Every human being is entitled to basic human rights. This is an amazingly simple and fundamental concept. Putting together the pieces of the human rights jigsaw is much more complicated, especially when the scene is global rather than national. (The Ministry of Foreign Affairs and Trade [MFAT], 2003, p. 3)

The idea that human beings have rights is in some ways an old concept. Laws, both domestic and international, have for centuries recognised that government powers are limited and governments have responsibilities when it comes to their citizens (Freeman, 2002; Smith 2007). Similarly, parenting is often characterised as involving responsibilities and rights towards and over children, but those rights are limited. Exactly what these inherent limits and responsibilities are, for all citizens young and old, as defined by a 'right', is further complicated by the contested nature of the word 'rights' (Te One, 2008).

The literature on human rights and children's rights is extensive and contested. Scholars and media commentators alike hold divergent views on numerous matters concerning both human and children's rights (Alston & Goodman, 2013; Buck, 2014; Freeman, 2002; Lyons & Mayall, 2003; Smith, 2007; Woods, 2014). For example, there is disagreement

over the origins of human rights, the universality and applicability of human and children's rights, what exactly human and children's rights are, and what can be classified as issues to be dealt with within a human rights framework (Freeman, 2002; MFAT, 2003; Smith, 2007). While it is beyond the scope of this thesis to report on this literature in detail, the next sections will discuss briefly the complexities of the word "rights", provide a brief history of human rights and children's rights as it applies to this research, whilst also raising the pertinent issue of parents' rights.

What Does the Word 'Right' mean?

The word right is complex and difficult to define (Alderson, 2000; Freeman, 2002; Te One, 2009). Many attempts to create a universal definition have been made. However, as the definition of what a right is depends on its context, a universal definition of the word right in the current context is yet to be agreed on. Freeman (2002) has defined a right as either a just claim or entitlement that comes from morality and laws. Similarly, James and James (2008) have stated that "rights are claims that are justifiable on legal or moral grounds to have or obtain something, or to act in a certain way" (p. 109). Heywood (2011) defines human rights as rights that all human beings have by virtue of being human. This means that children are also entitled to have rights because they are human. As will be seen in chapter seven, there is confusion around the understanding and meaning of the concept of rights. As understood and used in everyday language, rights are often conflated with other concepts such as privileges and responsibilities.

In his discussion on children's rights, Buck (2014) notes the dissonance that exists in the literature when acknowledging children as rights bearers. Buck (2014) notes that while most countries recognise legal rights for children as those commonly referred to in the UNCRC (1989), controversy arises when referring to children's legitimacy in having moral rights. Accordingly, Buck (2014) discusses two approaches to unravelling this dissonance: a choice theory and an interest theory of rights.

Theories of Rights

“Choice” theory as outlined by Buck (2014) states that to have rights is to have the ability to make a choice to exercise those rights. As children at different stages of their development are sometimes rendered unable to make decisions due to their maturity and competency, choice theory questions whether children, in some circumstances, could be viewed as “rights holders”. Choice theory concedes that to provide children with rights, adults, (most notably parents) must be proxies for the choices children would make until the time in which the adult would assume their child is mature and competent to make rights-related decisions. If rights were to be viewed based solely on competency to choose and maturity to understand, however, many children and adults would have limited rights at different stages of their lives. Also, when making decisions on behalf of a child, Buck (2014) suggests that parents may not always make decisions that are in the child’s best interests, especially in circumstances where parents are failing in their duties towards their children.

In support of this theory of rights, the caretaker thesis posits that children are not mature enough to make autonomous decisions for themselves and that their caretakers, for example parents, should assume responsibility for children’s rights to self-determination (Archard, 2015). This theory places the onus of responsibility on adults to make rights-based decisions on behalf of the child now and the adult that the child will become. This assumes parents would know what the child would decide if they were a mature adult now (Archard, 2015). Indeed, supporters of this notion, most often parents, argue that they know their children best and are therefore able to make decisions for them that are in their short- and long-term best interests (Archard, 2015; Eekelaar, 1992; Te One, 2008). Detractors, on the other hand, argue that caretakers cannot possibly know what their child’s concerns about their rights are, unless they make themselves cognisant of the child’s views (Taylor, Smith & Nairn, 2001; Te One, 2008).

Secondly, the “interest” theory of rights, suggests that rights should be based upon whether or not a child has an *interest* that requires protection, rather than their *capacity* to make decisions (Buck, 2014). Unlike choice theory, interest theory asserts that even if children lack competency or capacity to make rights-related decisions, they still have rights-related interests that require protection (Buck, 2014). As such, interest theory makes a clear distinction between those rights which involve self-determination or autonomy of a child such as Article 12 (respect for children’s views) and Article 13 (freedom of expression), and those which involve protection, such as Article 4 (protection of rights) and Article 19 (protection from all forms of violence). Accordingly, children should not be denied the title or access to legal rights simply because they may lack the maturity or competency to make rights related decisions. As will be seen, parents’ views in this study were consistent with an interest theory of rights.

It can be seen that there is much controversy when trying to define rights and more specifically, whether children can be viewed as moral rights-holders (Buck, 2014).

Human Rights

The key dilemma of human rights protection is that states are the only actors powerful enough to advance human rights, while also being the greatest human rights abusers. (Heywood, 2011, p. 312)

Human rights are the rights which humans are entitled to for simply being human (Donnelly, 2013; Heywood, 2011). Human rights in practice and as a concept, however, appear much more complex. The concept of human rights has had a long history, especially within the fields of religion and philosophy of natural law (Haas, 2008; Heywood, 2011; O’Byrne, 2013). Freeman (2002) explains that there are differing points of view regarding the primary origins of human rights. According to Freeman (2002) some scholars believe that ideas of basic human rights are universal and stem as far back as the ancient cultures and religions, whilst others argue that human rights are a Western concept that has only recently been universalised (Donnelly, 1989). Smith (2007) and

O’Byrne (2013) suggest that basic human rights can be traced as far back as the 13th century where, through philosophical discourses, notions of “liberty” and rights came to the fore. Indeed, human rights as they are understood today were developed in part from struggles within nation states, where citizens fought for legal restraints to be imposed upon the powers of government. The Magna Carta of 1215, contentiously referred to as the first human rights instrument (Clapham, 2007), is an example of a domestic document that imposed such restrictions (Clapham, 2007; Haas, 2008). Certainly, it enshrined some of the principles that fall under the broad ambit of human rights today, albeit that they were only accessible to elite groups at that time (Naumann, 2013). These principles included elements of religious freedom, rights to property and to equality before the law (Haas, 2008; Smith, 2007). The Magna Carta of 1215 was not, however, a charter of human rights by today’s standard.

In the 18th and 19th centuries, there was a significant shift in the way in which rights were viewed. No longer were they viewed as emanating from, and dependent on, the good-will of a sovereign, but rather rights of this period were viewed by some of the great philosophers as inherently universal and inviolably “natural” to an individual (Freeman, 2002; O’Byrne, 2013; Smith, 2007; Woods, 2014). This was mostly due to the revolutionary constitutional period where important contemporary understandings of rights is said to originate. As stated by Heywood (2011):

By the late eighteenth century, such ideas were expressed in the notion of the ‘rights of man’ (later extended by feminists to include the rights of women), which was used as a means of constraining government power by defining a sphere of autonomy that belongs to the citizen. The US Declaration of Independence (1776), which declared life, liberty, and the pursuit of happiness to be inalienable rights, gave expression to such ideas, as did the French Declaration of the Rights of Man and of the Citizen (1789). (p. 304)

These examples, although not exhaustive, were important steps forward in advocating for concepts of human equality and rights.

Nevertheless, human rights as they are understood today were of little concern in international law or within the international community until the end of the Second World War (WWII) (MFAT, 2003). While it should be noted that specific issues, such as slavery and protecting individuals in times of armed conflict, received special focus in conventions such as the Geneva Conventions of 1864 and 1906 and the Hague Conventions of 1899 and 1907, there was minimal focus on a global human rights concept within these conventions (MFAT, 2003). This was, in part, due to the orthodox position held in international relations that human rights were perceived as a purely domestic affair (Smith, 2007): What happened within its jurisdiction was the responsibility of a given state.

However, after the First World War (WWI), the orthodox position towards rights began to shift. Following the Paris Peace conference in 1919, the Treaty of Versailles was signed to end WWI (Haas, 2008; Woods, 2014). At the core of the Treaty of Versailles 1919 was a focus on encouraging its members to co-operate with one another internationally and contribute to the achievement of world peace and security (Haas, 2008). The International Labour Organisation (ILO) was also created in 1919, as a result of the Treaty of Versailles, and was designed to protect the rights of workers¹. Following this, in 1920 the League of Nations was established. Its primary focus was to maintain world peace and to minimise interstate war (Haas, 2008; Smith, 2007; Woods, 2014). The First World War, however, left Europe in disarray and the newly established League of Nations was faced with the daunting task of alleviating problems that had been sown from the treatment of minorities during the war. Although the Treaty of Versailles had ended the state of war between Germany and the Allies, maintaining world peace was largely dependent on the will of contracting parties to abide by the Treaty's conditions (O'Byrne, 2013; Smith,

¹Some of the first conventions adopted by the ILO involved labour practices that had a direct bearing on children's and young persons' well-being, such as the Maternity Protection Convention, 1919 (No. 3) and the Minimum Age (Industry) Convention, 1919 (No. 5)

2007). In 1936 when Germany withdrew from the League of Nations, it was only a matter of time before WWII would begin (Smith, 2007). By the beginning of WWII the League of Nations, although showing some successes, was shown to be an ineffective tool for international conflict resolutions (Haas, 2008; Smith, 2007).

The Second World War saw the persecution and gross mistreatment of minorities and abuse of human rights on a scale unprecedented in modern European history (Alston & Goodman, 2013; O’Byrne, 2013; Woods, 2014). Such atrocities, and the failure of the League of Nations to maintain peace, marked a sea change in the thinking about human rights and created a platform for a new world order (Donnelly, 1989; Haas, 2008; Smith, 2007). In 1945 the United Nations (UN), a new intergovernmental organisation designed to replace the League of Nations, was created (Smith, 2007; Woodiwiss, 2005). Before its creation human rights protections in laws, albeit evident, were sporadic (Smith, 2007). At the time, as particular problems were identified by dominant political powers and heads of state, remedies were sought. However, the atrocities of WWII sparked the idea that when domestic laws and governments do not protect their own peoples then, as a matter of urgency, the needs of those people must become a priority of international law² (Haas, 2008; Smith, 2007).

In 1945, the United Nations Charter was adopted by the UN. The Charter was implemented after WWII as a mechanism to promote universal respect for persons and the inherent dignity and equality of all peoples (Heywood, 2011; Smith, 2010). The Charter also made reference to human rights within some of its articles. For example, Article (1) section 3 states: “To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without

² This is the foundation of the ‘Responsibility to Protect’ concept which asserts that states have the right to sovereignty so long as their duty to protect their citizens is fulfilled (Heywood, 2011).

distinction as to race, sex, language, or religion...”. The inclusion of rights-related notions was considered radical in its time because it represented a shift towards ending purely domestic powers of state jurisdiction over its citizens (Smith, 2007). However, as Smith (2010) comments, “No comprehensive system for protecting human rights was enshrined in this Charter. Rather, the goal of securing respect for human rights was specified with states pledging to encourage the promotion and observance of rights within their territories” (p. 27). As such, an institutional framework was required. On the 10th of December 1948, the Universal Declaration of Human Rights (UDHR) was adopted by the General Assembly of the United Nations. The UDHR is not legally binding on its signatories. It is viewed as a diplomatic and moral tool that can be used to apply pressure to governments who violate human rights (Heywood, 2011). It consists of a preamble and 30 Articles that set out ‘fundamental’ human rights. This declaration acknowledges that basic rights and fundamental freedoms are inherent, inalienable and universal (Alston & Goodman, 2013; Donnelly, 1989). It underscores this point by stating that these rights apply irrespective of distinctions such as ethnicity, gender, and religion. However, it is notable that the UDHR does not include age among the distinctions listed:

Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdiction or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any limitation of sovereignty. Article (2)

In 1967, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) entered into force under the UDHR (Heywood, 2011; Smith, 2007). Together, the covenants and the Declaration comprise what has come to be known as the International Bill of Human Rights.

Contemporary human rights have come a long way since their first iteration. Nonetheless, there are still human rights abuses prevalent in the international community. As noted by O'Byrne (2013) violations of basic human rights are endless. Censorship, disappearances, genocide, poverty, slavery and torture are just some examples of human rights violations that continue to exist today (O'Byrne, 2013). Indeed there are continuous limitations and struggles faced by the UN in implementing and universalising the principles for all peoples.

Because human rights were viewed for so long as a domestic issue, the introduction of the UN and UN-sponsored treaties has meant a dramatic change in the way in which the international community views contemporary rights and the power of states over their citizens. While Smith (2007) comments that all states acknowledge that they are bound by human rights, the contested nature of human rights leaves it questionable as to what extent they are bound. Indeed, for human rights implementation and enforcement to be successful, it is dependent on states to abide by their principles.

Despite the adoption of the UDHR in 1948, minorities, disempowered and vulnerable groups such as women, children, non-white peoples, and those from non-Western cultures have voiced their perceptions of exclusion from the universal notions of the UDHR (Woodiwiss, 2005). Over time, the specific rights of some of these groups have been recognised through the development of declarations and treaties relating specifically to them.

Children's Rights

Children are often regarded as having to earn 'rights', by which adults mean privileges that are able to be revoked if the children do not continue to behave well, rather than entitlements inherently possessed by children by virtue of being human. (Wood et al., 2008, p. 55)

The idea that children possess rights, separate from those of adults, is a relatively new and controversial Western concept. Throughout much of Western history, children have

been viewed as the property of their parents and parents have been presumed to hold unquestioned authority over their children (Cunningham, 2006; Pardeck, 2006; Te One, 2008). This perception has been, and continues to be, dominant in laws and the way in which society views and treats children. It is reported to have a long history within Western discourse, some suggesting it goes as far back as Roman times (Archard, 1993). However, with the growth of the children's rights movement in the early 1900s, subsequent scholarship and the development of international and domestic laws pertaining to children and children's rights, new and profoundly changed understandings of children and childhood have emerged. Indeed, the idea that children have separate and sometimes conflicting rights to those of their parents has prompted continuing debate in academia, politics and society in general.

As stated by Te One (2008), arguments for and against children's rights can be placed along a continuum. At one end, there are those against children's rights who suggest that giving children rights detracts from the rights of parents and adults, diminishing their roles and undermining the family's role in raising the child. At the other end of the continuum, there are those who strongly advocate for children's rights and believe that children should be consulted on all matters that affect their lives, providing for a balance of power between parents and children (Te One, 2008). Smith (2000) states that children's rights are not about undermining the role of parents but, rather, as supported by Lansdown (2005), about moving away from social, political and cultural assumptions that adults alone can determine children's lives.

The purpose of this section is to discuss children's rights in the context of the 1989 UNCRC. While it is not within the scope of this thesis to provide significantly detailed information on all aspects of the UNCRC (1989), it is important to discuss exactly what children's rights are about, whilst also acknowledging the potential conflict that may exist between children's rights and parents' rights.

The United Nations Convention on the Rights of the Child 1989

The UNCRC (1989) is the most important document for international children's rights to date (Te One, 2008). The children's rights movement which emerged in the early 20th century set the wheels in motion for children's rights of today. In the early 1900s, the notion of children's rights was concentrated around making children visible, especially around issues of child labour and sexual exploitation (Te One, 2008). Following WWI, many children in the United Kingdom and Europe were displaced and orphaned. There were also issues of starvation caused by the blockades in Europe, following WWI (Cunningham, 2006). These issues became part of the impetus for the 1924 Declaration of the Rights of the Child which was adopted by the League of Nations in 1924. According to Buck (2014) "This was in fact the first declaration of human rights adopted by any inter-governmental organisation and preceded the UDHR by 24 years" (p. 21)³. Following the collapse of the League of Nations and the establishment of the UN in 1945, the declaration was revised and adopted by the UN General Assembly as the 1959 Declaration of the Rights of the Child. Although, like the 1924 Declaration, the 1959 Declaration was not intended to be a binding agreement (Buck, 2014). It was, nevertheless, designed to serve as a set of guiding principles for parents, individuals, governments and voluntary organisations (Preamble to the Declaration of the Rights of the Child, 1959). As such, this Declaration centred on the idea that "mankind owes to the child the best it has to give" (Preamble to the Declaration of the Rights of the Child, 1959). Most significantly, however, the 1959 Declaration of the Rights of the Child was the first international statement to use the term "children's rights". It openly acknowledged that childhood was an important period of life and that, during this period of life, children were entitled to specific protections and provisions set forth in it (Alston,

³Eglantyne Jebb played a significant role in this process of creating the Declaration of the Rights of the Child. She established Save the Children and drafted the foundational principles for Save the Children. These foundational principles were eventually adopted by the UN as the 1924 Declaration.

Tobin & Darrow, 2005). However, the emphasis on the image of the child as vulnerable and needing protection characterised this Declaration and period of children's rights as paternalistic.

While stressing protection and the provision of medical care and so on, the Declaration nevertheless deprived children of the right to work, of the right to live away from home, and of the right to refuse an education. It was not a document aimed at increasing the autonomy of children, but at protecting them. (Coady, 1996, p. 12)

This period of rights stressed that those in power and authority hold the rights to determine what is in the best interest of the child, not the child themselves (Rogers & Wrightsman, 1978). Indeed, it promulgated the idea that "adults know best" and that the idea of children's rights, from the perspective of an adult, was that of a moral duty rather than that of a legal obligation (Te One, 2008).

It was in the late 1970s that the idea emerged that children's rights should be more than just a declaration, or a moral obligation. According to Freeman (1998) during this period, there was a discernible shift in the way in which children's rights were viewed. Accordingly, the discourse of children's rights went from being about protecting children to protecting children's rights (Te One, 2008; Freeman, 1998). In 1978, the Polish delegation to the UN submitted a draft text for a convention, rather than a declaration, on the Rights of the Child to the UN. The Polish delegation had in mind that the convention would be to mark the Year of the Child (1979). The draft submitted to the UN was similar to the existing Declaration's text. As such, many states agreed that the draft required significant review (Buck, 2014). It was argued that the draft was outdated because significant changes had occurred socially, culturally and economically throughout the world during the previous 20 year period (Buck, 2014). Also, many states agreed that, for the Convention to be legally binding, the revisions made by the Polish delegation of the 1959 principles would need to be updated as they were considered too vague for international law (Buck, 2014). In 1979 the UN Commission on Human Rights (UNCHR)

opened a working group to review and expand upon the draft text (McGregor, Bell & Wilson, 2015). Between 1979 and 1988, 11 working group sessions were held. UN member states, observers sent from the UN and inter-governmental organisations were able to be present and contribute (Buck, 2014). Non-governmental organisations (NGO) that were at first permitted to be present, but not to speak, contributed significantly to the drafting of the convention:

The ad hoc group of NGOs was able to identify no less than 13 substantive Articles for which they claimed primary responsibility, and a further similar number of Articles to which they had a less direct but nevertheless important input. (Buck, 2014, p. 90)

Over the lengthy 10 year period it took to draft the UNCRC, both industrialised countries (although disproportionality represented) and developing countries contributed to the drafting process. As a non-voting observer, New Zealand contributed to the drafting process by submitting written comments that supported the idea of using gender neutral language in the convention (McGregor et al., 2015). New Zealand also called for provisions that included children with disabilities and objected to provisions regarding children and employment (McGregor et al., 2015). In 1989, the UN General Assembly unanimously adopted the UNCRC and opened it for state signatures on January the 26th 1990. Impressively, 61 states signed the convention on its first day (Buck, 2014). The UNCRC was entered into force on the 2nd of September 1990, making it the most rapidly adopted and ratified convention in the world (McGregor et al., 2015). Additionally, unlike earlier declarations which were viewed as aspirational, the UNCRC is legally binding, thereby imposing legal obligations on signatories to uphold children's rights. However, as noted in *Tavita v Minister of Immigration* and A-G [1994] 2 NZLR 257, the UNCRC cannot override domestic laws, unless articles in the convention have become an enabled Act of Parliament.

Since its adoption, the UNCRC has been an instrumental advocacy tool for influencing how children in the international community are dealt with and conceived of (Freeman, 2000). Notably, the UNCRC is the most universally ratified human rights treaty, having been adopted and ratified by 195 states. Currently, the United States of America (USA) is the only state that has not ratified the UNCRC⁴. The UNCRC comprises 54 articles covering the full range of rights (civil, political, economic, social and cultural). The UNCRC also has four key general principles that underlie the convention and must be taken into account when interpreting the other rights. These are:

- Article (2) All children have the right to be protected from all forms of discrimination
- Article (3) When decisions are made that affect a child's life, they have the right to have their best interests kept as a primary concern
- Article (6) All children have the right to life, survival and development
- Article (12) All children have the right to have an opinion and to have those opinions heard

In contrast to the 1924 and 1959 Declarations, the UNCRC is the first to acknowledge children's autonomy and children's views (Freeman, 2000).

The UNCRC sets out the relationship between the state and the child, with the state having a duty and responsibility to uphold the rights of the child. Dershowitz (2004) argues that affording children rights implies that children, like adults, are entitled to participate in their social, political and cultural environments. Likewise, Lansdown (2005) argues that children's rights are not about parents or the state handing complete control of children's lives over to children; it is, in part, about acknowledging that children have voices and

⁴Although the USA has not ratified the UNCRC, it is a signatory and is under an obligation "of good faith not to defeat the purpose of [the] treaty" (Buck, 2014, p .43).

can possess the ability to participate in decision-making processes that affect their lives. Parents' role in ensuring their children are enabled to exercise their rights is clearly stated in the UN Committee on the Rights of the Child's General Comment No. 12 (2009) which states:

The Convention recognizes the rights and responsibilities of parents, or other legal guardians, to provide appropriate direction and guidance to their children... but underlines that this is to enable the child to exercise his or her rights and requires that direction and guidance are undertaken in a manner consistent with the evolving capacities of the child. (p. 19)

While the Convention is particular in acknowledging the important role of parents and caregivers in realising children's rights, Reid (2006) states that "Children's rights are not neutral; they can, and do intersect awkwardly with parental rights and responsibilities" (p. 119). Indeed, Buck (2014) suggests that one of the reasons why the USA did not sign the convention was because of fear that children's rights could be a threat to parental rights.

Parental rights had, prior to the establishment of the UNCRC in 1989, been brought into question through the 1985 English *Gillick v West Norfolk and Wisbech Area Health Authority*⁵ case. *Gillick v West Norfolk and Wisbech Area Health Authority* redefined the powers which parents hold over their children (Reid, 2006). From this case it emerged that, firstly, parents have power over their children only insofar as it protects their welfare (Archard, 2010). Secondly, as children mature with age, parental rights begin to lose their status as the most important of rights. Thirdly, because children mature and develop at different ages, there is no set age at which "parents' rights" disappear (Reid, 2006). This case paved the way towards ridding the children's rights discourse of Victorian concepts of absolute parental authority and control, advocating instead for a new discourse of

⁵The *Gillick* case of 1985, dealt with whether doctors were allowed to prescribe the contraceptive pill to girls under 16 years of age without parental knowledge or consent.

children's rights whereby a partnership between children and parents, regarding rights, is formed (Reid, 2006).

Notably, the UNCRC is also about acknowledging that children's own views are important and children can exercise autonomy and agency over their own rights (Lansdown, 2005). Alderson (2000) and Lansdown (1994) point to the articles of the UNCRC as providing rights in relation to provision, protection and participation. The acknowledgement of these rights has played a significant role in reshaping societies' understanding and treatment of children. For example, Alderson (2000) argues that in relation to social policy, participation articles, especially Article 12, have influenced the conception of the roles of children within policy.

Article 12

1. State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or through representative or an appropriate body, in a manner consistent with the procedural rules of national law. (United Nations, 1989, p. 5)

In New Zealand, for example, Article 12 has been successfully acknowledged in some areas of domestic law. The Evidence Act of (2006) (s107, s 201) and the Care of Children Act (2004) (s 6) both give weight to a child's right to be consulted and given reasonable opportunity to voice their opinions in matters affecting them. This reflects the importance of acknowledging children as autonomous subjects worthy of individual rights⁶.

⁶ Previous to the Care of Child Act 2004, s23(2) of the Guardianship Act 1968 also required the Family Court to take into consideration a child's point of view in legal matters.

Limitations of the UNCRC

Whilst the UNCRC has been designed with a clear intended focus on the best interests of the child, as well as afforded children specific-rights to provision, protection, and participation, it is not without its limitations. Most notably, the UNCRC (1989) was created without the involvement of children, which contradicts its own Article 12. Bentley (2005) also states that the UNCRC was created using a minimal world view, or an essentialist vision of the few dominant nations in the world. Similarly, Freeman (2000) argues that the Convention does not go far enough to encompass all children and their childhoods; rather, he argues it subsumes all images of children into one essentialist vision. Examples of this can be seen in the marginalisation of the rights of gay children, where sexual orientation is not specified in the non-discrimination categories, and where the rights of disabled children are only given limited recognition that has a clear emphasis on anti-discrimination rather than inclusion (Freeman, 2000).

Moreover, Hassall and Davies (2003) note that whilst the Convention is of great importance, it is a sensitive topic that can provoke antagonism. For example, the authors note that because it is a United Nations document, some people fear that it gives agents of the state the right to interfere in their lives, especially concerning child rearing practices (Hassall & Davies, 2003). Secondly, there is a great misconception within society that giving children rights leads to misbehaviour and defiance against carers. This evokes an image of child self-centeredness and is considered an undesirable way to raise children. Thirdly, the Convention is about children, and children as a group throughout political history have largely been ignored, especially in relation to budgetary allocation. Even with a legally binding convention, this continues to be an issue for concern that continues to be ignored by many Western and Eastern governments. Fourthly, while the United Nations is a significant international legal body, they are limited and in many ways

powerless in their ability to assert legal authority over states (Heywood, 2011). This is because under international law, states are equal, sovereign and autonomous and the United Nations is not a supra-national institution. Indeed, if a state chooses to ignore international law and assert state sovereignty and the concept of “national interests”, the United Nations can do little to remedy the situation. Lastly, Reid, (2006) argues that the state, through the UNCRC, has caused children to lose their innocence by encouraging children’s agency. Reid (2006) also states that the government, through the UNCRC, has assumed the role of the parent, taking away parents’ rights to raise their children in a manner of their choosing. This argument, however, assumes that children with agency no longer require parental guidance or the need to negotiate decisions about their lives and ignores parent and child relationships (Te, One, 2008).

Whilst this is not an exhaustive list of the limitations of the UNCRC, it clearly shows that the Convention is a great start for children’s rights and has been shown to have had a number of positive effects. Providing children with the right to express an opinion on policies and issues that affect their lives and acknowledging children as agents in their own right are just two examples. However, there is still a great deal of work to be done to create full inclusion of all children and childhoods and to continue to better the lives of children in the international community.

Concerning children’s rights in New Zealand, most New Zealanders, according to Reid (2006), are unaware of and uninterested in international laws and conventions, especially that of the UNCRC. Smith (2000) states that the UNCRC is not well received in New Zealand and most politicians give little if any prominence to issues of children’s rights. Accordingly, everyday citizens live lives removed from the settings of international law (Reid, 2006). As such, children in New Zealand may have their rights placed at risk, misinterpreted or simply ignored. Consequently, it is an urgent task that research, like the current study, is undertaken to find out if those who are in the positions of power to

endorse, recognise and facilitate children's rights, most notably parents, are interested in children's rights and clearly understand what children's rights are really about. Indeed, for children's rights to have their desired effect of improving circumstances for children in New Zealand, those in positions of power and authority must acknowledge their existence, understand their principles and, most importantly, help to facilitate and endorse them.

Parents' Rights

Children's rights are often characterised as standing in opposition to parental rights, with the former diminishing the latter. Perceptions of a tension between children's and parents' rights is acknowledged in the literature (Alston, 1994; Freeman, 2000; Pardeck, 2006; Reid, 2006; Reynaert, Bouverne-de-Bie & Vandeveld, 2009; Simon, 2000; Te One, 2008; Wood et al., 2008). Reynaert et al. (2009) argue that tensions between parents' and children's rights occur because these two dichotomies oppose. That is, parents' rights and responsibilities to raise their children can clash with children's rights to autonomy and participation (Reynaert et al., 2009). However, while there is an abundance of literature focused on children's rights, there is a paucity of literature that focuses specifically on what parents' rights are and how they came into existence. From the literature that is available it can be stated that parents' rights have their beginnings from at least early Roman times and still exist in laws today (Archard, 2003). Contrary to common assumptions, however, parents' rights, unlike those of children, do not have a universal, international, legally binding treaty or set of guidelines. A doctrine of parents' rights appears to be much like a social contract: Although visible in some laws, it is invisible socially, yet universal, understood by most and considered fundamental and inviolable at best. Indeed if children's rights diminish those of parents, having knowledge of what rights parents have is essential to unravelling this notion.

The idea of parents possessing dominant rights is not a new concept. In fact, before the mid-1900s children, under English common law, were viewed as the property of their fathers (Cunningham, 2006; Helwig, 1997; Westman, 1991; Wood et al., 2008). It was only during the 19th century that the status of mothers as rights holders over their children began to be recognised. “As children were produced and nurtured by their parents, they owed their existence to them and therefore they ‘belonged’ to their parents” (Wood et al., 2008, p. 55). Parents were, as such, viewed as the rights holders over their children with limited, if any, interference by the state (Cunningham, 2006; Westman, 1991). Parents had the right to keep the sanctity of the family by most means possible. This included rearing children as they saw fit, which was often by means dictated by religious discourse and doctrines (Cunningham, 1996). The principle of *parens patriae* (parent of the nation) during this period provided some protection for children by the state from negligent or abusive parents (Pardeck, 2006; Reynaert et al., 2009). However, it was not until the 20th century with the children’s rights movement that children’s rights, separate from those of adults, started to be taken seriously.

In New Zealand, the Guardianship Act of 1968 set out parents’ responsibilities towards the welfare of their children. This Act was replaced by the Care of Children Act 2004, which sets out a non-exhaustive list of “duties, powers, rights, and responsibilities of a guardian of a child” as follows:

[16] The duties, powers, rights, and responsibilities of a guardian of a child include (without limitation) the guardians—

- (a) having the role of providing day-to-day care for the child (however, under section 26(5), no testamentary guardian of a child has that role just because of an appointment under section 26); and
- (b) contributing to the child’s intellectual, emotional, physical, social, cultural, and other personal development; and
- (c) determining for or with the child, or helping the child to determine, questions about important matters affecting the child.

(2) *Important matters affecting the child* include (without limitation)—

- (a) the child's name (and any changes to it); and
- (b) changes to the child's place of residence (including, without limitation, changes of that kind arising from travel by the child) that may affect the child's relationship with his or her parents and guardians; and
- (c) medical treatment for the child (if that medical treatment is not routine in nature); and
- (d) where, and how, the child is to be educated; and
- (e) the child's culture, language, and religious denomination and practice.

(3) A guardian of a child may exercise (or continue to exercise) the duties, powers, rights, and responsibilities of a guardian in relation to the child, whether or not the child lives with the guardian, unless a court order provides otherwise. (Care of Children Act, No. 90., s 16, 2004)

The Care of Children Act, No. 90. (2004) addresses parents' duties, powers, rights and responsibilities towards their children within a legal framework. Parents' rights, rather than responsibilities, appear an assumed idea that is given traction because of the biological or legal bonds which parents share with their children, as well as the overarching belief that children are vulnerable and require protection. It is the intention of this thesis to understand exactly what parents believe parents' rights are and to address the potential conflict that exists between parents' rights and children's rights in the hope that, in the future, the dissonance between these notions of rights can be resolved.

Conclusion

Rights in most contexts appear to be rather complex. As has been indicated, human rights have a contested yet important history. Although many debates continue about the discourse of human rights and its content, the contemporary human rights of today, on paper and in action, show the importance of dignity and respect for others. By acknowledging without prejudice that all humans, including children, have inherent and inviolable rights and are entitled to be treated fairly, a world of mutual respect and

cohesion is possible. Lastly, this research acknowledges the importance of all rights, but is focused on creating a stepping stone to exploring the way parents' and children's rights play out in the home setting.

Chapter Three: UNCRC Policy in the New Zealand Context

Introduction

This chapter provides a brief overview of the UNCRC in New Zealand policy. Moss and Petrie (2002) have described policy, in the context of children and childhood, as one manifestation of a set of expressions, assumptions and values held by society of children at a specific time in history. To understand the role that law and policy can have on influencing parents' perceptions of children's rights in New Zealand, it is necessary to discuss the implementation of the UNCRC in New Zealand and the role it has played in shaping domestic policy. This section does not provide a detailed discussion of all domestic policies and laws that have been affected by the UNCRC. Rather, it discusses the most relevant law and policy changes in the current context.

A Brief Overview of the UNCRC in New Zealand

On the 6th of April 1993 New Zealand ratified the UNCRC and became the 131st country to do so. Governments that ratify international conventions such as the UNCRC 1989 have a moral and legal obligation to ensure that, over time, their domestic policies fall in line with those conventions. Ludbrook and Jamison (2013) and McGregor et al. (2015) state that due to "established practice" the New Zealand government did not ratify the UNCRC until it was satisfied it could progressively make domestic laws and policies compliant with the obligations it would have under the Convention. By ratifying this Convention, the New Zealand government also agreed that it would "undertake all appropriate legislative, administrative, and other measures for the implementation of the rights in the present convention" (Article 4). However, because New Zealand's laws and policies and practices were considered to be compliant with the UNCRC before it was ratified, to date governments have made no attempts to review *all* policies, laws and

administrative practices to ensure they are compliant with UNCRC, despite repeated recommendations from the United Nations Committee (Ludbrook, 2009).

When the UNCRC was ratified, the New Zealand government entered into force three reservations⁷. Reservation one pertains to children who are unlawfully residing in New Zealand and their rights to access education, health and housing. While this reservation remains in place, the New Zealand government repealed provisions under the Immigration Act 1987 that made it a crime to knowingly enrol children who are unlawfully in New Zealand into an education facility (McGregor et al., 2015). As such, children who are unlawfully in New Zealand now have the opportunity to access education. These children do not, however, have access to government housing or social assistance. According to McGregor et al. (2015) the New Zealand government is currently considering amending these restrictions. Reservation two pertains to Article 32 (2) of the Convention regarding employment protections for children. The New Zealand government has expressed the view that there are already extensive laws in place that protect children in employment⁸ (Ludbrook, 2010). As such, the government does not deem additional measures necessary to enforce Article 32(2) (McGregor et al., 2015). Reservation three pertains to Article 37(c) involving youth who are incarcerated in adult facilities. The New Zealand government in 2008 stated that new youth facilities were available and that no male youth inmates would be held in an adult facility. However, in relation to female inmates, due to a low female youth inmate population, where it is deemed necessary, female youth inmates are held in adult facilities, because female youth units are not a viable option. Lastly, the government ratified only two of the three Optional

⁷To make a reservation is to provide a statement that a country is unwilling or unable to comply with a specific article.

⁸Examples of these laws include: the Education Act 1989, which states that during school hours children who are under the age of 16 cannot be employed and the Health and Safety in Employment Act 1992 which outlines various obligations of employers to younger employees such as, not allowing people 15 years and under to work in dangerous places or conditions.

Protocols⁹. Optional Protocol Three, a complaints procedure, which was entered into force on the 14th of April 2014, has not been adopted by the New Zealand government. This optional protocol allows children to make individual complaints straight to the UN Committee regarding breaches to their rights under the Convention and optional protocols (McGregor et al., 2015).

Despite concluding comments from the UN Committee in response to New Zealand's first, second, third, and fourth periodic reviews that have identified numerous areas of inconsistencies, and expressed concern regarding the three reservations, the government has made minimal progress on amending these inconsistencies and concerns (Ludbrook, 2009). As such, these issues of non-compliance continue to be significant deficiencies on the path to fully acknowledging children's rights in New Zealand policy.

The Reporting Process

Since the New Zealand government ratified UNCRC, it has been obligated to submit periodic reports to the UN Committee regarding its progress on the implementation of children's rights in New Zealand law, policy and practice (Article 44 (1)). Since ratification, the New Zealand government has submitted five periodic reports to the Committee, the 1st in 1995, the 2nd in 2001, the 3rd and 4th periodic reports were combined in the 2008 submission and, most recently, the 5th periodic report was submitted in 2015. While governments bear the primary responsibility of reporting directly to the UN committee, non-governmental organisations such as Action for Children and Youth in Aotearoa (ACYA), Youth Law, Save the Children and the United Nations Children's Fund (UNICEF) have contributed significantly to the reporting process (McGregor et al.,

⁹ The Optional Protocols include: (1) The Optional Protocol on the sale of children, child prostitution and child pornography. This was ratified by the New Zealand government on the 20th of September, 2011; (2) The Optional Protocol on the involvement of children in armed conflict. This was ratified by the New Zealand government on the 12th of November, 2001 and (3) The Optional Protocol on a communications procedure. This protocol is yet to be ratified by the New Zealand government (McGregor et al., 2015, p. 89).

2015). The process of writing the reports is designed in such a way that its guidelines allow state parties to reflect on their progress in reaching full compliance and implementation of the UNCRC (McGregor et al., 2015). As stated by McGregor et al. (2015):

The Reporting guidelines encourage States to group their analysis into sections, or “clusters”, beginning with a preliminary section on follow-up from previous report, an overview of the national implementation mechanisms, budgetary and statistical data related to children and factors and difficulties of implementation. (p. 87)

Following the submission of a periodic report to the Committee, the Committee meets with non-governmental organisations and other competent bodies to discuss the periodic report and compiles a list of any issues (McGregor et al., 2015). The government is then presented with the issues and requested to provide a response to the Committee. A public meeting (hearing) is then held to discuss the report and any difficulties, progress, and future aspirations found or deemed necessary for the UNCRC’s full implementation. Following the public meeting, the UN Committee responds with Concluding Observations regarding the state’s progress with its implementation and obligations towards the UNCRC. These Concluding Observations are considered a means of independent monitoring designed to, over time, bring the nation’s laws, policies and practices in line with the UNCRC (Ludbrook, 2010). Ludbrook (2010) notes recommendations via the UN Committee have, in all previous reports, been extensive. However, as noted by McGregor et al. (2015), with every UN Committee report comes a more positive review of New Zealand’s implementation and compliance with the UNCRC.

Implementation of UNCRC

The full implementation of children’s rights in New Zealand law, policy, and practice has been marred by the failure of successive governments to allocate responsibility for the

implementation of children's rights to one agency or Ministry (Ludbrook, 2000; Ludbrook & Jamison, 2013; McGregor et al., 2015). In 1989, under the Children, Young Persons and their Families Act 1989, the New Zealand government appointed its first Children's Commissioner. The role of the Children's Commissioner was, at the time, to advocate for and champion children's rights (Barrington, 2004). Notably, the Office of the Children's Commissioner (OCC) is recognised as having played a significant role in advocating for New Zealand's ratification of the UNCRC (Barrington, 2004).

In New Zealand's first report to the UN Committee in October 1995, the government presented a united front of cross-agency responsibility for the UNCRC. The Ministry of Youth Affairs, the Department of Social Welfare, the Crime Prevention Unit of the Department of the Prime Minister and Cabinet and the OCC were all identified as bearing some responsibility for the implementation of children's rights (McGregor et al., 2015). However, in the second report to the UN Committee in 2003, the Department of Social Welfare had ceased to exist and the then Ministry of Youth Affairs was held primarily responsible for co-ordinating the government's reports to the UN Committee. In the same year, the OCC was given its own empowering legislation, the Children's Commissioner Act 2003. Although this legislation did not provide the Commissioner with authority to force the government to comply with the UNCRC, it gave the Commissioner the right to monitor the government's implementation of the UNCRC (Ludbrook, 2010). Indeed, the Children's Commissioner Act 2003 also includes, amongst the general functions of the Commissioner, the responsibility to raise awareness and understanding about the UNCRC. However, the Deputy Children's Commissioner Dr Justine Cornwall has said that:

The government is first and foremost responsible for upholding the principles and provisions of the Conventions which they have ratified. This includes implementation and raising awareness of the Convention. However, under the Children's Commissioner Act 2003 the office does

have a role in raising awareness and understanding of the Convention alongside our broader advocacy and monitoring and investigation functions. (J. Cornwall, personal communication, December 14, 2015)

Following the second UN Committee report, a UNCRC advisory group was established to facilitate discussion between non-governmental organisations and the government about the reports. Although the advisory group held no legal status or jurisdiction, they contributed significantly to the 3rd and 4th periodic report. Notably, by the third periodic report in 2008, the Ministry of Youth Affairs had combined with parts of the Ministry of Social Development (MSD) to form the Ministry of Youth Development. In 2009, MSD took primary responsibility for the reporting process from the UNCRC advisory group, which then ceased to exist. In 2011, the OCC formed the UNCROC Monitoring Group (UMG) to monitor the implementation of the UN Committee's Concluding Observations. While the OCC has contributed significantly to monitoring the implementation of children's rights in New Zealand, resourcing constraints have required OCC to be highly selective about how those resources are deployed, a point made by the Deputy Children's Commissioner Dr Justine Cornwall:

Resource constraints means that our Office has had to ensure that we focus our activity on where we can have the most impact such as our monitoring of the services Child Youth and Family provide to vulnerable children. However, all of the work that the Office does is underpinned by the principles of the UNCRC and it guides all of our activity. (J. Cornwall, personal communication, December 14, 2015)

The New Zealand government has maintained that all agencies are responsible for the implementation of the UNCRC. However, the failure to prioritise children's rights (implementation) across all government departments and agencies remains a significant blight on the road to achieving full implementation of children's rights in New Zealand. As the Deputy Children's Commissioner has said:

The full realisation of children's rights in New Zealand will not be achieved until there is a systematic approach within government to prioritise the rights of children and to consider and assess the potential impact of policies and legislation on children and young people early in

the policy development process. (J. Cornwall, personal communication, December 14, 2015)

New Zealand's Progress Since Ratification

Since 1997, the UN Committee has raised over 35, often repeated, concerns and recommendations in each of their reports to the New Zealand government on its progress of implementation of the UNCRC (Ludbrook, 2009; UNICEF New Zealand, 2013). These concerns and recommendations have at their fore issues of non-compliance that can affect families and children in New Zealand. This section will discuss those concerns that are most relevant to the current topic. This section will also discuss some of the changes that New Zealand governments have made pertaining to issues of non-compliance mentioned in reports by the UN Committee, most specifically corporal punishment and New Zealand's National Plan of Action.

Corporal punishment - a success story

The Committee defines 'corporal' or 'physical' punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting ('smacking', 'slapping', 'spanking') children, with the hand or with an implement – a whip, stick, belt, shoe, wooden spoon etc. (Wood et al., 2008, p. 54)

According to previous New Zealand law, under the then Section 59 of the Crimes Act 1961, parents could avail themselves of a legal defence for the use of reasonable force against their children as a form of discipline. However, the use of force against a child infringed on a number of articles of the UNCRC (Wood et al., 2008). Some examples include Article 3 which requires that in anything involving a child their *best interests* are to be kept a primary concern; Article 4 which requires the state to take all appropriate legal and other measures necessary to ensure the implementation of the articles in the present Convention are recognised and, most significantly, Article 19 which requires the

state to ensure the protection of children from all physical and mental harm (Wood et al., 2008).

Since 1997, the UN Committee has made recommendations to the New Zealand government that it review its laws on corporal punishment towards children. In the UN Committee's 1997 recommendation, it also stated that New Zealand should review its laws and abolish all forms of physical and mental punishment towards children (Ludbrook, 2010). In 2003, the UN Committee expressed deep concern on the issue of failing to repeal Section 59 of the Crimes Act. In 2004, the government stated that before work could be done to repeal Section 59 of the Crimes Act, public education programs should be provided as a means of teaching parents alternative measures of discipline. Such programs as Strategies with Kids Information for Parents (SKIP) were implemented by MSD during 2004 and 2006. In June 2005, Green Party MP Sue Bradford's Private Member's Bill pertaining to repeal of Section 59 of the Crimes Act was drawn from the ballot (Wood et al., 2008). Following some significant amendments to this Bill, with notable contributions from the New Zealand Law Commission, an amended version of this Bill was eventually supported by all of the major parties: the Labour Party, National Party, Maori Party and United Future Party, in addition to the Green Party, -and came into force in 2007 (Wood et al., 2008). The Bill was not without opposition. Those who opposed the reform stated that repealing the law would be taking away parents' right to discipline their children according to their own beliefs and would be allowing the government unwanted intrusion into the family setting (Wood et al., 2008). Indeed, it appeared that members of the public held similar views and in 2009, due to a significant number of citizens opposing the law change, a referendum was held¹⁰. Although the

¹⁰ The referendum posed the question "Should a smack as part of good parental correction be a criminal offence in New Zealand?" (Electrol Commission New Zealand, 2014)

overwhelming majority of citizens voted that it *should not* be a crime to ‘smack’ children, the new Section 59 remains in force.

The repeal of Section 59 of the Crimes Act was and is landmark legislation for the rights of New Zealand children. By abolishing the right to use corporal punishment against children, New Zealand has fully implemented the recommendations in relation to corporal punishment made by the UN Committee in its previous reports.

National action plan for children- A false step in the right direction

Creating a national action plan for children is a fundamental obligation of the New Zealand government (Ludbrook, 2010). It involves addressing areas of non-compliance in law and policy and creating a framework that sets goals and timelines to address these issues (Ludbrook, 2010). In the UN Committee’s report of recommendations to New Zealand in 1997, it was recommended that New Zealand establish an action plan for children or global policy that was solely dedicated to ensuring that children’s rights were recognised in New Zealand policy and law. The UN Committee commented that a comprehensive policy statement on children’s rights was necessary because child-based policies in New Zealand were, at best, fragmented (Ludbrook, 2010). Although discussions about the format of a plan of action were held between government agencies and the OCC between 1995 and 1996, the allocation of responsibility for a draft plan was never given. In 2000, the New Zealand government reported to the UN Committee that an Agenda for Children¹¹ and a Youth Development Strategy¹² were being developed and would be actioned by late 2001. The Agenda for Children was published by the Ministry of Youth Affairs in 2002. It is not, however, a plan of action as recommended by the UN

¹¹ The Agenda for Children adopted a whole-child approach and established a framework for policy for those working with children and for those making policy for children.

¹² The Youth Development Strategy provided a policy framework for those aged 12 to 24 years.

Committee. Rather, Ludbrook and ACYA (2010) states that the Agenda for Children was merely a statement of good intention (Ludbrook, 2010). The UN Committee in 2003, however, commended New Zealand on its progress towards an action plan for children, but also strongly recommended that a permanent mechanism was needed to ensure the progress of the UNCRC in New Zealand.

Since 2003, minimal progresses has been made on a National Action Plan for *all* children in New Zealand. It should be noted that in 2012 A Vulnerable Children's Action Plan was released by the government. This plan, arising from the White Paper on Vulnerable Children, was designed to protect children who are at risk of harm (UNICEF New Zealand, 2013). This action plan provides a framework for addressing problems and solutions for vulnerable children. Also, the Vulnerable Children's Act 2014 came into force. Most significantly, this legislation makes heads of five government departments¹³ responsible for ensuring the improvement and protection of lives of vulnerable children. While providing an action plan that protects vulnerable children can be considered an important gesture by the New Zealand government, a national action plan for all children in New Zealand is also just as important and urgently required.

In New Zealand's combined 3rd and 4th periodic report to the UN in 2008, the government referred to the Agenda for Children and Youth Development Strategy as support mechanisms for putting children at the centre of policy-making. Indeed, there is yet to be a report on the successes or failures of these policies in action. As stated by Ludbrook (2010) "At best Agenda for Children and Youth Development Strategy can be viewed as a tokenistic attempt to develop an Action Plan in compliance with its UNCRC obligations:

¹³ The head of the New Zealand Police, Minister for Social Development, Minister's for Health, Education and Justice, and the Ministry of Health, at the time of writing, are accountable under this Act.

at worst these documents can be seen as a tokenism and an insult to the many children and adults who assisted in their development” (p. 27)

It can be seen that the government has taken some steps towards the full implementation of the UNCRC in law, policy and practice in New Zealand. The repeal of Section 59 of the Crimes Act is a significant step forward in recognising a child’s right to be protected from physical and mental harm. However, the failure of the government to fully implement a National Action Plan for *all* children and to implement a permanent mechanism responsible for the monitoring, implementation and compliance of UNCRC in New Zealand, means that children’s access to their rights and the recognition of their rights as indivisible and interdependent will continue to be placed at risk.

Conclusion

Twenty-two years later, reservations (2) and (3) and a failure to ratify Optional Protocol Three remain. This derogates from full acceptance of children’s rights in New Zealand. Equally, the lack of a mechanism for the UN to enforce full compliance with the UNCRC serves as a significant hurdle to the full compliance and implementation of children’s rights in ratifying states. As stated by Butler (2012) “no punitive actions beyond shaming and blaming exist to enforce compliance with what nations have legally bound themselves to do” (p. 2). While the UN Committee can point out where a State’s laws and policies are inconsistent with UNCRC, and express the importance of upholding their obligations to them, it cannot enforce states’ compliance. As such, the “economic, social and political context in which the law is expected to operate” can act as hurdles to the full compliance of international laws (Kaufmann & Rizzini, 2009, p. 427).

Henceforth, the New Zealand government is obligated to ensure that its laws, policies and practices are in full compliance with the UNCRC. While the government should be commended on its repeal of Section 59 of the Crimes Act, the establishment of a

Vulnerable Children's Action Plan and on its introduction of the Vulnerable Children Act (2014), there are still many facets of New Zealand domestic law and policy that need to be addressed to be considered compliant with the UNCRC (1989).

Chapter Four: Theoretical and Conceptual Frameworks

Introduction

This chapter critically discusses the theoretical and conceptual frameworks regarding children, childhood and parenting that underpin this research: Childhood studies, Bronfenbrenner's ecological model of human development, and Baumrind's model of parenting styles. These frameworks together suggest that children's interactions with society and other citizens, for example, parents, help children to become social actors who, like everyone else, are entitled to social justice and can contribute to society. Combined, they also postulate that images of and expectations of children and childhood differ depending on their context (Smith, 2013).

Childhood Studies

Since the conception of the independent study of children and childhood in the late 19th century, acknowledging children as worthy of independent study has been an important, ambiguous and at times contentious topic for discussion and research (Woodhead, 2009). From its early beginnings grounded in and dominated by developmental theory, the study of children and childhood over time has become an important focal point of numerous disciplines such as sociology, anthropology and history (Woodhead, 2009). From these disciplines, new perspectives and approaches to understanding children and childhood have been established. Whilst at times these have reinforced traditional understandings, they have also produced new and profound insights that have created challenging, conflicting, and differing opinions about children and childhood between paradigms (Woodhead, 2009).

The field of childhood studies was established to combine the different approaches to understanding children and childhood. The aim was to develop a holistic insight into what it means to be a child, the concept of childhood and, more recently, the importance of understanding agency and children's rights (Woodhead, 2009). Central to childhood

studies approach is children's agency. This postulates that children can be seen as competent social actors. That is, children, through a sociological view of agency, are not perceived as existing in a vacuum (James, Jenks & Prout, 1998). They take an active inventive role in their everyday lives and can have the capacity, as social agents, to act upon structures as well as being constrained by structures (Prout & James, 1990). Viewing children as social agents asserts the idea that children can affect, through their everyday actions, their social circumstances. From a childhood studies point of view, it also acknowledges that adults play an integral part in providing guidance, structures and the opportunity for participation that can sometimes be necessary for children to exercise agency (Smith, 2013; Woodhead, 2009). Also, central to the approach utilised in childhood studies is the view that the concept of childhood is socially constructed and the way in which society understands children and the concept of childhood is context-dependent and ever-changing (Clark, 2010a). It is therefore also important to acknowledge that how a society at a given point in time chooses to imagine and theorise in regards to both children and the concept of childhood will greatly affect children's lives (Moss & Petrie, 2002).

Childhood and the Social Construction of Childhood

As Clark (2010a) notes, one commonality that is shared between adults is that they were all once children so have all experienced childhood. As all adults have this in common, defining childhood and children conceptually may therefore appear relatively simple. After all, most people presume that they know what childhood is and can recognise a child when they see one (James & James, 2008). However, as the field of childhood studies has acknowledged, no agreed universal definition of childhood has been or can be established (Clark, 2010a). This is because within the new paradigm of childhood studies, the concept of childhood is not seen as a universally natural or purely biological state as once thought (James & Prout, 1997). Rather, it is recognised as a diverse, culturally,

socially and contextually dependent construct (Clark, 2010a). The sociological perspective of social constructionism explores the way in which “reality” is negotiated in everyday life through people’s interactions and through different ways of thinking and talking about social phenomena (James & James, 2008): “Childhood, as distinct from biological immaturity, is neither a natural nor universal feature of human groups but appears as a specific structural and cultural component of many societies” (Prout & James, 1990, p. 8). Hence, despite some commonalities in experiences of childhood, “there exists no universal childhood that everyone experiences” (Clark, 2010a, p. 7). Therefore, determining exactly who is considered a child within society and what constitutes a state of childhood is a contentious question that over the last 30 years the field of childhood studies has attempted to address (Woodhead, 2009).

A Brief History of the Social Construction of Childhood

The historical development perspective of childhood and perceptions of children can serve as a trajectory for understanding the notion of childhood as a social construct. The historical platform from which the ideas of children and the concepts of childhood were constructed is an integral part of the development of childhood studies (Woodhead, 2009). It is also an integral part of understanding why and how parents, throughout history, have formed their particular perceptions and views of children and childhood.

It is also necessary to acknowledge that the historical framework for viewing children and the concept of childhood discussed here stems mostly from male perspectives and is grounded in the historical experiences of children from Western society, primarily Great Britain.

It has been argued that the concept of childhood is a modern social invention that has existed for a short period of time in Western history (Ariès, 1986; Postman, 1994). In the

1960s the French amateur historian Ariès argued that, prior to the 13th century, the concept of childhood did not exist:

In medieval society the idea of childhood did not exist; this is not to suggest that children were neglected, forsaken or despised. The idea of childhood is not to be confused with affection for children: it corresponds to an awareness of the particular nature of childhood, that particular nature which distinguishes the child from the adult, even the young adult. In medieval society this awareness was lacking. (Ariès, 1986, p. 125)

For example, Ariès pointed out that, in historical documents and paintings, medieval children were depicted as “mini adults”, who dressed like adults, engaged in the same activities as adults and who, once they could stand on their own two feet, were subsumed into the adult world and way of life (Aries, 1986). He concluded that “childhood” did not exist in medieval times, but emerged in the 17th century with the subsequent increasing importance of education and the rise of the nuclear family being key elements in explaining its modern form. Many of Ariès’ methods and conclusions have been challenged by critics. For example, Tucker (1977, as cited in Clark, 2010b) argued that the historical evidence Ariès used to draw his conclusions was produced by men and as such provides no way of knowing how women and mothers of that era thought of children. Gittins (2009) argued that paintings, like photography of today, are created with a purpose. Often paintings in the medieval period drew heavily on religious themes and symbolism; commissioned paintings may be designed to flatter and disguise. As such, the representations depicted in paintings of that period may not have represented the realities of life (Gittins, 2009).

In concurrence with Ariès’ conclusions that childhood is a modern social invention, Postman (1994) argued that the concept of childhood arose due to the development of the printing press in the 1450s. Postman (1994) believed that what separated a child from an adult before the introduction of the printing press was the ability to communicate. Communication was largely verbal and seen as the source of knowledge. Once a child

had firmly grasped the ability to speak, they were not seen as being different from an adult. With the development of the printing press in the 1450s and the rapid production of books filled with abstract knowledge, Postman (1994) argued that this resulted in the concept of childhood whereby childhood was a time to learn.

Both Ariès and Postman highlighted that the changing nature of childhood can be attributed at least in part to changes in society. A brief examination of Western (Christian) childhood from the pre-industrial period to the modern day illustrates the ways in which societal changes, for example religious, philosophical, economic or political changes, influence the discourses of children and childhood.

Childhood Through the Ages

During the pre-industrial period, the rise in Protestantism and the Puritan movement started to change the structure of family life. By the 17th century the once communal way of living had been replaced by the “wall of the private” (Ariès, 1986). Children, once perceived as mini-adults, were now viewed as needing to be reformed and safeguarded because they were perceived to be born naturally wicked (Clark, 2010b). Many children of this period were forced to learn prayers and to read the Bible daily, by parents convinced by the church doctrine that children were born inherently sinful and thus, to avoid eternal hell and damnation, obedience and strict discipline had to be enforced.

During the Enlightenment, the philosopher Locke (1762) put forward the notion that the human mind is a “tabula rasa” (blank slate) and all ideas are derived from experience, while the Swiss-born philosopher Rousseau argued that “man is born good but corrupted by society” (Clark, 2010b, p. 20). Such notions at the time rejected the ideas of the church that infants were born innately wicked, rather suggesting that those who were wicked learnt to be wicked (Clark, 2010b). This painted a new picture of children as innocent.

It was during the industrialisation period that some of the biggest changes in history to the experience of childhood and family life occurred (Gittins, 2009). Until this point in history, the majority of children had worked alongside their parents often on family farms or within the family unit (Clark, 2010b). The Industrial Revolution, however, centralised production within factories and placed particular value on child labour (Hendrick, 2011). Indeed, it was during this period that children slowly became separated from their parents in the workforce and the sentimental image of childhood Locke and Rousseau had once envisaged became the object of nostalgic longing (Clark, 2010b). The Industrial Revolution also made the perpetual issues of poverty and poor children more visible. When child labour became a matter of public concern in England in the early 1830s, the English government slowly introduced legislation, such as the Factory Act of 1833,¹⁴ which pushed children out of the working world (Clark, 2010b). More and more poor children thus became visible on the street, and were labelled as a threat to social order. Although at the time a number of organisations had been established to assist poor children, such as Barnardo's first home for destitute children, poverty was so widespread that these institutions alone could not combat the issue of poor children (Constantine, 2002).

To combat a longstanding Puritan fear that idle hands lead to wickedness and to ease the concerns regarding poor children as a threat to social order, full-time schooling was introduced in the late 19th century¹⁵ (Clark, 2010b). Cunningham (2006) explains that another significant factor leading to the introduction of full-time schooling was the nation and empire building of Great Britain. Indeed, for Great Britain to continue its nation

¹⁴The Factory Act of 1833 limited the working hours of those aged between 9 and 13 and made it illegal for children under 9 to work in factories. This Act also stipulated children aged over 9 require some form of part-time education.

¹⁵The Forster Education Act of 1870 made education free for *all* children up to the age of 10. The emphasis placed on 'all' is because education had been available prior to this legislation, however, it had only been available to the limited few who could afford it and depended largely on factors of class and gender at the time.

building and to maintain its status as one of the most powerful nations in the world, education of all children was considered a necessity (Cunningham, 2006). Clark (2010b), however, stated that for many of the poor, education was not viewed as beneficial as it took away their children's ability to contribute to the family household economically¹⁶. However, within a short period of time economic wellbeing had improved and the acceptance of full-time education became the norm. By 1880 all school boards in the United Kingdom made attendance compulsory and the Education Act of 1891 made schooling free for all children. The importance of the introduction of schooling is significant in the history of childhood as it assisted in the change of the image of children from a threat to society to sites for investment (Qvortrup, Corsaro, & Honig, 2011).

The 20th century saw the growth of scientific knowledge and the birth of a modern concept of the child characterised by a state of dependency, with childhood becoming increasingly regulated by the state (Clark, 2010b). Schooling for the most part had become a normative childhood experience, and a proscribed view of what childhood "should" be became evident. Children during this period were viewed as sites for investment (Clark, 2010b). This change in attitude towards children coupled with improved physical health and lowered infant mortality rates saw attention turn to children's psychological development (Clark, 2010b). By the end of the 19th century a child study movement had begun, and for those intent on studying children scientifically, such as doctors, psychologists and pedagogists, schools became crucial access points (Hendrick, 1997). Until the late 20th century the psychological perspective of developmental psychology dominated Western societies' understanding of children and childhood. Developmental psychology, pertinent to the understanding of child development, viewed childhood as a universally natural and biological process of development, whereby at different stages of the life course children

¹⁶Whilst child labour had been largely eradicated, marginal employment opportunities such as errand boys were still considered acceptable for children to participate in.

had to develop and successfully achieve certain competencies in order to progress to adulthood (Walkerdine, 2009). This approach alone, however, could not account for all aspects of child development and, more specifically, childhood. This theory espoused a view of children as not having full personhood (Jenks, 1996). As such the sociological theory of socialisation became an important aspect of studying and understanding child development (Clark, 2010b). Durkheim, a French sociologist, suggested that childhood was:

A period in which the individual, in both the physical and moral sense, does not yet exist, the period in which he [sic] is made, developed and is formed . . . the educationist is presented with a becoming, an incipient being, a person in the process of formation. (1979, p. 150)

This view presented adults as mature, rational, and competent whilst viewing children as a *tabula rasa*, a “human becoming”, lacking rationality, maturity and requiring socialisation and protection to ensure development into a presentable adult citizen (Morrow, 2011). Whilst there was no denying the reality of biological immaturity and that there were basic physical, structural and developmental patterns common to all children, numerous academic disciplines had started to produce different and at times conflicting opinions about the development of children and childhood (Woodhead, 2009). With a growing number of discrepancies between academic schools of thought evident within academia by the late 1980s, sociologists such as Qvortrup (1987) and Prout and James (1990) began to acknowledge that the area of children and childhood as an academic study was underdeveloped. As such, the field of childhood studies was developed to provide an interdisciplinary approach that could draw together diverse approaches and theories to better understand children and childhood (Woodhead, 2009).

Critique of Childhood Studies

The field of childhood studies has developed significantly since its introduction to academia in the 1980s. It is a multi-disciplinary field that has generated new

understandings of children and childhood. However, there are also challenges and critiques of childhood studies that must also be addressed. This section will briefly discuss some of the critiques of childhood studies that exist today.

As can be seen, the idea that childhood is socially constructed is a cornerstone of childhood studies. However, there is still a tendency for childhoods to be universalised in domestic and international policy, for example the UNCRC (1989) (Bentley, 2005). Tisdall and Punch (2012) state that the construction of childhood within childhood studies conforms to a Minority World norm and does not take into account Majority World norms. This suggests that while the field of childhood studies accepts that childhood is a social construction, there is yet to be a global consensus that childhood is a social construction. Further to this, while childhood studies also emphasises the idea of a new paradigm of childhood and, more specifically, that children are active agents in their own lives with their own rights, operationalising notions such as children's rights in policy and practice is complex. Tensions between parents' roles as protectors and providers and children's rights to participate are still evident (Tisdall & Morrison, 2012). This suggests that applying theory in practice is, in some instances, yet to be achieved.

Conclusion

The historical trajectory reflects large changes for children and the concept of childhood. It shows how throughout history children have been subjected to economic, political and social processes and discourses that have largely altered the constructed idea of childhood and children's experiences of being a child (Wyness, 2006). The invention of the academic field of childhood studies has served as a modern tool to better understand children and childhood. However, it is not without its challenges. Indeed, it can be seen that childhood studies is yet to see many of its theoretical perspectives translated into policy and practice.

Bronfenbrenner's Ecological Model

The focus will now turn to a brief overview of Bronfenbrenner's ecological model of human development (1979). This model is a useful framework to understand how parents' perceptions of children's rights can be influenced by different factors, both within and outside of the home.

Bronfenbrenner's ecological model of human development is perhaps one of the most influential and pertinent theoretical frameworks for understanding human development across the lifespan. When exploring parents' perceptions of children's rights in the home setting, Bronfenbrenner's ecological model can be used to show how structures within society, for example, governments, policy, schools or the workplace, can influence parenting practices or perceptions.

Bronfenbrenner's ecological theory was first introduced in the 1970s. It arose from the idea that previous psychological research of child development was flawed because it observed children's social interactions in strange settings, with strange people and for brief periods of time (Bronfenbrenner, 1994). According to Bronfenbrenner, to holistically understand child development, children's social interactions must be observed in broader social and cultural settings and on a regular basis for extended periods of time (Bronfenbrenner, 1979). As such, Bronfenbrenner asserted that a more accurate way of studying child development was not to solely focus on the child in strange settings on one-off occasions, but rather to study children in familiar environments and to pay specific attention to the context of the people and the settings in which children develop (Smith, 2013).

According to Bronfenbrenner's ecological model (1979) an individual is affected by and affects their immediate setting, for example, the home setting, as well as external environments in which their immediate setting is embedded, for example, policy. He

likened this explanation to a Russian doll in which the ecological environment is like “a set of nested structures, each inside the next...” (Bronfenbrenner, 1979, p. 3) where one cannot exist without being affected by another. There is a strong sense of interconnectedness, whereby human development is embedded in different settings which are constantly changing and affecting one another. Bronfenbrenner conceptualised these settings into five different systems.

The first system, the **microsystem** is

. . . a pattern of activities, social roles, and interpersonal relations experienced by the developing person in a given face-to-face setting with particular physical, social, and symbolic features that invite, permit, or inhibit, engagement in sustained, progressively more complex interaction with, and activity in, the immediate environment. (Bronfenbrenner, 1994, p. 39)

An example of this would be the home setting where children experience their day-to-day activities with their families.

Next the **mesosystem**, which is considered a system of microsystems (Bronfenbrenner, 1979), is the interrelations between two or more microsystems in which the individual actively participates. “It is formed or extended whenever the developing person moves into a new setting” (Bronfenbrenner, 1979, p. 25). An example of this is the kindergarten and home setting.

The following layer, the **exosystem** is made up of two or more settings in which the child does not actively participate, but the child’s development or the settings in which they actively participate are affected by the events that occur within those settings. For example, a decision made in the parents’ workplace setting can affect the home setting.

The next system, the **macrosystem**, consists of the overarching patterns of cultural values, beliefs, laws, bodies of knowledge, material resources, customs and opportunity structures that are found in the cultures and subcultures that make up the micro-, meso-

and exo systems (Bronfenbrenner, 1994). This system includes ideologies and institutional practices that can directly and indirectly influence a developing individual. For the current study, this would include the UNCRC (1989), New Zealand domestic laws and policy that involve children and parents and the beliefs and knowledge of the UNCRC that are held by society and individuals.

Lastly, the **chronosystem**, which was added to the ecological model at a later date by Bronfenbrenner (1994) consists of all the changes and consistencies of an individual and their environment that occur over the lifespan. It includes normative and non-normative events that shape a person's experience, for example, changes in the family structure and changes in residence or socio-economic status (Bronfenbrenner, 1994). This dimension of Bronfenbrenner's human development perspective shows that context changes over time (Bowes & Hayes, 1999).

Additionally, Furstenberg (1985) proposed the idea that children are a part of a family system and suggests that a family's interactions and processes are a result of direct and indirect influences from immediate, biological, and external environments. For some, however, external environments such as the cultural, economic, and political institutions of a society, also play a role in establishing boundaries for family settings. Parents, as such, can have limited control over external stimuli that can influence their parenting practices and shape their view of children, for example, laws that govern how parents can discipline their children.

From Furstenberg's (1985) and Bronfenbrenner's (1979, 1994) perspectives it can be stated that parents' perceptions of children's rights are likely to be a product of many different systems that can have both direct and indirect influences over parenting practices and beliefs within the home setting. The entire ecological system must be taken into

consideration when discussing the different contexts in which parents form their perceptions of children's rights.

The ecological model is a useful framework to begin to analyse parents' perceptions of children's rights. As Bronfenbrenner's model shows, complex interactions between individuals and different settings have consequences for an individual's development over the lifespan. It could be stated, using this model, that parents' perceptions of children's rights can be directly and indirectly influenced by the immediate context of the family setting and broader contexts such as the work place environment and government laws or policies that affect parenting practices. As such, this theory has critical relevance to this research as it can be applied to unravel the pertinent questions of what or who shapes and influences parents' perceptions of children's rights in the home setting.

Parenting Styles

Baumrind's (1971) parenting styles is a useful framework to show how different methods of parenting can be a factor in how parents will perceive children's rights in the home environment. According to Maccoby (1992) parents are considered the most influential agents in the socialisation of their children. Indeed it could be stated that a parent's style of parenting and attitude towards their parenting can be considered contributing factors to a child's realisation and experience of their rights and, most notably, a parent's own perception of children's rights.

In the late 1960s Diana Baumrind conducted research to identify parenting characteristics that contribute to the development of a competent child. Based on a non-representative sample of white, middle-class North American parents and children, three parenting styles based on parental responsiveness and demandingness were identified. These parenting styles (authoritative, authoritarian and permissive) have been widely used and applied to understand the effects parenting can have on children and childhood outcomes.

Authoritative parents are considered to be high in demandingness and responsiveness. They are not seen as particularly restrictive or controlling and are considered to be rational, warm, engaged and firm, yet understanding, when exercising parental objectives. This style of parenting is considered the most effective style of parenting that encourages verbal give and take between parent and child (Baumrind, 1971, 1991). Carlson and Buskist (1997) and Maccoby and Martin (1983) found that children who are brought up by this style of parenting are said to be sociable, self-reliant, have high levels of self-esteem and stronger moral development than children who are raised by authoritarian or permissive parents. Indeed, it could be stated that parents who engage in this style of parenting would be most likely to perceive children have rights in the home setting. That is because this style of parenting endorses, for example, a child's right to be heard and allows for negotiation of parental objectives with children (Maccoby, 1992).

In contrast, **authoritarian parents** are high in demandingness and low in responsiveness. This style of parenting encourages children to follow strict rules and guidelines and demands obedience and respect for authority (Baumrind, 1971). These parents tend to be status-orientated and use punishment to curb disobedient behaviours (Baumrind, 1991). Nevid (2009) found that children raised by authoritarian parents are considered to be more inhibited, rebellious, distrustful and more moody than children raised by authoritative or permissive parents. It could be stated that parents who use this style of parenting would be least likely to perceive children as rights bearers in the home. That is because, based on their description, they may be more likely to assert that parents have definitive control of their children and parents' rights override those of children.

The last category, **permissive parents** are low in demandingness and high in responsiveness. This style of parenting encourages a more relaxed attitude towards parenting than the other two categories and discourages the use of setting limits or using punitive measures to control their children's behaviours (Baumrind, 1971). Permissive

parents are lenient and avoid trying to shape their children's behaviours; instead they opt for few demands, allowing their children to regulate their own behaviours (Baumrind, 1991). Carlson and Buskit (1997) found that children raised by permissive parents are said to be impulsive and least self-reliant and may struggle to follow rules because of a lack of parental guidance (Carlson & Buskit, 1997). It could be stated that parents who use this style of parenting would be likely to perceive children have rights in the home, but the least likely to actively participate in endorsing their children's rights. This is because, according to Carlson and Buskit's (1997) description, permissive parents do not like to set limits on their children and encourage them to set their own behaviours and rules.

Additionally, Maccoby and Martin (1983) extended Baumrind's three parenting styles to include a fourth dimension of indulgent-uninvolved parent. These parents are low in demandingness and low in responsiveness. They can be unresponsive and unsupportive as well as abrasive and act in a way that minimises their interactions with their children (Maccoby & Martin, 1983). Children who are raised by indulgent-uninvolved parents are said to struggle to trust other individuals and to build strong external relationships (Maccoby & Martin, 1983).

Parenting styles are a useful framework to reflect on the different perceptions of children's rights held by parents in the home setting. Indeed, it could be stated that parents who are high in demandingness and responsiveness (authoritative parents) would be more likely to endorse children's rights in the home than any other parent type. This is because this parenting style has characteristics of children's rights principles embedded within. For example, this parenting style encourages listening to children and children to be involved in the family setting by facilitating children's autonomy and competence through communication between parents and children (Kopko, 2007). Lastly, the main limitations of parenting styles is that they appear mutually exclusive and definitive.

Therefore, they suggest the idea that parents can only apply one parenting style to the rearing of their children. However, Lawrence and Smith (as cited in Page, 2011) have found that parenting styles are not mutually exclusive and can be used together.

Conclusion

Through Bronfenbrenner's ecological model of human development and Baumrind's taxonomy of parenting styles, it can be seen that there are many factors that parents contend with when forming perceptions of children's rights. As can be seen, parents' perceptions of children's rights can be influenced by their immediate and extended settings. Bronfenbrenner's framework is as such an essential tool to unravelling how parents' perceptions of children's rights are formed, what influences their belief systems about rights and the role that external stimuli, such as government policy, has on the formation of parents' perception of children's rights. Also, parenting styles is a useful framework for understanding parents' attitudes towards rights within the family home.

Chapter Five: What do we Know? Children and Parents' Perceptions of Children's Rights

Introduction

This chapter critically discusses some of the literature and research that has looked at children's and parents' perceptions of children's rights, both internationally and domestically. A review of the literature pertaining to children's perceptions of their rights is essential. That is because children's understanding of their rights can play a significant role in shaping parents' perceptions of children's rights. The idea of extending children's rights and most notable participation rights has not been without its detractors. Extending to children rights to autonomy, to choice, to privacy and to an opinion is often viewed as having the potential to somehow impede upon the rights of those in positions of authority and power, for example, parents (Covell, 2014). However, there are also those who argue that extending rights to children promotes dignity and respect for children as human beings in their own right and positively benefits their development and personal growth (Day et al., 2006; Ruck et al., 1998). Consequently, there are many diverse and conflicting attitudes and viewpoints regarding the position of children in society and their rights.

While a number of studies have explored children's, adolescents' and adults' perceptions of children's rights (Casas et al., 2006), there is a paucity of research that specifically explores parents' perceptions of children's rights. This is a significant gap in the literature, given that parents' views are pertinent to a holistic understanding of children's rights (Ruck et al., 2014). Parents play a key role in the socialisation of their children and are key gatekeepers to their children's ability to access and experience their rights (Cherney et al., 2008; Day et al., 2006; Helwig, 1997; Peterson-Badali, Morine, Ruck & Slonim, 2004). In relation to parents' and children's rights, a parent's perception of these rights is also particularly important because, although children in theory may exercise their rights

in various contexts (e.g. school and the greater community), the family is considered pre-eminent in the process of forming a child's understanding of their rights and their ability to exercise those rights (Day et al., 2006). As Helwig (1997) so rightly states:

The rights of parents to inculcate and transmit values and beliefs held to be important may be seen to take precedence over children's rights..., at least until the age at which children are believed able to decide on matters for themselves. Parental authority, thus, may circumscribe both children's basic freedoms and the power of governments to regulate the activity of child agents in the familial sphere. (p. 485)

Children's Perceptions of their Rights

The literature on children's perceptions towards their rights is extensive. Over the last three decades, numerous researchers have argued that exploring children's perceptions of their rights is important (Casas et al., 2006; Cherney & Shing, 2008; Helwig, 1997; Melton, 1980; Peterson-Badali et al., 2004; Ruck et al., 1998; Ruck et al., 2014):

The consequences of failing to examine how children and adolescents think about children's rights issues are potentially serious, as simply extending rights on paper, without ensuring that young people possess sufficient awareness and understanding to effectively use them, means that rights may fall short of their protective goal. (Peterson-Badali et al., 2004, p. 160)

Socio-Economic Status (SES) and Developmental Level

Melton (1980) conducted the first study to explore children's reasoning about their rights, albeit that this research was conducted before the UNCRC (1989) was adopted by the UN. Melton's (1980) research suggested that the development of reasoning about rights is mainly associated with the SES of participants and their developmental and maturation level.

In Melton's (1980) study, 80 first, third, fifth and seventh graders (typically children in these year groups range from 6 to 11 years of age) from a mixture of high and low socio-economic backgrounds were interviewed using Rogers and Wrightsman's (1978) Child

Rights Interview Questionnaire (CRI). The child participants were asked a number of questions about rights¹⁷ and then were presented with 12 conflict-laden vignettes designed to test how children judge their rights in different situations.

Melton's (1980) study showed that of participants in grades three and five, the lower SES group perceived rights as privileges that can only be permitted and revoked by adults, whereas the higher SES group viewed rights as entitlements based on fairness and competence to exercise self-determination (Melton, 1980). Melton also found that children's reasoning about their rights is associated with their developmental level. Most particularly, the reasoning exhibited by participants from the lower SES group, who tended to be older, was similar to the reasoning exhibited by younger students in the same grade from the higher SES group. Melton (1980) speculates that developmental level is therefore a better predictor of rights attitudes and concepts than the chronological age of the participants. This study suggests that cognitive development is therefore considered necessary for progression in rights thinking processes (Melton, 1980).

Melton's (1980) study shows that younger children (first and third graders) typically confuse privileges with rights. Children in this group see their rights as revocable by parental or adult authority, whereas most older children, especially those from higher SES groups, in this study perceived their rights as abstract or universal principles. This indicates that children in lower grades may have greater difficulty than children in higher grades in conceptualising the difference between rights and privileges. Therefore, older children may consciously insist on exercising more rights than their younger counterparts. This suggests that the way in which children conceptualise their rights may also be a reflection of their experience of rights as well as of their progression through education

¹⁷Namely: What is a right? Who has a right? Do children have rights? Why should children have rights? Can anyone take away your rights?

or stage-like development and the socio-economic circumstances of the child (Melton, 1980).

Additionally, Melton's (1980) study showed that children's attitudes towards the exercise of their rights change between SES groups and year level. Third graders from a high socio-economic background and fifth graders from a low socio-economic background held more positive attitudes towards their rights. However, by fifth and seventh grade the low-SES students exhibited a more positive view of rights than their high-SES counterparts.

Culture

Cherney and Perry (1996) argued that Melton's socio-economic explanation for differences in children's perceptions of their rights was too simplistic. Their study hypothesised that cultural values, rather than SES, play a central role in influencing children's perceptions of their rights. Cherney and Perry (1996) stated that cultures like the United States of America place a high value on the autonomy of the individual, whether adult or child, whereas other cultures, including some European cultures, tend to place a high priority on a nurturance¹⁸ orientation towards rights which reflects the views held by social contract philosophers Thomas Hobbes, John Locke and Charles Mills (Cherney & Perry, 1996). Such a philosophical position would argue that children lack the developmental capacity and competency to understand the consequences of engaging in a social contract, and therefore, cannot possess and do not have inherent rights (Cherney & Perry, 1996). However, such a view of children's rights stresses the idea that children need provision and protection.

¹⁸ Nurturance orientation rights stresses "society's obligation to make decisions in the best interest of the child" (Cherney, 2010, p. 80)

In Cherney and Perry's (1996) study, 87 11 to 13 year olds from Switzerland, Canada and the United States of America were interviewed. Forty-six child participants were from Geneva, Switzerland and came from Swiss French, Swiss German and English cultural backgrounds. All children in this sample were from relatively affluent families ranging from moderate to high SES. The Canadian sample consisted of 12 Caucasian children from moderate SES families, while the US sample consisted of 29 children from low SES families. These children were of Anglo, African, Hispanic or Native American ethnicities. All children were interviewed in their respective countries and in their preferred language using the same CRI questionnaire as Melton (1980).

Cherney and Perry's (1996) study found that 83% of all children interviewed thought that children have rights. However, low SES US children were the least likely of all participants to believe that children were given rights. Similarly, low SES US children and moderate SES Canadian children advocated for less rights than high SES Swiss children. Despite this, children were discerning in terms of which rights they believed they should be afforded, distinguishing between those rights which they felt were beyond their capabilities¹⁹ and those which were within their capabilities²⁰. For example, generally participants in this study agreed that children should be allowed to view their school records, keep their thoughts private, to speak to a doctor without parental consent and to be allowed a fair process when disciplinary hearings occur (Cherney & Perry, 1996). However, few participants agreed that children should be allowed to vote, and choose their own subjects at school (Cherney & Perry, 1996). Also, like those results found by Melton (1980), SES appears to play a role to some degree in children's perceptions of their rights as well as the type of right in question.

¹⁹Which they did not believe they were entitled to exercise.

²⁰Which they believed they were entitled to exercise.

Cherney and Perry (1996) also found that when participants were asked whether a school principal should have the right to censor a child's newspaper story expressing disagreement with the school, children across all categories held disparate views. Consistent with the cultural explanation presented earlier, the Swiss children tended to favour a more authoritarian view²¹, whereas US children mildly advocated for freedom of expression. The Canadian children remained neutral. Such results suggest that to some degree children's perceptions of their rights do vary as a function of culture. The differences culturally between the support that young children show towards children's rights is also reflected in the emphasis that society places on nurturance and self-determination rights²². Thus, a given society's cultural attitudes that are more inclined to emphasise a nurturance orientation of rights, such as the way in which Swiss children perceive their rights, will be somewhat different to that of a society that is more inclined to emphasise a self-determination orientation of rights such as the United States of America (Cherney & Perry, 1996).

Type of Right

Ruck et al. (1998) explored how knowledge of children's rights develops over time. Similar in design to Melton's (1980) study, they interviewed 169 young people (aged 8 to 16 years) from Canada. Participants were asked five open-ended rights knowledge questions based on Melton's (1980) CRI²³. Participants were then presented with hypothetical vignettes in which a fictional child wished to exercise a right that was in conflict with authority. For example,

²¹Respect for authority and the decisions they make are important and should be adhered to (Baumrind, 1971).

²² "The child's right to exercise control various facets of his or her own life, giving the child developmentally appropriate freedom in their own development" (Cherney, 2010, p. 80)

²³Namely: What is a right? Who has a right? Do children have rights? Why should children have rights? Can anyone take away your rights?

Expressing opinions in school newspaper: Darryl wrote a story for the school newspaper. In the story she (he) said that she (he) didn't like some of the school rules. The principal told her (him) that she (he) couldn't put the story in the school paper. Should Darryl be able to put the story she (he) wrote in the school newspaper? (Ruck et al., 1998, p. 406)

The results from this study suggest that the way in which children (8 to 12 years) and adolescents (14 to 16 years) conceptualise their rights is determined by the type of right in question (for example, self-determination or nurturance), the situation in which the right is exercised (for example, home or school), and the age and gender of the participant. For example, when reasoning about nurturance and self-determination rights, Ruck et al. (1998) found that a number of participants took into account the social and familial roles of the child in the vignette and provided arguments to justify whether or not to enact a right, based on whether it conflicted with the wishes of those in positions of authority. The participants in this study appeared to demonstrate a deeper level of reasoning about rights than the participants of Melton's (1980) study. Despite deeper levels of reasoning, children of all ages supported nurturance rights, while support for self-determination rights became more prominent with age (Ruck et al., 1998).

In another study conducted by Taylor et al. (2001) the types of rights that 821 New Zealand secondary school students (15 to 16 years of age) thought were most important were explored. They found participation rights (60.89%) and provision rights (26.59%) to be the most important while protection rights (12.52%) were the least prioritised. Within these, the right to express an opinion and freedom of speech were the most salient (36%) followed by a right to education (17.21%). Safety (5.09%) and freedom of choice/decision-making (5.09%) were third most important to the participants. Most notably, however, is the finding by Taylor et al. (2001) that participants answered 'an entitlement' (26.75%) and 'something you're allowed or able to do' (19.39%) as the two most frequent definitions of a right that students gave. This finding suggests that older children can also confuse their rights with privileges.

Age

In Ruck et al.'s (1998)²⁴ study, discussed above, 8-year-old girls were less likely than all other participants to know children (8 to 16 years respectively) have rights. Also, 8-year-olds in general were less likely than all other participants to know what a right is, to believe that everybody has rights, and to provide examples of children's rights (Ruck et al., 1998). This suggests that age may affect a child's understanding and knowledge of their rights as well as their ability to exercise their rights.

In relation to the age at which children can differentiate between a right and a privilege, Ruck et al. (1998) found that older children (14 to 16 years of age) were more likely than their younger counterparts (8 to 12 years of age) to indicate that their rights are irrevocable by authority figures. In contrast, some participants answered that their rights can be revoked if a child breaks the law or if a child misbehaves. The authors suggest that this may in fact be as a result of the child's exposure or experience of rights. These results suggest that a child's age and situations in which rights are experienced can be significant factors in determining how children conceptualise their rights and subsequently experience their rights.

Limitations of the Literature

All the studies reviewed so far, however, have limitations. Firstly, Melton's (1980) study does not specify the age of the target child used in the vignettes. Similarly, Ruck et al.'s (1998) study also does not specify the age of the target child used in the vignettes. It is possible that participants in both studies projected their own ages or other children's ages on to the target child in the vignette. This makes it difficult to determine whether children in these studies were talking about their perceptions as rights holders, or their perceptions

²⁴See Type of Right section p. 63 for study description.

of older or young children as rights holders. Furthermore, Cherney and Perry (1996) and Taylor et al. (2001) used limited age ranges of participants to conduct their studies. Cherney and Perry (1996) used 11 to 13 year olds and Taylor et al. (2001) used 15 to 16 year olds in their studies. The use of limited age ranges limits the generalisability of these results to all children. Lastly, none of these studies included children aged between 0 and 5 years of age.

From the literature shown that explores children's reasoning and attitudes towards their rights, it can be seen that there are a number of factors that may affect the way in which children perceive their rights. Notably, SES, age, culture and the type of right in question as well as experience of those rights appear to be common factors that may influence children's views of their rights. Of course, many children experience and understand their rights in different contexts and at different stages of their lives. As such, it is important to recognise the multifaceted nature of exploring children's rights.

Adults' and Parents' Perceptions of Children's Rights

In the latter half of the 20th century, a small number of studies focused on adults' attitudes towards children's rights (Peterson-Badali & Ruck, 2008; Ruck et al., 2014). Indeed, for the UNCRC to be successfully implemented, it is crucial to examine and understand the perceptions of those who are often in the position of gatekeeper to children's rights, for example, parents (Peterson-Badali et al., 2004).

Parents have the primary responsibility of caring for and protecting their children (providing nurturance), while at the same time needing to be aware that children have to develop a sense of autonomy (exercising self-determination). Therefore, how parents think about children's rights has important implications for attempts to establish a balance between nurturance and self-determination. (Ruck, Peterson-Badali & Day, 2002, p. 377)

From the few studies that have examined adults' and parents' attitudes towards children's rights, it can be seen that there is great variability in their support for children's rights. This suggests that there is yet to be a consensus of public opinion regarding children's rights (Peterson-Badali & Ruck, 2008).

Young Adults

Rogers and Wrightsman (1978) conducted some of the first research that explored young adults' attitudes towards children's rights. Their study consisted of 381 participants across four groups: high school juniors and seniors, undergraduate students studying education, undergraduate students studying at liberal arts colleges, and adults enrolled in summer and weekend education classes. Undergraduates were all between the ages of 18 and 23 years. All participants completed a 300 item Likert Children's Rights Attitudes Scale (Wrightsman, Rogers & Percy, 1975).

Rogers and Wrightsman's (1978) study found that compared to other groups, high school junior and senior students held the least favourable attitudes towards the extension of nurturance rights of health, safety-care and education-information for children. Regarding self-determination, high school students and undergraduate education majors held the most favourable attitudes towards the extension of self-determination rights to children. Also, their study found that females, in all categories, were more likely to express favourable attitudes towards nurturance rights for children than males.

Gender of the Adult and Parent Participants

Cherney (2010) conducted a study that explored children's and parents' perceptions of children's rights. Participants consisted of 48 (10 to 16 year old) adolescents and 48 parents. Adolescent participants were interviewed using the Revised Children's Rights Interview (r CRI). This consisted of two parts. The first part asked adolescent participants

five questions relating to definitions and applicability of rights. The second part consisted of 16 conflict-laden vignettes relating to nurturance and self-determination rights. Adolescent participants were asked to decide, when answering each vignette, if they would support the right for the child in the vignette. The target child in the vignette did not have a specific age. Adolescent participants were asked to choose the age at which each right in the vignettes should be accorded to a child. Adult participants completed a written version of the rCRI (Bohrenstedt et al., 1981), Children's Rights from an Adult's Perspective Questionnaire, and a demographic questionnaire. Parents in this study were asked to respond to the rCRI questionnaire in the way they thought their child, participating in the study, would respond to questionnaire.

Cherney's (2010), study showed that in regards to part one of the research, 69.6% of adolescents defined a right as "something one can do, a privilege or something that is given to you". Similarly 60% of parents believed that their children would define a right as "something they can do or a privilege" (Cherney, 2010, p. 87). Results also showed that 55.3% of children believed that they learned about rights at school and 36.3% believed that they learned about rights from parents and family. In contrast, 69.8% of parents believed that their children would say they learn about rights in the home and 29.8% believed their children would respond by saying they learned about rights in school.

The results from part two of the study showed that male adolescents were least likely to advocate for privacy rights, while fathers believed their child would be less likely to advocate for health care rights than they did. Also, adolescent males and females were more likely to assert rights to nurturance, such as protection from movie content, than parents thought. The results also showed that adults in this study advocated for autonomy for children in areas of social participation, economics and family issues. However, parents in this study were least likely to advocate for children's autonomy for sexual

conduct, media access, education and religion. Lastly, mothers were more likely to think that their children would advocate for more self-determination rights than they did.

The results from this study show how parents and children can hold different perceptions about children's rights. This is most evident in the results regarding where children and parents think children learn about rights and the types of rights that parents and children are more likely to assert.

Parenting Style and Socio-Political Attitudes

Peterson-Badali et al. (2004) explored maternal conservatism²⁵ and child characteristics²⁶ in relation to each other. They looked at the association between attitudes towards children's nurturance and self-determination rights. In their study, 63 early adolescents (33 females and 30 males) in grades four, five and six, ranging in age from 9 years 1 month to 11 years 9 months, and 42 mothers completed a number of questionnaires²⁷. Notably, for the current study, parenting style was described in terms of responsiveness²⁸. Parents who are considered authoritarian are high in control but low in responsiveness and demandingness as explained by Baumrind (1971).

Peterson-Badali et al. (2004) found that support for children's nurturance rights was strongly correlated with mothers' perceptions of responsiveness. Interestingly, however, mothers' attitudes towards nurturance and self-determination rights were found to be negatively related to conservatism. This suggests that the more conservative the mother is, the less likely they are to strongly endorse or hold strong attitudes in favour of children's nurturance or self-determination rights. However, conservative socio-political

²⁵Parenting style and socio-political attitudes.

²⁶Emotional autonomy and role in family decision making.

²⁷The CRI developed by Wrightsman, Rogers, and Percy (1975), the Parenting Style Questionnaire adapted by Paulson and Caldwell (1994), The Emotional Autonomy Scale developed by Steinberg and Silverberg (1986), The Family Decision-Making Checklist developed by Smetana, (1995) and lastly, mothers were also administered a questionnaire developed by McCloskey and Ban (1979).

²⁸Parents that are considered indulgent and authoritative are high in responsiveness but low in control.

attitudes were found to be negatively correlated with maternal responsiveness (Peterson-Badali et al., 2004). This could suggest that mothers with conservative views may also hold more traditional family values that have a distinct construct of the child and parent relationship that does not support the idea of children's rights to self-determination. The results from this study also show that early adolescents (9 years 1 month to 11 years 9 months) and mothers supported access to nurturance rights more than self-determination rights.

Certainly, the results from Peterson-Badali et al.'s (2004) study suggest that maternal socio-political views may have an impact on parents willingness to facilitate children's exercise of their rights. Therefore, it seems reasonable to think that views on children's rights may be rooted in more general liberal-conservative postures (Bohrnstedt, Freeman & Smith 1981). As such, the liberalism or conservatism of a nation may in fact contribute to views about children's rights (Bohrnstedt et al., 1981).

Similarly, Day et al.'s (2006) study examined the relationship between socio-demographic characteristics, parenting style, maternal attitudes and young people's attitudes towards children's rights. They also found that children's and parents' support for children's rights can be influenced by socio-political attitudes. In their study, 121 sixth, eighth, and tenth graders, 67 mothers and 15 fathers were interviewed. Significantly, however, due to the small number of father participants, their responses were excluded from the published results. Mothers who participated in the study were asked to provide additional demographic details²⁹ and complete a battery of questionnaires similar to those used in previous studies (e.g. Peterson-Badali, et al., 2004) to measure attitudes towards rights, political attitudes and parenting style. Lastly, the target age of the child used in the vignettes was 12 years of age.

²⁹Their marital status, place of birth, highest level of education and occupation.

Day et al. (2006) found a negative correlation between maternal conservatism and mothers' support for nurturance and self-determination rights, however, they did not find a relationship between the parenting style dimensions of maternal responsiveness and demandingness and attitudes towards these rights. However, Day et al. (2006) found that young people who perceived their mothers to be authoritarian or uninvolved were more likely to strongly support rights to self-determination than young people who perceived their mothers as authoritative.

Peterson-Badali et al. (2004), however, found that maternal conservatism was negatively correlated with maternal responsiveness and children's participation in family decision-making. Their study also found that mothers' responsiveness was positively correlated with the endorsement of nurturance and self-determination rights for children. This suggests that how young children view their rights to self-determination may be shaped by the home setting and the parenting style they are accustomed to.

Family

In one of the few studies on parents' and children's perceptions of children's rights within the family home, Morine (2000) explored Canadian children's and parents' conceptions of nurturance and self-determination rights, parenting styles, emotional autonomy and family decision-making processes (p. ii). Participants included 32 Canadian children between the ages of 10 and 11 (grades five and six), and 35 parents. Notably, 22 of the 35 parents were mothers. All participants were issued seven questionnaires³⁰.

The results from this study found that children's perceptions of their own emotional autonomy (individuality and independence within the family) showed a negative

³⁰A demographic questionnaire, Children's Rights Attitudes Questionnaire, Parenting Style Questionnaire, Shared Activity Questionnaire, The Emotional Autonomy Scale, The Family Decision-Making Checklist and a self-generated rights questionnaire.

correlation with both their perceptions of parental responsiveness and parental involvement. Also, female participants were more likely to endorse nurturance rights than males. There was no difference between genders in asserting self-determination rights for children in the home setting. Children's endorsement of self-determination rights was positively correlated with their mothers' responsiveness. Further to this, endorsement of children's self-determination rights was positively correlated to participation in family decision-making practices in the home. In the context of the home, mothers in this study supported a child's right to freedom of choice, while fathers supported a child's right to freedom of speech and privacy and the right to be free from abuse and to be safe.

Lastly, in Morine's (2000) study, the perceptions of the most important rights were examined. Each family member referred primarily to different rights within the home: children referred to abuse and safety rights, mothers to freedom of choice of rights, while fathers referred to civil liberty rights. There were, however, no significant differences in the school or general societal settings measured.

Type of Right

In one of the earliest studies, Bohrnstedt et al. (1981) explored 1,002 adults' views about children's rights to autonomy and self-determination. In this study, participants were presented with a structured interview with vignettes covering 10 areas of potential conflict between a target child and an adult³¹. Participants were asked in each vignette to choose whether they would side with the adult or the child. For example:

A 14/16 year-old boy tells his parents that his male teacher has asked him to have sexual relations with him. The boy does not want to complain to the principal because he claims it will be too embarrassing with his

³¹These ten areas included: education, family living arrangements, appearance and personal freedom, privacy, religion, work and economics, sexual conduct, access to the media, political participation and public responsibility, and social participation (Bohrnstedt et al., 1981, p. 445).

classmates. The parents are insisting he report the incident to the principal.
(Bohrnstedt et al., 1981, p. 448)

Participants were also asked to indicate their attitudes on a five-point Likert scale. Results suggested that adults were more likely to support children's autonomy than previously thought. For example, 80% of participants believed 10 and 12 year old children have the right to know family income when this information might allow them to attend summer camp. Seventy percent believed that children should be allowed to sample different religious services if disinterested in their own religion. Regarding children's rights to self-determination, the results showed that when issues affected privacy, political participation and public responsibility and social participation, participants were likely to support these rights to self-determination more than self-determination rights to sexual conduct, economics and working. This suggests that attitudes towards self-determination rights can change depending on the context in which they are to be exercised. Also, participants in this study were more likely to be sympathetic towards demands for autonomy made by older children than younger children (Bohrnstedt et al., 1981). This supports the results found by Cherney (2010) that suggested cognitive and physical maturity is a moderate factor in parental reasoning for granting self-determination rights.

Lastly, the results of this study also showed that adults' perceptions of children's rights to privacy vary depending on the gender of the child. For example, pertaining to the right to privacy for a 13 to 15 year old, 84.1% of participants agreed that the adult should be allowed to refuse their daughter's right to privacy. Interestingly, however, in regards to a 13 to 15 year old boy wanting to assert his right to privacy, 85.9% of participants agreed that the boy should be allowed his privacy. It could be argued that the gender of the child plays a role in determining an adults' perceptions of a child's right to privacy.

In a further study, Ruck et al. (2002) examined parents' and children's attitudes and reasoning towards children's nurturance and self-determination rights within the family

home. Conducting individual interviews, Ruck et al. (2002) interviewed 141 sixth, eighth and tenth graders as well as 106 of their mothers. Participants were presented with four hypothetical vignettes³². Participants were also asked to choose their reason for selecting an attitude in each vignette³³. Notably, student participants were asked to apply their own age and gender when responding to the vignettes. Parent participants, on the other hand, were asked to respond to the vignettes using the age and gender of their child who was taking part in the study.

Results showed that in relation to self-determination rights, eighth and tenth graders were more likely than their mothers to endorse requests for self-determination. Notably, mothers of tenth graders were more likely than mothers of eighth graders to endorse rights for self-determination for the child in the vignette. This validates the notion that parents are more likely to support self-determination rights for older children than they are younger children as found by Bohrnstedt et al. (1981), Morine (2000), Peterson-Badali et al. (2004), and Ruck et al. (2002).

Moreover, Ruck et al. (2002) also found that in relation to nurturance rights, the majority of participants endorsed the child's right to nurturance in both the 'emotional availability'³⁴ and 'excessive chore'³⁵ vignettes. However, comparisons between adolescents and their mothers found that sixth grade mothers were more likely to endorse nurturance rights for the child in both vignettes than all other mothers.

³²Two vignettes referred to situations where the child wished to exercise a self-determination right that was in conflict with their parents' wishes (private diary and choosing own school), while two other vignettes referred to situations where the child wished to exercise a nurturance right that was in conflict with their parents' wishes (emotional availability and excessive chores).

³³These included parental responsibility/care, child obligation/duty, rights/personal choice, cognitive/physical maturity, outcomes/consequences, and other.

³⁴The emotional availability vignettes described an example of a child having a disagreement with a friend causing the child to become upset. The child wants to discuss this with their parents, however, the parents are busy. Should the parent have to talk to the child?

³⁵The excessive chore vignette describes an example of a child having to look after her young sibling because her parents work long hours. As such, she cannot do her homework. Should her parents make sure that she does not have to look after her siblings?

In relation to the types of reasoning that adolescents and mothers use to determine whether a right should be endorsed, sixth graders were significantly more likely than their mothers to choose the reason “rights/personal” (for example, “kids should have a right to privacy” or “It’s his personal stuff so he should be able to keep it secret.”; Ruck et al, 2002, p. 385) for both the protection of privacy, and freedom to choose one’s own school vignettes (Ruck et al., 2002). In addition, where concerning the right to choose one’s own school, sixth grade mothers were more likely than their children to use “cognitive/physical” (for example, “Adults are older, they know what to do.” “She is too young to make those kinds of decisions.”; Ruck et al., 2002, p. 385) maturity as a reason. In relation to the freedom from excessive chores, mothers of tenth graders were more likely than mothers of sixth graders and eighth graders to reason using “obligation/duty” (for example, “In a family, children have certain duties like helping to look after their brothers and sisters.”; Ruck et al., 2002, p. 385). In relation to the self-determination vignettes, mothers were more likely to refer to cognitive/physical maturity as reasoning than when referring to nurturance rights. This is consistent with Cherney’s (2010) research, suggesting that mothers’ perceptions of self-determination rights are influenced by developmental factors such as age.

Also, it should be noted that participants were more likely to justify nurturance rights using parent responsibility/duty. This possibly indicates that while nurturance rights are seen as important, they may not be perceived as ‘rights’, but rather normal functions of a child and parent relationship. However, in saying that, this research does not address the influence that the relationship between the parent and child could have on the child’s own knowledge and understanding of their rights.

Similar to results found by Morine (2000), and Ruck et al. (2002) Peterson-Badali et al. (2004)³⁶ found that both mothers and early adolescents were more likely to support nurturance rights (for example, access to quality education, quality child care, and adequate clothing) than self-determination rights (for example, the right to choose the place of education, right to choose routine medical treatment, and rights to wear whatever a child wants). However, it should also be noted that the extent to which children and mothers support nurturance and self-determination rights differs significantly. Mothers endorsed nurturance rights significantly more so than early adolescents, and early adolescents endorsed self-determination rights more so than mothers. Indeed, this indicates that when an adolescent thinks about self-determination rights for a child of a similar age to themselves, they are more likely to support self-determination rights. However, it is yet to be determined whether parental attitudes towards nurturance and self-determination rights play out in a way that hinders or enhances a child's experience of their rights (Peterson-Badali et al., 2004).

Age of Target Child and Gender

Bohrnstedt et al.'s (1981) results show that support for self-determination appears to increase with the age of the target child. However, Bohrnstedt et al.'s (1981) results also show that support for self-determination declines with the increasing age of the adult participants. This suggests that there may be a link between adults' and children's age, and support for self-determination.

New Zealand Context

Finally and most significantly, there is a paucity of research in New Zealand that shows how young people and parents view children's rights (Taylor, et al., 2001). There is also

³⁶Refer to section Parenting Style and Socio-Political Attitudes p. 69.

limited research in New Zealand that focuses on the lived experiences of Maori children, youth and Maori parents in regards to their understanding of children's rights in the family setting. While this thesis does not specifically address Maori parents' perceptions of children's rights or use a Maori framework from which to understand parenting or parents' perspectives of children's rights, Jenkins and Harte (2011) explain that cultural understandings of children, childhood and parenting from a Maori perspective can differ significantly to that of other New Zealand parents. As such, it is important to recognise that parents' perceptions of children's rights in New Zealand can vary significantly in regards to cultural understanding of children and their rights.

In the only relevant study to the New Zealand context on children's rights involving parents' perceptions, Te One (2008) conducted research that explored parents' and teachers' perceptions of young children's rights in three early childhood settings. Through the use of interviews, focus groups and observations, Te One (2008) found that "perceptions of young children's rights were interwoven, interrelated and interdependent" (p. i). In relation to parents' perceptions of provisional and participatory rights within early childhood settings, Te One's (2008) results collapsed both parents' and adults' responses together. One of the most significant findings of Te One's (2008) study was that parents and adults supported children's rights to have their provisional and participatory rights protected in an early childhood setting, especially in relation to a child's right to express their emotions and to play. Interestingly, previous international studies showed that parents were less inclined to support self-determination rights for non-adolescent children (Cherney, 2010; Day et al., 2006). However, it should be noted that this relies heavily upon the right that is in question. Indeed, the right to play versus the right to make decisions regarding medical procedures have different concerns, especially in relation to competency and maturity of the child making the decision.

Conclusion

Exploring parents' perceptions of children's rights is particularly complex. The results of these studies show that young adults are more likely to hold favourable attitudes towards the extension of self-determination rights for children in comparison to older adults (Rogers & Wrightsman, 1978). These studies also show that mothers predominantly and fathers tend to favour children, both young and older, having access to nurturance rights over self-determination rights in both the family home and outside of the family home (Day et al., 2006; Peterson-Badali et al., 2004; Ruck et al., 2002). However, it can also be seen that mothers are more inclined, in some circumstances, to extend self-determination rights to older children than they are younger children. Furthermore, it can also be seen that parents' socio-political attitudes and parenting styles can have an effect on a child's perception of their rights as well as their ability to exercise those rights. Indeed, as Day et al.'s (2006) study showed, while children feel strongly about their rights to personal autonomy, they worry that this may conflict with their parents' views and wishes, suggesting that parents' attitudes towards children's rights and most notably issues of self-determination can have an impact on a child's willingness to exercise their rights.

These studies also have limitations. Firstly, the questionnaires and vignettes used by Cherney (2010), Day et al. (2006), Ruck et al. (2002) and Peterson-Badali et al. (2004) present relatively extreme examples of children's participation rights. For example, Peterson-Badali et al. (2004) presented their participants with a self-determination vignette which stated that children, on their own, should make decisions about their medical treatment. They are not necessarily examples that parents or adult participants can relate to and do not represent the principles of Article 12 of the UNCRC. Secondly, most of these studies used questionnaires that were lengthy in design (for example, 300

Likert scale questions). These questionnaires are also limited in the sense that they do not account for the motivation behind the answers participants provide. Thirdly, parents' and non-parent adults' perceptions of children's rights as shown in the literature tend not to be differentiated. However, as Cherney et al.'s, (2008) results show, parents and non-parents can hold different perceptions of children's rights.

Lastly, parents' perceptions about children's rights pertaining to pre-school-aged children are absent from all studies presented. All of these studies discussed children's rights in regards to children who are 6 years of age or older. The focus on pre-schoolers is a significant gap in the literature that this thesis will contribute to. As such, some of the factors found in the above studies such as, the age of the child, the type of right in question and parenting style may be useful to understanding how parents form their perceptions of young children's rights in the home setting.

There is still a significant gap in understanding exactly what parents think about children's rights in the family setting and most notably what parents think about rights for young children within the family home setting. Whilst it is important to acknowledge that perceptions of children's rights extend outside of the family sphere (Te One, 2008), understanding exactly how parents perceive young children's rights within the family setting is significantly important to improving the status of children and children's rights within New Zealand.

Chapter Six: Methodology

Qualitative Descriptive Study

The aim of this study is to investigate parents' perceptions of children's rights in the family setting. A qualitative descriptive approach was used to conduct this study. This approach is most useful to facilitate a clear descriptive understanding of an individual's experience of a specific phenomenon (Magilvy & Thomas, 2009). It stays close to the surface of words and sees language as a "vehicle for communication" rather than "an interpretive structure that must be read" (Sandelowski, 2000, p. 336). This method is, therefore, not highly interpretive. Rather, this method presents the data in everyday language and aims to identify the *who*, *what* and *where* of events that occur (Sandelowski, 2000). However, as stated by Sandelowski (2000) minimisation of interpretation does not mean that there is no interpretation involved. The act of placing data into themes and choosing quotes to best represent the participants' perspectives have elements of interpretation. Nonetheless, this method does not aim to interpret each layer of the data; rather it is designed to rigorously focus on the surface meaning of the data (Sandelowski, 2000).

A qualitative descriptive approach fits within a post-positivist framework while also drawing from interpretivism. Post-positivist research is typically qualitative. Post-positivist approaches emphasise the idea that in qualitative research "the personal is political, that the subjective is a valid form of knowledge, and that all people are capable of naming their own world and constructing knowledge" (Ryan, 2006, p. 17). It also places an emphasis on experience and knowledge as "multiple, relational and not bounded by reason" (Henriques, Hollway, Urwin, Ven and Walkerdine, 1998, p. xviii). Interpretivism posits that to understand social reality, the perspective of those who are experiencing the phenomena is critically important (Hesse-Biber & Leavy, 2011). As this study is based on parents' perceptions, the post-positivist and interpretivist frameworks

are considered most useful to understanding their social reality from the meanings that individuals attach to their experiences (Hesse-Biber & Leavy, 2011).

Interview Guide

Qualitative descriptive studies typically use semi-structured open-ended interviews for data collection (Sandelowski, 2000). For this study individual interviews using an interview guide were chosen as the method of primary data collection. Individual interviews allowed me to enter into the lived lives and experiences of the participants, while also placing an emphasis on their perspectives as important (Patton, 2002).

Interviews were conducted by using an interview guide approach. The interview guide approach lists questions or issues that are to be explored during the interview (Patton, 2002). It allows for conversational and spontaneous, yet flexible, discussion on a particular predetermined subject (Bryman, 2012; Patton, 2002). It keeps the interactions of the interview focused, while allowing for the emergence and exploration of participants' perceptions and experiences. Also, it allowed me to explore unexpected topics that arose within the limited time framework of an interview (Patton, 2002). Using an interview guide provided a framework in which to develop and sequence questions. Questions in my interview guide were sequenced by asking non-intrusive descriptive questions before asking more detailed and deeper questions such as, 'Are there any rights that you think children should *not* have?'. According to Patton (2002) it is important to word questions carefully as the way a question is worded can affect the participants' responses. When I wrote my interview questions, my primary supervisor and I discussed the way in which the questions should be worded. These questions were re-worded on numerous occasion to ensure, to the best of my ability, that they did not lead participants. Good questions according to Patton (2002) are those that are open-ended, which allows the participants to share their personal perspectives, experiences and feelings in their own

words from their full repertoire of possible personal responses. Each question should contain only one idea, and where appropriate, they can be followed with probe questions to increase the depth and richness of the *who*, *what*, *where* and *when* and to clarify answers (Patton, 2002). Most of the questions in my interview guide, other than the demographic questions, were open ended. Probe questions were also used to gain as much information as possible out of each participant.

In qualitative research the interviewer can be viewed as an instrument and is fundamental to the methodology (Magilvy & Thomas, 2009; Marshall & Rossman, 2011). The interviewer acts as an instrument by asking the participant questions that generate data (Magilvy & Thomas, 2009). The quality of data collected during an interview is largely dependent on the interviewer's skill and technique (Patton 2002), but also on participants' willingness to provide open, in-depth and honest answers (O'Leary, 2005). The interviewer, therefore, needs to be empathetic and interested in the interviewee's perspective (Patton, 2002). To this end, interviewers should attempt to establish rapport with their participants, whilst also adopting a stance of empathetic neutrality towards the data elicited (Patton, 2002). To develop rapport with participants Patton (2002) recommends the use of simple descriptive questions to begin the interview, before addressing deeper questions. In this research I began each interview by asking participants introductory questions such as, 'As I've mentioned, I am not a parent but I have had enough contact with young children to see that parenting is both a very rewarding and very challenging role. How do you see your role as a parent?' And 'Who or what has shaped your approach to parenting?' to establish rapport with the participants.

Empathetic neutrality, on the other hand, involves the interviewer entering into the interview acknowledging their theoretical and personal preconceptions about the phenomenon in question, while also attempting to discard their preconceptions (Patton, 2002). The interviewee should be able to discuss the phenomenon of study without

eliciting favour or disfavour from the interviewer (Patton, 2002). For this to occur the interviewer must acknowledge that they “do not know or perceive the experience from the perspective of those who have lived it” (Mcgilvy & Thomas, 2009, p. 299). The interviewer’s aim was to understand the phenomenon as it is presented to them and to be balanced in their reporting of the data they receive (Patton, 2002). For this study, participants were informed that I was not a parent and that I was solely interested in learning about each participant’s perceptions, as a parent, of children’s rights. By revealing this information to the participants, it showed the participants that I was both open and aware of my position as the non-expert. Also, before the first interview and after the following interviews I reflected on my personal preconceptions, values and beliefs. I wrote down my opinions I had before the interview and after the interviews. I also wrote down differences that I noticed in my understanding of parents’ perceptions of children’s rights. This helped me to see my own biases and reflect on my research.

A pilot interview is a useful tool for “understanding oneself as a researcher” (Marshall & Rossman, 2011, p. 96). A pilot interview can be a useful opportunity for feedback from participants to the interviewer about their interviewing skills, foreshadow research problems, assist the researcher to further develop their interview skills, and to test the interview questions (Bryman, 2012; Marshall & Rossman, 2011; Patton, 2002). To develop interviewing skills and to test the interview guide, two pilot interviews were conducted before I commenced my research. A journal was maintained throughout the study to facilitate reflexivity and to note down any questions I had for my supervisors. The two pilot interviews yielded some valuable information regarding my skills as an interviewer, the research topic and also the structure of the questions used in the interview guide. Indeed, the two participants who participated in the pilot interviews gave me some valuable feedback on my research topic and questions that helped to re-shape the design of some of the questions. After a discussion with my supervisor, some of the questions

were altered or omitted from the research and other questions were added. Although some slight changes had to be made to the question format, the overall framework of the interview guide produced a wealth of information.

According to Patton (2002), however, interview methods also have limitations. Firstly, the interview can be limited by the participant's emotional state during the interview and a lack of rapport between participant and researcher. Due to the sensitive nature of this topic, it was essential that I made sure my participants were comfortable throughout the entire interview process. Prior to the interview, I introduced myself to each participant and provided them with a brief overview of the research. Participants were given the opportunity to bring a support person to the interview, to pause or end the interview at any point in time without any repercussions whatsoever, and the opportunity to ask any questions during the interview. No participants, however, elected to bring a support person, to pause the interview or to withdraw from the study.

Patton (2002) also states that interviews can be limited if participants feel the need to give responses that are socially acceptable, rather than truthful. Because the questions in this research asked parents to provide personal experiences and thoughts on the sensitive topic of their children and children's rights, it was important that participants felt they could share their experiences. To enable this, participants were informed prior to the interview that any personal information shared would remain confidential and that my role as a researcher was not to judge parents on their answers, but to learn from parents what they think and how they feel about children's rights. Also, participants were told that they could refuse to answer any of the questions posed.

Marshall and Rossman (1999) noted that another disadvantage to the interview process can be the hesitation of participants to provide detailed information because of a lack of information regarding the research topic or because participants have not reflected on the

topic before. It was hoped that, by providing each participant with an Information Sheet regarding the research's focus, participants would have time to reflect on the topic (see appendix A). However, it became clear that, even though the Information Sheet explained that the interviews would probe participants' views on children's rights, many of the questions were difficult for participants to answer because most had never heard of children's rights before.

Sampling and Recruitment

In qualitative descriptive studies small samples are commonly used (Magilvy & Thomas, 2009; Sandelowski, 2000). Patton (2002) explains that there is no rule of thumb regarding sample size in a qualitative inquiry. Rather, the sample size selected for a study will depend on factors such as the purpose of the study, the time available to conduct the study, and the resources available (Patton, 2002).

The initial aim of this study was to recruit six to eight participants. Seven participants were recruited using the following criteria:

1. Parents who are over 20 years of age, with children aged 3 to 5 years.
2. Parents who do not have a working relationship with the researcher
3. Parents who are comfortable being interviewed in English

A small sample of participants were recruited due to the limited time and ability to access resources associated with completing a Master's thesis. Participants with children aged 3 to 5 years were selected because parents with children in this age group present a gap in the literature regarding parents' perceptions of children's rights. The selection criteria for this study was initially based on purposeful sampling and also adopted a maximum variation strategy. Sandelowski (2000) explains that when conducting a qualitative descriptive study, a purposeful sample combined with a maximum variation sample is

most useful. Purposeful sampling allows the researcher to illuminate the study's questions, by exploring in-depth, common, and unique themes of a specific phenomenon, most often within a small sample (Patton, 1990). Maximum variation, on the other hand, allows the researcher to select participants who are purposefully different, to capture diverse characteristics or criteria within a small sample (Patton, 1990). This ensures that the researcher is able to describe and capture the most salient themes that cut across diverse variables of participants.

Recruitment Procedure

In the first instance, two early childhood centres located in Auckland, New Zealand, were approached via email and a phone call to discuss the possibility of recruiting participants from their centres. After a brief phone discussion with the managers of each centre, both centres agreed to assist in recruiting participants. Both managers were sent a brief email outlining the study to participants (see appendix B). Also attached to this email was an Information Sheet and Consent Form (see appendix A and C). The managers of each centre sent this information onto participants who matched the criteria presented above. Participants were informed in the Information Sheet that, if they would like to voluntarily participate in the study, they should directly contact me through email or phone, to ensure the identity of participants participating in the study was kept confidential from the early childhood centres. Following a two-week period and a zero response rate, both centres were asked to send a reminder email to potential participants, however, both centres declined to do so. Another two early childhood centres were approached via email and a phone call. These centres were randomly selected from two suburbs in Auckland. Although these centres also agreed to assist in the recruitment phase, after two weeks a zero response rate also occurred.

After consultation with my supervisor a request to Auckland's University of Technology Ethics Committee (AUTEC) was made to change the way in which participants would be recruited. This was approved by AUTEC on 22/05/2015 (see appendix D). Instead of using early childhood centres to recruit, I approached two members of my informal social network to help with the recruitment phase of the research. These members sent an email to members of their informal social network requesting their voluntary participation in the study (see appendix E). Snowball sampling was used to recruit participants. Snowball sampling allows the researcher to seek out information-rich cases, by contacting informal social networks to assist in the recruitment phase of the research (Patton, 1990).

The two members of my informal social network also offered to forward an Information Sheet and Consent Form to suitable potential participants within their networks. Potential participants were Blind Carbon Copied (BCC) into an email from the two members of my informal social network (see appendix D). This was done to protect their individual identity. This email requested their voluntary participation in the research and also included my contact details. Potential participants were given two weeks to decide if they would like to participate in the study. They were requested to directly contact me if they were interested in participating in the study to prevent any conflict of interest between my contacts in my informal social network and the participants.

When a potential participant made contact with me any questions or information they requested was provided. I was also willing to meet with participants in person, before the interview was conducted, to answer any queries they may have had about the study. However, no participants requested a meeting prior to the research. In the event that there was more than eight potential participants for the study, the names of each female and male participants were to be divided into two hats and eight names would be drawn from a mixture of both hats to get a maximum variation in the sample. The number of responses to the invitation, however, did not exceed the sample size sought.

In Table 1 a demographic summary of the participants is shown. Pseudonyms are used to protect the privacy and identity of each participant.

Table 1: Demographic Summary of Participants

	Simon	Ryan	Blake	Sarah	Jackie	Susan	Ella
Gender	Male	Male	Male	Female	Female	Female	Female
Age group	30-40s	40s-50s	40s-50s	20-30s	20-30s	30-40s	30-40s
Marital Status	Married	Married	Married	DeFacto	Single Parent	Married	Married
Ethnicity	NZ/EU	NZ/EU	Tongan	NZ/EU/Maori	NZ/EU	NZ/EU/Maori	NZ/EU
Education	Diploma	Diploma	Sixth form Cert	Diploma	Degree	Sixth form cert	Sixth form Cert
Age of Child 1	4 years	8.5 years	15 years	3 years	3 years	15 years	8.5 years
Gender of child 1	Male	Female	Male	Female	Female	Male	Female
Age of Child 2	3 months	3.5 years	12 years	3 months		12 years	3.5 years
Gender of Child 2	Female	Female	Female	Male		Female	Female
Age of Child 3			3 years			3 years	
Gender of Child 3			Female			Female	
Age of Child 4			2 years			2 years	
Gender of Child 4			Male			Male	

Interview Procedure

Interviews were conducted either at an office on AUT's North Shore Campus or in an office building located in West Auckland. When participants arrived for the interview, I introduced myself and reviewed the Information Sheet and the Consent Form with the participants. Before signing the consent form, participants were given the opportunity to ask questions about the research. Once participants felt comfortable to go ahead with the interview, they completed the Consent Form to give their written consent to participate in the study; verbal consent was gained from the participants to record the interviews. Two digital recording devices were used to record the interviews. Using digital recording devices allowed me to spend less time taking notes and more time paying attention to what the participants were saying, along with their non-verbal cues and body language. Using two digital recording devices provided a safeguard in case one of the devices malfunctioned. To test the equipment, participants were asked to say their names out loud and how they were feeling about the interview. This was then played back to the participants to ensure both recording devices were working. This process had the added benefit of helping to create rapport by putting the participants at ease. The interviews were conducted following the interview guide (see appendix F).

During the interviews, I wrote down words or themes that caught my attention. Patton (2002) recommends taking notes when conducting interviews as a backup in case technology fails and also as a way of easily locating quotes or important information at a later date. After each interview, the recordings were checked to make sure that they had been recorded properly. If both devices had failed, extensive notes would have been taken after the interview to ensure that as much information as possible could be retained. However, both recording devices worked well in every interview, so this was not required. After each interview I took time to write down my reflections of the interview. Patton (2002) recommends this practice as a means of reviewing the interview to see if

there were salient themes evident. Self-reflection from the first interview helped me to better prepare for the following interviews as I was able to reflect on what I had done well and areas I could improve in order to increase the efficiency of the following interviews.

Researchers cannot be referred to as blank slates. They go into an interview with preconceived biases or assumptions about people and events that can impact on the way they view and interact with their participants, as well as view and analyse their data (Bryman, 2012). I went into all my interviews acknowledging that I had numerous preconceived biases about parents' perceptions of children's rights. For example, "parents dislike children's rights", "parents' do not know anything about children's rights" and "parents want to control their children in the home setting". Indeed, it was difficult to put these biases aside. As such, self-reflexivity was practised before the interviews to reduce, as much as possible, my own personal bias and assumptions towards the research. According to Patton (2002) self-reflexivity is a re-iterative process of examining and re-examining *what I know* as a researcher and *how I know it*. Engaging in this process forces the researcher to acknowledge their own self-awareness, to be attentive to and conscious of their political, social, linguistic and ideological perspectives as well as that of those they interview (Patton, 2002).

At the end of each interview, participants were presented with a small gift or *Koha* of \$30 in gift card form, as a means of respecting norms of reciprocity and acknowledging their information and time (Marshall & Rossman, 1999). Participants were also given the option of receiving a digital summary of my final report at the end of the thesis. Four participants asked to receive a digital summary of my final report.

Data Management and Analysis

Following each interview, digital data was transferred to a Universal Serial Bus (USB) device and deleted from the digital recording devices. The USB device was stored

securely in a locked cabinet at AUT's city campus. When all interviews were completed, the data from the USB device was transcribed by the researcher. The data was transcribed unedited in the format in which it was spoken. Patton (2002) recommends that the researcher transcribes their own data to immerse themselves in the information that is collected. This can help the researcher to gain a deeper understanding of the whole data set (Patton, 2002). Following the transcribing of the data, all participants were sent a digital version of their transcripts and given two weeks to revise the information they had provided and to make changes to their data if necessary. However, no participants opted to change the information.

Qualitative content analysis was used to inductively and deductively analyse the data. This method of analysis refers to the process of identifying, coding and categorising the salient themes or reoccurring words that appear in the data (Patton, 1990, 2002). This type of analysis is particularly essential to a qualitative descriptive study as it represents the data, where possible, in the exact words of the participants to produce rich descriptions of the phenomena in question (Berg, 2007).

This transcribed data was first organised into a table format, with participants' responses organised under each question. Once all the data had been organised under each question an inductive analysis was conducted to draw out the emerging patterns and themes. Inductive analysis draws the emerging primary patterns and themes from within the data, rather than from existing frameworks as can be seen in a deductive analysis (Patton, 2002). However, this study is not devoid of deductive analysis. The deductive component of this analysis can be seen in the question design. These questions were designed from information drawn from the literature. The theoretical frameworks, the literature review and the interview guide were used to draw out the emerging themes that were evidenced from the findings. These themes were listed and participants' responses were then coded

under each appropriate theme. The data was then re-analysed at a later date to test that the themes that emerged in the first analysis were still valid.

Measures of Trustworthiness

Qualitative studies use measures of trustworthiness to show credibility, transferability, dependability and confirmability of collected data (Patton, 2002; Bryman, 2012). To achieve trustworthiness, Patton (2002) suggests the use of triangulation. Triangulation deploys two or more methods to analyse data to strengthen the credibility of the conclusions that are drawn from the study (Patton, 2002). For the purpose of this study two types of triangulation were used: investigator triangulation (the use of two or more (student and primary supervisor) analysts to analyse and compare the same selected portions of data; Patton, 2002) and theory triangulation (the use of different theoretical perspectives to observe the same data that was used; Patton, 2002). Firstly, I provided my primary supervisor with a copy of two transcribed and anonymised interviews. My primary supervisor and I separately coded the same portion of data. The themes that were drawn from both analyses were then discussed. The coded portion of the data was coded almost identically which provided credibility for the method used to code the data. Lastly, the theoretical frameworks underpinning this study (see Chapter 4) were constantly referred to when coding, analysing, and interpreting the data.

Ethical and Legal Considerations

This study was approved by the Auckland's University of Technology Ethics Committee on the 31st of March 2015 (see appendix G) and was amended on the 22nd of May 2015 (see appendix D). The application number for this study is 15/60, and the expiration date of this ethics application is the 22nd of May 2018.

Voluntary Participation and Informed Consent

Participation in this study was completed with voluntary and informed written consent from all participants. The Information Sheet provided enough detail to adequately inform participants about the research topic without providing too much information that could bias their responses. The Consent Form provided enough information to ensure that all participants were aware and fully informed about the interview and research procedures. Lastly, participants were informed that until the completion of data collection (mid July 2015) they could withdraw from the study.

Minimising Harm

This research was on a particularly controversial topic of children's rights. It involved discussions with parents of their personal lives with regard to their parental perceptions of children's rights within the private sphere of the family home setting. It is possible when sharing perceptions of children's rights that parents could have felt uncomfortable or embarrassed. I attempted to reassure parents that my study was about exploring their perceptions of children's rights and that there were no expected right or wrong answers. Further to this, I made it abundantly clear to participants that I was not a parent; I was not there to judge them on their parenting. Rather, I was there as a non-judgemental, neutral observer who was solely and simply interested in their perspectives as parents.

Participants were informed that during the interview process they could choose not to answer any questions and they could terminate the interview at any point in time. Participants were also informed that they were welcome to bring a support person(s) to the interview. Further to this participants were assured that all information reported about the individual or any other person(s) or organisations would remain confidential.

In relation to my role as a researcher, to ensure the safety of participants and the paramount safety of their children, I gave careful consideration to how I would deal with

the potential disclosure of the use of physical harm towards the participant or their children. Prior to participation in the research, participants were informed on the Information Sheet that as a researcher, during my research, I had a duty to ensure the wellbeing of my participants and their children. If a disclosure of physical punishment was made that gave me significant concern for the wellbeing of the participants' or their children's safety I was prepared, in the first instance to consult with my supervisors. If a decision was made to contact child protection services, this would then be discussed with participants before any authorities were contacted. These issues, however, did not arise.

During the research it was deemed that there were minimal risks to the researcher. Before and after each interviews I made contact with my secondary supervisor who also had a schedule of my interview times and places.

Confidentiality

Due to the design of this study, anonymity for participants could not be provided. However, all collected data was de-identified using a pseudonym for each participant and any other people or places mentioned. Collected data and participant contact details were kept separate for the protection of participants privacy. In the final report all proper nouns were replaced with pseudonyms.

All collected data, written and electronic, was securely stored at AUT's School of Social Sciences and Public Policy. This data will be kept for six years and then deleted or shredded. Any data that had been kept on my personal devices is to be deleted from my devices following the completion of the study. Lastly, Consent Forms were stored in a separate office at AUT's Department of Social Sciences and Public Policy to the written and electronic data. These will also be destroyed after six years.

The Treaty of Waitangi

As recommended by Auckland University of Technology Ethics Committee I familiarised myself with the *Te Ara Tika Guidelines* (Hudson, Milne, Reynolds, Russell, & Smith, 2010) to ensure that I honoured the principles of the Treaty of Waitangi: Partnership, Participation and Protection.

Partnership

Mutual respect and benefit was encouraged through the design and implementation of this study. As this research encouraged parents to share information about their perceptions of children's rights, parents were placed in the role of the 'expert'. Furthermore, participants were informed that their participation was completely voluntary, that they had to provide informed consent and that they had the right to refuse to answer any questions.

Participation

The role of the participants in this research was to share information on their perceptions of children's rights as a parent. Participants were not involved in determining the nature of the research, its aims or its methodology. As this study is exploratory, parents were asked open-ended questions which empowered them to share their perceptions. Participants were also given the option to receive an electronic copy of the thesis or a hard copy summary thereof when the thesis is completed.

Protection

There was no deceit involved in the research design or practice. The participants of this study were assured confidentiality and all recorded and collected data was anonymised and stored in a secure place where only the primary researcher had access. Through the use of pseudonyms, participants' identities were protected in all written materials. Only

the primary researcher knows the identity of the participants. Perceived power imbalances were minimised by the researcher stressing to the participants that she is not a parent, but she wishes to learn from their experience of parenting. Additionally, the primary researcher adopted the stance of empathetic neutrality. She also paid attention to developing rapport with the participants before the interviews commenced. Finally, as the participants came from different cultural backgrounds, the researcher asked each participant if there were any protocols that they wanted observed during the interviews.

Conclusion

The current study used a qualitative descriptive methodology to explore parents' perceptions of children's rights in the family setting. Participants for this study were recruited using a purposeful method of snowballing. Semi-structured open-ended interviews were used to gather the data from participants. This data was then analysed using a qualitative content analysis and inductive analysis. The most salient themes that emerged from the analyses are presented in the following chapter.

Chapter Seven: Findings

Kids don't come with a handbook, they are not an appliance. Each one is different. You just love and learn as you go. (Susan)

Introduction

This section presents a summary of the findings of this research. These have been organised thematically under the main headings of *Parents lack a formal knowledge of rights; General children's rights: Parents' perspectives; Parents' perceptions of children's knowledge of rights; Young children's rights in the home: A good idea; Article 12: Parents think it is reasonable; Parents' rights and responsibilities; A clash of rights or a clash of wills; and Different points of view of government intervention*. The final section, *Dichotomies in parenting*, discusses other themes that emerged from the research. As this study utilised a qualitative descriptive method, participants' views have been presented through direct quotes. As can be seen, participants conflated rights with responsibilities, duties and privileges. To preserve the parents' voices and to faithfully report their perceptions of children's rights, their terminology of rights was utilised. As such, at times, the conflation of rights with responsibilities, duties and privileges is interwoven in the findings.

Lastly, although this research was designed to talk about parents' perceptions of *young* children's rights, four of the participants, Susan, Tom, Ella, and Ryan, had both older and younger children. As such, the conversation at times digressed to include information about older children and their rights. Although this was not designed to be part of the research it has provided valuable comparisons and information on the topic of parents' perceptions of children's rights.

Parents' Lack a Formal Knowledge of Children's Rights

To begin the discussion, participants were asked a number of questions designed to elicit their knowledge of children's rights. The participants' responses are presented below under the following sub-themes that were found. It is worth noting at this point that at no time during the discussions about children's rights did any participant spontaneously mention the UNCRC. Similarly, no parent demonstrated awareness of the inviolable and universal nature of rights, nor of the government's role in upholding children's rights.

Parents are uncertain about children's rights

When participants were asked "What comes to mind when you hear the term "children's rights"?" and "Where did you first hear of the idea of children having rights?", participants were visibly hesitant and struggled, albeit not for a lack of trying, to answer these questions. Jackie talked about hearing of children's rights, for the first time, in the media, but asked for an explanation of what they were.

News, media and articles I have read (pause). "Rights that children have?"
Could you please explain it?. (Jackie)

Tom talked about never having heard of children's rights.

Yeah, I have never heard of children's rights or anything like that. I thought what we do for them is it and then you know. I don't know (pause). Yeah, it seems like a lot of people are in the dark about children's rights. (Tom)

While Susan talked about having some knowledge of children's health rights, she was not sure about any other rights.

We know, we are aware, of the rights that our children have in the health system because we have been involved in it, but with everything else (pause) I mean (pause) I honestly (pause) I don't know. I am really not aware. (Susan)

Parents feel they lack knowledge to discuss the rights children should and should not have

When participants were asked “Are there any rights that you think children *should* have?” and “Are there any rights you think children *should not* have?”, an overarching barrier that appeared repeatedly in their responses was a perceived lack of knowledge of the rights that children are entitled to. Participants grappled with discussing the rights that children should and should not have.

I don’t know. (Jackie)

You really make us think (long pause). No, we can’t think of any. (Tom)

I guess without knowing the rights that they have, because we don’t know, we can’t really comment on whether we think the rights that they have is right or wrong because we don’t know what they are and, off the top of my head, (pause) yeah I don’t know. (Susan)

I don’t know. I have never thought about it (long pause). That they shouldn’t have? Children should just be allowed to be kids and not have to worry. (Sarah)

Parents conflate children’s rights with privileges and responsibilities

When providing examples of children’s rights, discussing rights in the home and where children learn about their rights, some parents in this study conflated children’s rights (irrevocable) with privileges (revocable) and responsibilities (duties).

Ella talked about her eldest daughter perceiving staying up late as her “right”, where this might be better described as a privilege.

The youngest thinks she has the right to do anything she wants . . . [My oldest] thinks she has the right to go to bed later because she is older or because it is a Friday night... (Ella)

Two participants, Ella and Simon, also talked about children being required to listen to their parents as a child’s “right”, rather than a child’s responsibility.

Yeah, the right for them to listen . . . (Ella)

It's important that our son understands his right to listen to us when we tell him things that will keep him safe. (Simon)

Sarah, on the other hand, talked about enduring discipline as a consequence of misbehaviour as her daughter's right, rather than a responsibility.

...so if you are going to the corner you have to stay there and if you do that for a minute then you can come out, it is sort of her right to do the time. Otherwise, she loses her toys . . . so sort of like mini rights within the house. (Sarah)

Parents know more than they think they know about children's rights

Despite participants' lack of a formal understanding of children's rights, when asked "There are formal definitions of "children's rights", but I am far more interested in how parents think about them. How would you, as a parent, define "children's rights"?", several participants demonstrated an intuitive understanding of children's rights and provided examples that fall under the three categories of protection, provision and participation as outlined in the UNCRC (1989).

Three participants, Jackie, Sarah, and Simon, provided examples that would be considered provisional rights. Interestingly, Sarah also briefly mentioned the issue of access to rights, stating that because of the cost of accessing services, such as day care, some children can miss out.

Do you mean, like you know, they should be well looked after, loved, happy that kind of thing?. (Jackie)

Um (pause), they deserve the right to be loved and cared for and to have food and to have a home. They deserve to be able to play and to be able to go to kindy and day care and other things like that. There are so many kids that miss out just because it's so expensive. It is ridiculous. (Sarah)

Yeah, I think they should have a right to a name, to be fed and to be taken care of. (Simon)

Simon and Ella also provided examples that encompassed participatory rights. Simon talked about children having the right to voice their opinions and to be included in the conversation.

I'm not really sure (pause), children's rights to me are to have a voice, that they do get asked, they do get asked what they feel and yeah it's about giving the child a right to speak up and to be involved. (Simon)

Similarly, Ella emphasised a definition of children's rights under a participatory framework, but she also talked about the idea of trusting children by listening to them and taking their point of view seriously in any type of situation.

I really don't know. I guess they should be heard. You know, whether it is something as silly as taking a toddler to the toilet or um something serious like someone tried to take a kid from the playground that they have seen. I think they have the right to be heard and it might be a farfetched story, but it needs to be looked at and investigated even if you have to ask adult questions to find out what happened. To dismiss children, I don't think that is fair. (Ella)

Lastly, Ryan identified examples of children's rights that would fall under all three categories presented above. He also talked about the need for guidelines and boundaries when helping children to access their rights.

As a parent how would I define children's rights? Um, they have the right to have a voice, to have an opinion, to have security and love and comfort and shelter and they have a right to be protected and safe and you know, within the guidelines and boundaries of what you allow them to do, grow and experience. (Ryan)

General Children's Rights: Parents' Perspectives

Parents think children's rights are a good idea

When participants were asked "Do you think the idea of children having rights is a good thing - are there benefits?", all participants talked about children's rights as being, overall, a positive notion.

Ultimately [children's rights] it is a good thing. (Ryan)

I think it's fundamental. (Ella)

Ella talked about the idea of children's rights as fundamental to both childhood and future adulthood.

I think it is the beginning of who they are as people and it projects into their future. If they don't have a loving home then they are never going to

have a loving home, they are not going to create one themselves and so it comes back to that breaking the cycle thing and I think it would work and I think you have to have children's rights. (Ella)

Jackie mentioned that children's rights were a good idea because it protected children from harm.

Yep, I mean you see or hear about all the child abuse and stuff so it would be good for them to have rights to protect them. (Jackie)

Lastly, Tom talked about rights in general, stating that everyone should have rights, but within limits. Unfortunately, the limits Tom was referring to are unknown because I did not probe the participant on this particular point.

Yeah, I think that everyone should have rights up to a point. (Tom)

Children's rights without boundaries and rules could lead to chaos

When participants were asked "Do you think the idea of children having rights can have negative consequences - are there downsides to the idea of children having rights?", several participants talked about the negative side of children's rights as having the potential for children to become unruly, if boundaries to children's rights were not made clear.

Interestingly, while Jackie talked about the potential for children with too many rights to become unruly, she grappled with figuring out how boundaries for children's rights could be set, given the diversity of parental values and individual differences between children.

Yes and no. Well the negative side would be that if they have too many rights then they can do whatever they please, run amok, that kind of thing. So, they need boundaries, but then like every parent's opinions and values are different so what those boundaries would be I am not sure. I guess they would be different for each child, so that is a bit difficult. (Jackie)

Ella, on the other hand, did not see the idea of children's rights as carrying negative consequences, but rather, she talked about the idea of children's unruly behaviour occurring as an outcome of parents' unruly actions or attitudes towards their children.

I don't think the idea of children having rights is negative. I think you could get some pretty smart alec kids out there that can cause problems, but that's probably the minority and again that could be a reflection on their own rights as a young child or their parents flowing through. (Ella)

Meanwhile, Sarah talked about the idea of adult consent, suggesting that without adult consent children can misuse their rights.

...With the consent of the adults because you wouldn't want them just running around and getting what they want. (Sarah)

Parents want more information about children's rights

When participants were asked "If you could receive information about children's rights would you want it and where would you expect it to come from?", several parents eagerly stated that they would like more information. All participants also stated that it should be the responsibility of health care and education providers, non-governmental agencies or government bodies to distribute this information to parents.

My guess is this information should come from the government or the schools. (Ryan)

Yes! I think Plunket would be a good source for this information to come from. (Jackie)

Simon raised the point that he had never received any information about children's rights. He talked about transition points and milestones as critical stages in their children's lives to receive information on children's rights.

From the beginning, but we didn't receive anything about it. I think it could be very useful. I am guessing now, but it could be useful when they start school or when they have to be vaccinated, you know specific life events. I guess when it is big stuff, this stuff is really important. As for where it should come from, the government or the school or the hospitals. They are all government related and so they should give us this information like they give us all the other paper work. (Simon)

Similarly, Tom also mentioned the need to receive this information from the time of a child's birth or from educational and health providers.

Yeah, from the beginning. Yeah, from the schools and hospitals. (Tom)

Lastly, Ella who also talked about the need to receive this information from the time she had become a parent, questioned why this information was out there if the people who need it most do not know that it exists. She mentioned that the government or agencies that are designed to help parents should be distributing this information.

I guess the school or the government or from an agency designed to help parents. If we don't know about this stuff why do we have it? What is the point? We should be given this information from the time they are born, to school and those important phases, especially if this information changes over time. I'm not sure. (Ella)

Parents' Perceptions of Children's Knowledge of Rights

Parents are uncertain whether their young children know they have rights

When participants were asked "Your young child is very young, but do you think he/she already has the idea that he/she has rights?", participants provided mixed responses and were, overall, uncertain whether their young children know they have rights and what those rights are. Most significantly, participants related this uncertainty to the age of their young children, suggesting that age can act as a barrier to children understanding their rights.

Simon talked about his son's and daughter's ages (4 years old and 6 months old respectively) as barriers to understanding their rights. He also made a distinction between rules and rights, stating that his young son may know the difference between *yes* and *no*, but not that he has, for example, provisional rights.

To be honest, not really. He is only 4 years old. I don't think he quite understands the difference between a right and not having them. He's only starting to learn to spell his name, let alone what rights are (pause). I think he knows when my wife and I say "no" that means no, and "yes" means yes, but I don't know if he knows that he has the right to be loved and fed and clothed and to have shelter over his head and my little one, well, she is 6 months old; she has no clue! (Simon)

Similarly, Ryan talked about age as a barrier to children understanding they have rights.

No, I think they think they can do whatever they want which is a good thing. So, subconsciously that level of comfort. Whereas, you could argue they have rights, but I don't think at this age that they can comprehend the rights they have. (Ryan)

Children's ages, parents, and environment are determinants for where children learn about rights

When participants were asked "Where do you think your child learned about rights?", participants, again, provided mixed responses. Interestingly, however, participants with both younger and older children made a distinction between the home setting, the outside environment and the age of their children in relation to where they learn about rights.

Ella, who has both a younger (3.5 years old) and older child (8 years old), talked about the difference between her children's conceptual understandings of their rights (a privilege rather than a formal right). She asserted that peers of older children can be sources of information about "rights".

The youngest thinks she has the right to do anything she wants. My oldest I think she is becoming aware that she has more rights from listening to peers around her. Yes, so I think that is certainly getting, you know, she thinks she has the right to go to bed later because she is older or because it is a Friday night she gets to stay up later that type of stuff. (Ella)

Similarly, Susan talked about her older children learning that they have rights from outside of the home setting.

Our older kids learned from school that we are not allowed to smack them!. (Susan)

Jackie, however, who only has a younger child (3 years old), reiterated her uncertainty about her daughter's knowledge of rights, but also she talked about parents as the main source of young children's knowledge about children's rights.

I don't really know. I guess she learns it all from me. If she thinks she has rights it's because I have given them to her or shown her them. (Jackie)

Similarly, Simon reiterated his uncertainty about his young son's knowledge of his rights. He also talked about parents as the main source of young children's knowledge of rights and that the home setting would be the most likely place for his young son to learn about his rights, if he had any knowledge of them.

If he has learned any rights it will be from my wife and I with our interactions with him at home or with family, but again I don't think he knows them. (Simon)

Young Children's Rights in the Home: A Good Idea

The home setting is a safe place for children to express themselves

When participants were asked "Are there any rights that you think young children should be able to exercise in the home?", all participants emphasised the importance of allowing their young children to exercise freedom of expression and to make some decisions within the home setting.

Sarah talked about the right to make decisions as an essential part of learning.

My daughter gets to decide what she wants for breakfast and things like that. I think it is a good learning stone for them to be able to make decisions. (Sarah)

Jackie talked about making most of the decisions, but allowing her daughter to make decisions to please her.

I often pick her clothes for her, but yeah she goes through her drawers, but she doesn't really pick one piece of clothing, but sometimes she does and I say, "yes, you can wear that", because it makes her happy. (Jackie)

Ryan, on the other hand, talked about the home as a safe environment for young children to explore and learn. He, however, emphasised that there are also limits to what young children can and cannot do in the home when enacting these rights.

I think once you have a level of comfort that they are not going to harm themselves, I think the home is a place where my youngest daughter can experiment and grow and try things and so I don't like to put too many limitations on her around the house. If she wakes early in the morning she is, as far as I am concerned, she has the right to go downstairs and go find

some toys or go help herself to a piece of fruit or whatever. I would hate to have a house where if she woke up before us that she couldn't explore a cupboard or explore around the home. In particular, I like to think that she has free reign within reason. She can't obviously help herself to chocolate biscuits or turn the iPad on without permission, stuff like that, but I like to think that she feels so comfortable in the home environment that she can pretty much do what she wants. (Ryan)

Balancing participation, protection and provisional rights

When participants were asked "Can you give some examples of how you help your young child exercise these rights in the home?", they were also presented with a scenario (number one, see appendix F), that asked participants their opinion on their young child choosing what clothes to wear for the day. Several participants endorsed the idea of talking to their young children and including them in decision-making processes for day-to-day activities around the home.

Simon talked about including his son in day-to-day decisions around the home. However, he also mentioned the difficulty of making sure young children's needs are met in the home whilst also listening to what children want, think and need.

I think with young children, one that stands out for me is with my son in the home, we don't always know what he wants or needs as a parent. Every child is different and we are still learning. So [our little boy], will tell us what he wants or needs, like say for example breakfast. Sometimes he says he doesn't want to eat, but we talk to him about it and so we like to let him tell us what he thinks. But, again, he is only 4 years old so sometimes he likes to test the boundaries and play up and then we step in as parents, but for the most part we like to, at home, let him talk about things with us. So I will ask him what he wants to eat and if he doesn't like something I will ask him why? And he might say "it's yucky" so that's fair enough. I don't eat food that is yucky so why should he?.

(Simon)

In relation to scenario one (see appendix F), Jackie talked about her daughter's autonomy as important because it helped her as a parent to understand and get to know her daughter's likes.

Yes, well it's her opinion, her thoughts and we get to see why she actually wants to wear it. (Jackie)

Sarah, however, raised the idea of adults as authority figures and, whilst allowing her daughter to express her thoughts, she stated that parents still need to maintain some control.

Yes, if she can explain why I will probably have a reason why not, for example the weather, but yeah she usually tells me why. (Sarah)

Similarly Ella liked the idea of her children having an opinion, but she emphasised her duty as a parent to protect her children's best interest. She raised the pragmatic issue of needing to have time in order to allow children to express their own opinions.

Yes, but if it was cold I would want my kids to be warm so they don't catch a cold. I guess we would talk about it if we had time. Knowing my kids, they would wear it regardless of what I said. (Ella)

Further to this, when participants were asked "Are some of these rights that are exercised in the home more important than others?", several participants talked about the importance of provisional and protective rights in the home over participatory rights.

Simon talked about provisional rights as more important than participation rights for his son. He asserted that provisional rights lead to healthy and safe children. However, he also described the idea of a child's duty to go to bed as a protection right.

I think it's important that my son understands his right to go to bed at a certain time is to his benefit so he doesn't wake up the next day as a grumpy 4 year old. I think it is important that he is fed properly with nutritious food, not junk food. I think those are more important rights than him choosing what to eat or when he wants to go outside and play or when he wants to watch television. (Simon)

Ella, on the other hand, talked about children possessing a right to listen to their parents. However, she also talked about the right to be protected from violence in the home as important to ensuring children's safety. Lastly, Ella also pointed out that not all of these are set in stone, that the rights that are most important in the home can change on a day-to-day basis.

Yeah, the right for them to listen when they are being told what to do, to go to bed when they are told, and to be protected from violence in the home would be most important, but again it's all a work in progress and everyday can be quite different so things change. (Ella)

Sarah, on the other hand, talked about a young child's right to participate as having negative outcomes. She related this right to the possibility of children becoming materialistic.

Oh definitely, way more important. I mean, if you, yeah. I think the basis of a nice childhood and children all comes from the bare necessities, having love and being warm not "Oh, I got to choose this for breakfast". I think that would make for a materialistic generation (pause). Yeah, so I think those rights are far more important. We need to focus on that. (Sarah)

Article 12: Parents Think it is Reasonable

Informed decisions and knowledge of consequences

Participants were provided with a copy of Article 12 (see appendix H) and asked "What do you think about Article 12 and its idea that children should be part of the conversation about decisions that affect them?". All participants liked the idea of Article 12, but insisted that their children must be informed and able to understand the consequences of decision-making to exercise this right.

Jackie stated that Article 12 is a good idea, but talked about this right for her daughter as she becomes older. She insisted that her daughter must be able to make informed decisions and understand the consequences to exercise this right.

I think it is good, but like in some senses say for example, who my daughter would live with when she gets older. Yes, it's good for her to be allowed to say who she wants to live with, but at the same time she does not understand a lot of the deeper issues. So, for example, if she wanted to live with her dad I wouldn't be mean or anything, but I would say no because she is not cared for with him like she is with me. Then again, if she was way older then I guess it would be her decision because she would be mature and can understand a lot more so it's her decision. (Jackie)

Similarly, Ryan agreed with Article 12. However, he talked about Article 12 not being a cut-and-dried directive. He talked about Article 12 as discretionary and not strictly

enforceable. He also stated that children must be able to understand the consequences of enacting this right to exercise it.

It seems reasonable, whether it needs to be part of legislation, if this is legislation? My personal opinion is that this is exactly how life should be. I look at this and for me this is also kind of a grey area, you know? It doesn't say "If somebody stabs someone then they should serve a minimum non-parole period of 20 years". It kind of says, "You should respect children and listen to them" and you know, again, that's a great thing, but you know does it give law any teeth? Other than just being words on paper. I mean it lacks teeth because the outcome for children is still the same isn't it? So, I guess, it comes back to an age thing, like I was saying you can drink at a certain age, by law. You can drive, at a certain age, by law. Clearly a 1 year old is not capable of saying, "I don't want to do this". It comes down to whether they understand the consequence of having an opinion and if they are mature enough to understand it. (Ryan)

Susan talked about Article 12 as useful to her children, only in circumstances where they were able to make informed decisions.

I think for us as parents when they are children all parents know their children best and every child is different. So, I guess, we allow them to have an opinion and we allow them to have a choice, but it's got to be informed otherwise they just don't get that right in my eyes (pause). Yeah, an informed decision and definitely a level of maturity and age. (Susan)

Simon, on the other hand, talked about Article 12 as a part of his everyday parenting. He suggested that a barrier to children making decisions can be a lack of understanding of the consequences.

As a father sitting down with my children, if something goes wrong when they are older, is an important factor. Then again, even now we do it. They should be involved in the conversation, but I also think with making decisions we all have to live with the consequences and if they don't understand the consequences of their actions then I think as a parent we should have the final say. So yes, I do agree with Article 12. I think it is important that we speak about things with them before we just go and make decisions for them. (Simon)

Ella, on the other hand, who had never heard of UNCRC or Article 12 before, stated that involving her eldest daughter in conversations was something she would need to do more often. She also mentioned the challenges of using Article 12 when processes such as informing her child and including her child in decision-making processes clash.

I've never heard of UNCRC or Article 12 before. This makes me think we should know a lot about it (pause). I agree with it. It makes me realise that, especially with our older daughter coming up to being a wee bit older, that's what we need to be doing more with her I guess. It's just a nice reminder that that's what we should be doing, but I do think naturally we discuss stuff with her to a certain degree (pause). We might shelter her from some of that stuff until the timing is right and sometimes it's a discussion to her about what's happening, but because there really is no decisions that can be made, it's not always a decision process, but you know she's made aware of stuff and we talk about it and stuff. (Ella)

Article 12 can be difficult to apply when decisions are not entirely in parents' hands

Participants were presented with a second scenario, number two (see appendix F), that discussed a situation where a young child wished to help choose which primary school they would attend. Several participants endorsed the idea of discussing with their young child which primary school they would send them to. However, participants also raised the issue of external factors such as zoning and work and talked about how they can affect how and if parents choose to involve children in discussions about decisions that affect them.

Yep, I would explain to her that it would be zoning. So, I would explain to her that where we live (pause) and then I would just talk about all the good things at the new school and get her excited about it and try and convince her, till we both actually agree on it at the end. (Sarah)

Sarah also talked about the practicalities of applying Article 12. She stated that Article 12 is good in principle, but in practice there are multiple factors that can affect its application.

It's nice to give them the option and to sort of let them know what's going on around them. Definitely. It can be hard to actually put it into play without having constant battles and I know some people have to work so they don't have time to sit there and bargain or reason with their kids. They just chuck whatever in front of them. So I agree with it completely, but it can be a hard one to put into play, like when you need to put your foot down; some things you don't have a choice in. (Sarah)

Simon talked about involving his young child in the decision-making processes. He also raised the issue of external factors such as school zoning as a challenge to executing

Article 12. Indeed, he also talked about reconciling with this challenge by ensuring that the decisions made would give due weight to his child's opinions.

I think if my 4 year old son came home from kindy and said he didn't want to go to that primary school I would ask him why? I would listen to his answers and if I had any doubts of sending him to that school, after talking to him and asking him, then my wife and I would discuss other options. Also, we have school zoning as a problem here, but regardless we would definitely talk with him about it. (Simon)

Similarly, Susan and Tom, mentioned that they would involve their young children in the decision-making process of choosing a primary school. However, they acknowledged their children's age and school zoning as challenges to executing Article 12.

We have always chosen schools and just like we will do with our younger ones we take them to the school so they will go and we will go and check out the school with them because it is somewhere that they are going to need to feel comfortable. So, I guess, in a way they have a say and an option. But, at 5 years of age they don't understand what a school can offer, so we listen and we try and explain to them the reason they are going to that school that's normally zoning and that they can have a say, definitely that's important. (Susan)

Parents' Rights and Responsibilities

Parents have the right to raise their children how they see fit

To gain an understanding of what parents think their rights are, participants were asked "What about parents' rights - do you think parents have rights?", (prompt) "What rights are those?", all participants talked about having rights as a parent with limits. However, a majority of participants emphasised the right of parents to raise their children how they see fit.

Susan talked about the importance of having the right to raise her children the way she wants to. She also railed against having limitations imposed on that right.

I just think we have the right to raise our children the way we want to, not how we are told to. I am not the type of person that likes to be dictated to, so I struggle very much with things being taken out of my control. (Susan)

Sarah and Ryan, on the other hand, talked about the idea that with such a right there should be limits.

Yeah. Well you have the right to raise your child how you want to as long as it's not abusive. (Sarah)

We have the right to bring up our kids the way we are comfortable with in a way we choose, but I mean of course we have rights as citizens and everybody does, but rights as a parent; I think it is just within reason we can bring up our own kids how we want as long as it's fair and reasonable and it doesn't break any laws. (Ryan)

Parents also view their rights as responsibilities – conflate rights and responsibilities

Parents often talked about their rights in terms of responsibilities towards their children, demonstrating some confusion or conflating of the two concepts.

Sarah talked about her rights as a parent to look after her children.

You have plenty of rights as an adult and as a parent to, yeah look after your children. (Sarah)

Meanwhile, Jackie talked about her rights as a responsibility to provide care for her child, but that there are some limitations to this right.

I don't know. Like, it's my right to feed her, to look after her, to provide her with a safe environment, to choose where she goes to school, but not like to tell her who her friends are or anything like that. (Jackie)

Simon referred to parents' rights as responsibilities. He made it clear that a parent's right is to do everything possible to take care of their children and that this is the easiest part of parenting to get right.

Yeah, sure. As a parent it is my right to care for my children. It is my responsibility to make the best decisions for them. It is my right to give them the best that they can possibly have (pause). It is my right and my wife's right to take care of our children, to love them unconditionally and I think if you can't do the basics, and these are basics, then I think you need to look at how you parent your kids. Not that I am an expert, but this is the easy stuff, getting this right is the easy part. (Simon)

Lastly, Ella raised a different point of view of parents' rights. She talked about parents' rights to organise the home in a way that is in the parents' best interests as well as the child's.

I have the right for my children to go to bed so I can keep sane at night. Yeah I think parents have rights to continue to try and do stuff for themselves that isn't solely based around their children. I think they have the right to have some time out too! And I think it's quite good if you lose your cool. I think parents have the right to lose their cool every now and again, so long as they lose their cool and they rectify it correctly. So, if that is yelling at your kids then you apologise to the kids properly, because I think it is a good learning thing for your child you know you might not have the right to yell at your child, but you have the right to lose the plot every now and again as long as you back it up and apologise and stuff. This is teaching kids how to deal with it because it is normal to do. (Ella)

A Clash of Rights or a Clash of Wills

Parents are uncertain if rights clashes occur with young children

When participants were asked "Do you think that there can sometimes be a clash between your rights as a parent and a young child's right?" and "Can you think of an occasion when you have perceived a clash between your rights as a parent and your young child's right? How was that clash resolved?", participants were, overall, uncertain whether a clash of rights occurs between their rights as a parent and their young child's rights. Participants in this study referred to the likelihood of more clashes occurring as their young child ages and understands their rights more. Indeed, because parents in this study tended to conflate rights with privileges and responsibilities, it is possible clashes of rights had occurred in the home, but parents in this study did not necessarily recognise them.

Simon talked about his children's age and their lack of understanding of their rights as reasons why a clash of rights has not yet occurred. He questioned what is meant by a clash of rights, and if a disagreement between a parent and a child constituted a clash of rights.

I am not sure how to answer that one, probably because I have two very young children and, like I said before, I don't think they understand rights stuff so we haven't had any clashes, I guess. Then again, like there is

saying “no” and they say “yes”, but is that really a clash of rights in the terms you mean it?. (Simon)

Sarah, on the other hand, discussed a conflict of wills as a clash between a parent’s right and child’s right. Also, Sarah mentioned that because her young child is used to having autonomy, when her autonomy is questioned or taken away, then conflict is more likely to occur.

Yep. Just yesterday because I had gone outside to get some nappies out of the car and then she wanted to go outside too, but she kept holding the door open and we were telling her to close the door and she’s like, “No I want to go outside too” and we were like, “No you need to stay inside, it is raining and it is cold, you need to close the door”. So, she got into a big tantrum because we were telling her what she had to do. Whereas she is used to making her decisions so that’s where that sort of clash goes. (Sarah)

Similarly, Jackie talked about a clash of wills as the most likely of all clashes to occur with her young child. However, Jackie also discussed the potential for more rights clashes to occur as her daughter gets older.

Yep. I guess so. Well if she is old enough to talk and she doesn’t want to go to school or something, but I know it is good for her, I guess we would have a clash about something like that, but I don’t really know. I don’t think we have too many clashes of rights (pause). I guess more like “yes and no” clashes and I generally give in to her. (Jackie)

Clashes between parents and external authorities perceptions of what is right

When participants were asked “What sort of rights are clashes mostly about?”, a number of participants mentioned that clashes are most often about parents’ and external authorities’ perceptions of what is right for their children.

Ryan talked about the challenges of giving his oldest daughter the right advice when his opinions clash with those of his eldest daughter’s teacher.

Yep, well there is always clashes and that is a part of the challenge of being a parent. But, then another challenging part of it is actually probably more so the harder stuff which is like when our daughter is old enough to understand when things aren’t fair or what is right at school and I don’t

agree with what her teachers have told her and then trying to give her the right advice, trying to avoid causing more conflict. (Ryan)

Similarly, Ella talked about clashes arising when her oldest daughter's rights at school conflict with her rights as a parent to do what she thinks is in her daughter's best interests.

She thinks she has the right to have a computer at school and I have the right to say no (pause), that type of stuff that is only going to get worse as she gets older. (Ella)

Susan talked about a loss of control when conflicts arise that involve external authorities, such as law. She also raised the concern of the changing nature of society and its effects.

It is because you can't resolve it, it is outside and it is the law. You can't smack your kids and again times have changed and that's the thing. Our society is not a good one. From when we were young our society has changed so much. There's so much out there that's wrong and I think for us as parents I don't feel that we have a lot of control over our children. (Susan)

Different Points of View of Government Intervention

Parents are unsure about laws that assist with their parenting practices

When participants were asked "Do you think the government has a right to implement laws that tell you/assist you in how you parent your young children?", parents were, overall, unsure whether the government should have a role in assisting them to parent their children through laws or policies.

Susan questioned the competence of those in government making the decisions that can affect her parenting. She also talked about government interventions as taking away a parents' right to make decisions for their children.

Who is to say that the people making the decisions in government have raised their children right? They are trying to tell us how to raise our children from their perspectives (pause). As a parent you have to be able to make a choice for your child and I think we have had that choice taken away from us. (Susan)

On the other hand, Simon agreed, in part, with the government intervening to protect children, but he also talked about the importance of parental autonomy. He mentioned the

need for there to be boundaries to government influence because there is only so much that the government should be able to tell parents when it comes to their children.

As wrong as it is, you can't stop some people from being arseholes to their kids (pause). So in some respects, yes, I agree with the government helping, but as a parent there has to be boundaries for the government when it comes to our parenting too, because them telling us what we can and can't do when they don't know us personally is very different to us telling our own kids what they can and can't do in their best interest. We know them. (Simon)

Similarly, Ryan talked about the need to balance how much the government interferes with parenting practices.

There is always a need to balance how much you want a government to legislate something and to interfere with how you parent and society. (Ryan)

Ella raised a number of issues. Like, Simon, she agreed with government interventions that protect children or provide them with their basic rights. However, she talked about disliking interventions by the government or, notably, educational facilities that change tradition and disregard parents' opinions about what is in the best interests of their child. Ella, also talked about the issue of parents feeling unheard when the government makes decisions that affect her parenting.

Yes and no. I think that things like helping kids with their basic fundamental rights or looking after them in a court system or looking after them in a bad home situation and all that sort of stuff, I can kind of get that. But when it comes to fundamentally changing the way that our kids are being taught and we are the guinea pigs, not so much. Especially when so many people we are talking to don't agree with it [iPad policy] and the school and the government doesn't listen. (Ella)

I am not agreeing terribly much with this device [iPad] in schools though. I don't know if that's related but that's come from the Ministry of Education and it's probably another policy that is starting to be driven and I don't agree with it. I agree that there is a little bit they need to be doing, but not at primary school at the level they are doing it is just ridiculous (pause). At my school children need to take their own devices to school and they are going to be learning, a predominate amount of their time will be on devices doing core learning and I (pause) there are so many reasons why I disagree with that. Other than future health issues, I just don't think it is necessary. I think they have so much fundamental learning that they

need to be doing, pen and paper writing and spelling instead of spell checking. Just the core learning is probably my biggest thing that they are not getting to do. (Ella)

These people are parents, some educators, we have talked to. We've spoken about stuff they are just, yeah (pause) shared classroom learning is one thing, but then taking away their basic learning of how we have learnt forever (pause) it kind of just puts it back on us as parents to be making sure that those skills are done at home and for everything else in life and it just adds more pressure that's just not needed. (Ella)

Sarah, on the other hand, talked about the government not doing enough in regards to focusing on children and child-based policy decisions. She suggested that the government does not pay enough attention to children.

I feel as a parent the government really overlooks children and policies. They glaze over them and they do not pay much attention and you'd think because a lot of people have kids, everyone knows kids you'd think it would be one of their main focuses instead of other stuff. (Sarah)

Parents should be informed and involved in the process before governments make law or policy changes regarding parenting practices

A number of participants stated that parents should be part of the conversations involving government decisions that can affect their parenting. Indeed, participants in this study felt they were either ignored or not given a voice when law or policy changes, that affect how they parent, have been made in the past. This parallels the idea of Article 12 for a child—that is, the right to an opinion and the right to be heard on matters that affect their lives.

Susan stated that parents should be informed as well as being a party to the conversations around law and policy changes that affect parenting. She also questioned the competence of the government in making such decisions that can affect parenting practices.

No, I mean they can if they talk to the people involved first, but yeah otherwise no. The law should be talked about to the masses first, get ideas, then act (pause). I think they need to consult a wide range of people across the board, but I guess it is difficult. I am not saying they have an easy job, but they can't just sit there and dictate to parents how to raise their children. When and where are they getting their information from? Who

have they spoken to? They make decisions, but they don't actually explain themselves to the people. (Susan)

Jackie also talked about the importance of parents' voices being heard on policy or law changes that affect parenting.

Yes and no. Only if they have the best interest of parents, but it would kind of have to be, parents would have to have a say. They can't just implement something without talking to parents. (Jackie)

Ella talked about being a party to a policy change conversation, but she emphasised that having your voice heard does not mean that authorities listen.

At our school the board of trustees did a survey and there was an overwhelming response saying don't go there with the bring-your-device-to-school policy and the school didn't listen and they just went ahead and did what they wanted to with no regard for what parents are saying. And I find it hard as a parent to know where or what to do next because it just gets too hard and so you naturally as a parent feel a bit bullied into it and I don't think that's okay. I am not okay with that. (Ella)

Repeal of Section 59 of the Crimes Act 1961

When participants were asked "Can you think of any government laws or policies that have changed your attitude towards how you treat and understand your young child?", the Amendment to Section 59 of the Crimes Act ("anti-smacking law") was mentioned by all parents. Indeed, with reference to this law change, parents were uncertain about laws that tell them *what to do* and *how* to discipline their children.

Ella grappled with the "anti-smacking law" but pointed out that the law change had made her think about her parenting practices.

Probably that anti-smacking one because I agree with it and I disagree with it and I must admit that, although I have lost my cool a couple of times (pause) it does make you stop and think. Yeah, like it makes you try and think of other ways of doing stuff. (Ella)

Interestingly, Simon, who was never smacked as a child, referred to the repeal of Section 59 of the Crimes Act as taking away his right as a parent to choose how to discipline his children. He referred to parenting practices as individualised and, although he stated that

he thought he would not smack his children, losing the option to make that choice, losing his autonomy as a parent was frustrating.

I think the anti-smacking law. The government has taken away our right as a parent to discipline our children the way we see fit. But in saying that I was never smacked as a kid by my mum or dad so I don't believe I would hit my son or daughter. It's just that if it was needed, if my son did need to be disciplined, I have had that right to choose what type of discipline taken away and I've been told what is in the best interest of my kid, not asked (pause). It annoys me that the government has yet again told us what is best for our children when they don't even know them. (Simon)

Simon also talked about an education based policy regarding food and how it had taken away his right to choose what is in the best interest of his child. He made the point that if everything is restricted what, if anything, can parents do?

I don't know if it's policy or law but they tell us what we can and can't give our son to eat or take to kindy that's a big problem for me. The fact that we can't give our son what we want to give him to eat annoys me. I think it is wrong to be told what I can and can't give my child to eat outside of my care. As long as I am feeding him the right foods and he is healthy and happy, then why should I be restricted in what I can and can't send him to kindy with? Like my wife says, "Is the government going to give us extra money to pay to feed our kids?" It is not our responsibility to take care of another kid's health for example, a nut allergy. While I am sympathetic to those parents, just because their kids can't eat certain foods, doesn't mean mine should be stopped too! They should be taught what they can't eat, the kids shouldn't be eating other kid's food anyway and, yeah, I've heard the argument that kids share food, but if your kid has got an allergy that could kill them, then maybe that needs to be controlled differently, think smarter. If we restrict everything everyone has a problem with we couldn't do anything and why should my kid suffer?.. (Simon)

Susan raised a number of concerns regarding the new Section 59 of the Crimes Act 1961. She talked about losing control of how she could discipline her children. She also talked about this law taking away her right to parent her children how she sees fit. Interestingly, she also acknowledged the difficulty faced by the government in making these law changes.

Well, definitely the anti-smacking one (pause). I guess it's hard for the government to define smacking and beating because they don't live within that house and I guess that's why they have done that. But I just think that

the government is trying to take too many rights from parents (pause). But, I have also seen beatings so I am torn. I understand it is because we want to help out children and keep them safe and everything, but keeping them safe is also disciplining them so that they know right from wrong (pause). I guess the government has more rights over the child than what we as parents have when it comes to parenting. (Susan)

Susan also talked about the conflicts that can arise between parents in how they raise their children. Interestingly, this parallels the conflicts that can arise between parents and the government where concerning the best parenting practices to raise a child.

Then again, I didn't grow up getting that [smacked]. I mean we would have to be pretty extreme to get Dad's hand on our backside or our hand smacked, so it's definitely come into our parenting because when our kids were younger he was a smacker. So if they stepped out of line they got a smack. Whereas I wasn't raised like that so it caused a lot of conflict between us because of our cultural differences (pause). Many, many conflicts and we have come to the point quite a few years ago where it's like what does smacking achieve? It's not really achieving anything so we need to find a different option. As a mum, I don't like to see my kids cry so that was always something for me, whereas their dad wanted to see them cry because then he knew they had learned a lesson. It's hard because there is a lot of child abuse out there, but I mean the anti-smacking law isn't stopping that. It's a tough one, but I just think that they are trying to control parents too much. That's my opinion. (Susan)

Tom, on the other hand, talked about smacking as a cultural norm and that it was difficult for him to agree with the law change because it goes against his beliefs. However, he also showed some sympathy for the law change. Like Susan, discipline is something Tom values.

I can see why they put the law there because being an [ethnicity] you getting a hiding and watching my friends get a hiding from their parents was sometimes borderline (pause). It was an everyday thing and I mean coming from where I am from you know it was an everyday thing to watch them get a bash and just yeah they thought they were getting taught the right way. Then again, you see the other angle because a lot of people don't smack their kids and now their kids are out of control because they know they can get away with it and there is nothing really that the parent can do. (Tom)

Yeah, no. In my eyes, as a parent, they need discipline. I mean, especially with me, sometimes my oldest son steps out of line and I can see that the way he talks to my wife is not on, but she turns around and tries to talk to him about it and he doesn't care. He ignores her and that's not right. I think they learn better when I show them, not tell them. So when you

smack them it's like showing them that what is going down is wrong and I am going to smack you for it. Whereas just telling them don't do that, they are going to do it because what is going to stop them?. (Tom)

Conclusion

For the most part, it can be seen that parents' perceptions of children's rights vary. When discussing children's rights, parents in this research felt as though they had extremely limited knowledge on the topic. This is not for a lack of wanting to know, but rather because they feel they have not been informed about relevant policies, laws, and instruments such as the UNCRC. Indeed, parents in this study often conflated children's rights with privileges and responsibilities. However, the findings also suggest that even though parents feel they know very little about children's rights, they do have some informal understandings about what children's rights are and are capable of assisting their children to exercise some of their rights in the home setting. Further to this, the findings also show that parents like to involve their young children in some decision-making processes around the home. However, parents still perceive the provisional and protective rights of children to be the most important. Additionally, discussions around participatory rights and parents' rights in this research show that parents do not necessarily want 'parental rights' that allow for definitive control of their children. Rather, parenting was often depicted as a process of negotiation and constrained by the need to put children's best interests first.

Lastly, these findings also suggest that parents believed they should be allowed the right to raise their children in a manner that they see fit, but they acknowledged that this right has limits. While the majority of parents in this study were uncertain about the government intervening with laws and policies to help, in some instances, rear their children, parents want to be allowed the choice and not be told how to rear their children, especially in regards to discipline. Also, parents want to be involved, to be part of the process when the government makes legal and policy changes that affect their parenting.

This parallels a child's right to have an opinion and to be heard when decisions are made that affect their lives. Indeed, parents in this study showed through their responses that parenting is a difficult juggling task that, while pleasurable, is also challenging and changes with each child. To ensure that their children can have their rights met, they also show that they need to be informed about children's rights, and most significantly, they want to be informed too.

Chapter Eight: Discussion and Conclusion

Introduction

This chapter draws together the findings of this study with the body of knowledge in which it is embedded. It critically discusses the most salient themes that came through and their contribution and importance in relation to the research questions, theory, and previous research, as presented in the literature review. This chapter also discusses the strengths and limitations of the study, the practical implications of the study, and recommendations for future research.

This research explored parents' perceptions of children's rights within the family setting in Auckland, New Zealand. It aimed to address four research questions: "How do parents perceive children's rights within the home setting?"; "How, if at all, do parents facilitate those rights?"; "Do parents perceive a clash between children's and parents' rights in the home setting?" and "How are those clashes resolved?" The perspectives of seven parent participants were investigated using a semi-structured interview format.

The findings of this study suggest that while parents lack formal knowledge of children's rights, they nonetheless support children's agency and help to facilitate some of the rights of young children to protection, provision and participation in the home setting. The findings also illustrate that parents responded positively to children's participation as set out in Article 12. Lastly, the findings also show that clashes of rights that occur in the home appear to be more about clashes of wills, than rights. Indeed, parents in this study found that policies or laws implemented by external authorities such as the government can also cause clashes in the home setting.

Parents' Lack Formal Knowledge of Children's Rights

A significant finding in the current study was that parents lack a formal understanding of children's rights. No parents in this study spontaneously mentioned the UNCRC or the fact that rights, by nature, are inalienable. Rather, when discussing children's rights, parents appeared confused. They referred to children's rights as an almost foreign concept they had either only heard of in passing or, on the extreme end, never heard of at all. Even the one parent who had previous experience with children's health rights, struggled to articulate examples of other rights that children have.

Similar in nature to the findings presented by Ruck et al. (1998) and Melton (1980), that is, young children confuse rights with privileges; parents in this study also appeared to confuse children's rights (inalienable) with privileges (conditional) and children's responsibilities (duty). For example, when discussing where children learn about rights, Ella talked about her oldest daughter perceiving she had the right to go to bed later because her peers at school had informed her that this was her right. This right, however, might be better described as a privilege:

The youngest thinks she has the right to do anything she wants... [My oldest] thinks she has the right to go to bed later because she is older or because it is a Friday night. . . . (Ella)

Simon and Ella referred to an example of a child's right as children being required to listen to their parents. The conflation of rights with responsibilities is also evident in the parents' discussion about parents' rights in the following section. This finding suggests that parents, at least in this sample, have not learned about children's rights or rights generally. It also suggests that parents have not sought information about children's rights.

The findings also show that at no point in time since becoming parents had any of the participants in this study received information about the UNCRC. The role of parents in

aiding their children to exercise their rights is outlined in the UN Committee on the Rights of the Child's General Comment No. 12 (2009) which states that:

The Convention recognizes the rights and responsibilities of parents, or other legal guardians, to provide appropriate direction and guidance to their children... but underlines that this is to enable the child to exercise his or her rights and requires that direction and guidance are undertaken in a manner consistent with the evolving capacities of the child. (p. 19)

It could be stated that, at least in terms of this sample, the government has not fulfilled its obligation under Article 42 of the UNCRC to “. . . undertake to make the principles and provisions of the Convention widely known, by appropriate and active means to adults, and children alike”. Under the Children's Commissioner Act 2003, the OCC also shares some responsibility of raising awareness and understanding of children's rights in New Zealand. This would clearly require resourcing. However, the primary responsibility for upholding the principles and provisions of the UNCRC rests with the New Zealand government.

If parents are to have a role as a facilitator of their child's/children's understanding and exercise of their rights (Cherney et al., 2008; Day et al., 2006; Helwig, 1997; Peterson-Badali et al., 2004), it could be stated that parents need to be fully informed about children's rights to help their children to understand and exercise the full plethora of their rights. However, the findings of the current study also show that, without a formal understanding of children's rights, parents were able to identify some examples of rights that they think children should have that were entirely consistent with the UNCRC. These included: having a say in decisions affecting them (Article 12), the right to proper nutrition (Article 27), to ensuring their best interests are maintained (Article 3), to a name (Article 8), to a good education (Article 28), to play (Article 31), to have shelter (Article 27) and to be protected from harm (Article 19). Indeed, parents referred to these examples as essential components of “good parenting”. It can be extrapolated from this finding that

regardless of the participants' apparent lack of understanding of children's rights, they are still able to facilitate their young child's access to some of their rights under the UNCRC.

This is not to say that parents do not require information about children's rights. Rather, if parents are to fulfil their role in helping their children to learn about their rights, parents must be equipped with an understanding of rights and, most importantly, the rights contained in the UNCRC. Reid (2006), however, suggests that New Zealanders are uninterested in, and unaware of, international laws and conventions, especially the UNCRC. The findings of the current study confirm that parents are indeed unaware of the UNCRC, however, they do not support the notion that parents are uninterested in the UNCRC. The findings show that parents are interested in learning more about children's rights. Parents in this study mentioned that information about children's rights should be provided to parents at important transition points in their children's lives, such as when their children are born or when they go to school, or at other important milestones, such as when children require a vaccination. Having said that, it is possible that, when asked if they would like more information about children's rights, parents in this study stated that they would like more information so they did not appear anti-child-rights. However, given that parents talked about examples of children's rights as essential components to good parenting, it is also possible to suggest that the parents in this study simply requested to receive more information about the UNCRC.

Parents Conflate their Rights with Responsibilities

It also emerged in this study that most parents conflated parents' rights with responsibilities and duties towards their child/children. When discussing the rights parents have, parents often talked about their rights in terms of responsibilities towards their child/children rather than as rights held by parents *for* parents. Parents provided examples such as caring for their child/children and feeding their child/children as

important rights that parents *should* have. These might be better described as a parent's responsibility or duty to care for their child/children.

The literature refers to the concept of rights as complex and difficult to define (Alderson, 2000; Freeman, 2002). In regards to parents' rights, there is a paucity of research that focuses on their rights. Parents do not have a universal or international, legally binding treaty or set of guidelines outlining their rights. As such, exactly what their "rights" are is yet to be universally defined. In regards to the UNCRC and New Zealand law, parents' rights and responsibilities are outlined in Article (3) (the best interests of the child) and Article (5) (parental guidance) of the Convention and in Section 16 of the Care of Child Act (2004). It is noticeable, however, that neither of these legal instruments provide a definition of or make a clear distinction between a parent's right and a parent's responsibility. It could be suggested that if domestic laws such as the Care of Children Act (2004) and international laws such as the UNCRC do not distinguish parents' rights from their responsibilities or duties, that society and parents equally cannot be expected to know the difference between their rights and their responsibilities.

In comparison to children's rights, parents' rights are less straightforward. The literature does not clearly define what parents' rights are. The conflation of rights with responsibilities and duties by parents in this study parallels the law's lack of differentiation between parents' rights and responsibilities. At least in terms of this sample of parents, this finding shows there is an apparent lack of a formal understanding of parents' rights as well as children's rights and rights in general.

Parents Enable Children's Agency and Facilitate some Children's Rights to Participation, Protection and Provision in the Home Setting.

Although this study shows that parents lack a formal understanding of children's rights, they show an intuitive understanding of some of the principles of children's rights.

Parents in this study enable and support children's agency and facilitate some rights to participation, protection and provision through parenting practices and daily routines in the home setting. All parents in this study mentioned including their children in day-to-day decisions around the home. Sarah and Simon, for example, talked about facilitating and encouraging their child/children to make their own decisions regarding what food they want to eat for breakfast. Jackie, on the other hand, talked about facilitating her daughter's decision-making regarding the clothes she wants to wear, stating that it helps her as a parent to understand and learn about her young child. Sarah mentioned that facilitating her child's decision-making enhances her young child's learning and development. Notably, Susan and Tom mentioned the importance of involving their young children in the decision-making process of choosing which primary school to attend. These examples indicate that all parents, at least in this study, facilitate and support children's agency. Smith (2015) states that children can exercise their agency by engaging in meaningful activities with adults such as effective communication. This finding could also indicate that the parents in this study do not view their children as passive objects of adult instruction (Smith, 2015). Rather, they could view their young child/children as capable of taking an active participatory role in constructing family life.

Some of the literature on childhood studies, most specifically that on the social construction of childhood and agency, conveys that children play an important role in helping to co-construct the world around them (Morrow, 2011; Tisdall & Punch, 2012). The social construction of childhood suggests that the way in which realities of everyday life are constructed is through the interactions and experiences people share with one another (James & James, 2008; Morrow, 2011). This approach also positions children as active social agents who shape and are shaped by the structures that surround them (Morrow, 2011). To state that a child has agency is to acknowledge a child as competent

and having the capacity to act and understand meanings they create in their own lives (James & Prout, 1997; Tisdall & Punch 2012; Smith, 2015).

Enabling children's agency in the home setting indicates that the parents, in this study, acknowledge children's agency as an important part of daily family life. It also shows, however, that parents' perceptions of their children's abilities to contribute to the family setting, through their agency, could play a role in inhibiting or, in this case, inviting children's participation. That is, although children can act independently as social actors and play an important role in helping to shape the world around them, adults also have a key role in providing the structures, opportunities and guidance for children to participate (Smith, 2013). This can be supported by Bronfenbrenner's model of human development which suggests that people (for example, parents and children) cannot coexist, (for example within a microsystem such as the home) without being mutually affected (Bronfenbrenner, 1979).

The acknowledgement of children's agency could also indicate that by parents asking their child/children their opinions and involving their child/children in some day-to-day decisions around the home, parents in this study do not necessarily view themselves as "all knowing" when it comes to their child/children. That is, unlike traditional theories such as socialisation theory and developmental psychology that have viewed adults as fully competent, rational and all knowing (human beings) and children as incompetent or less than fully human (human becomings) (Jenks, 1996; Tisdall & Punch, 2012), it can be seen that some parents in this study acknowledge their children's points of view and their agency as important to determining the structure of family life and as a means to form new understandings of their children and the family setting.

Previous studies that have included adults' and parents' perceptions of participation rights for children (Cherney, 2010; Day et al., 2005; Morine, 2000; Ruck et al., 2002) do not show strong support for the facilitation of participation rights for young children. One

explanation for the differences in the findings could be that Cherney (2010), Day et al. (2006), Morine (2000) and Ruck et al. (2002) used questionnaire or vignettes that presented relatively extreme examples of participation rights to their parent participants. For example, Morine (2000) and Ruck et al. (2002) asked parents if they would allow a child aged 10 to 14 years to decide whether or not to receive medical treatment for a life threatening condition. Parents in this study, however, were provided with scenarios that depicted far less extreme examples of a child's right to participate such as, having an opinion on which primary school to attend and having the option to choose what clothes to wear on a rainy day.

Parents also talked about the importance of provision and protection rights for young children in the home. More specifically, they provided examples such as protecting young children from harm (Article 19) and ensuring young children have access to food and shelter (Article 27). Some parents stated that protection and provision rights take priority over rights to participation (Article 12) and, in effect, children's agency when the right to participate places the child's best interests at risk. This is supported by research conducted by Morine (2000), Ruck et al. (2002) and Peterson-Badali (2004). It is possible that parents would be more likely to see rights to protection and provision as their duty or responsibility to their child or as a normal function of their child and parent relationship. This is supported by Ruck et al. (2002) who found that parents were more likely to justify nurturance rights as most important, stating that it was their responsibility or duty to provide for and to protect their children.

The findings of this study indicate that even though parents lack formal knowledge of children's rights, they are able to facilitate, through means of everyday parenting, their child/-children's exercise of some of their rights to participation, protection and provision. The findings of this study also indicate that parents enable their child's/children's agency in the home setting, by regularly creating opportunities for their

children to exercise their agency. This goes hand in hand with support for children's participation rights. However, it can also be seen that parents did not discuss a plethora of examples that incorporate other rights from the UNCRC, such as Article (14) the right to have freedom of thought, conscience and religion; and Article (18) the right to privacy. This suggests that even though parents are able to support and facilitate some rights, they may also be lacking in supporting and facilitating others.

Article 12: A Good Idea if Children can Make Informed Decisions and Understand Consequences

The findings of this study also show that all parents, upon reading Article 12 (see appendix H), supported its use for children in the home setting. No parent disliked the sentiment of Article 12. Rather, some parents insisted that the principles of Article 12 are part of their everyday parenting and, as previously mentioned, good parenting. When discussing the application of Article 12, parents emphasised the principle that the weight given to the child's opinion must take into account their ability to make an informed decision and to understand its consequences. Four of the seven participants in this study had younger and older children. As such, their responses to questions on Article 12 included examples of their older and younger children's use of this right in their home setting.

It is established in the literature that extending children participation rights to autonomy, to choice, to privacy and to an opinion is often viewed as having the potential to somehow impinge upon the rights of those in positions of authority and power, such as parents. For example, Te One (2008) states that there are those against children's rights, who suggest that giving children rights detracts from the rights of parents and adults, diminishing their roles and undermining the family's role in raising the child. Parents in this study, however, facilitated joint decision-making processes in the home with their children.

Parents did not appear to see the idea of giving children rights, especially those of a participatory nature, as detracting from their role in raising the child. Rather, parents in this study preferred to involve their children in the conversation and some decision-making processes. For example, Susan and Tom talked about involving their young children in family discussions which centred on choosing a primary school for their young children to attend. Although they also acknowledged that their children could not always have the final say they, at the very least, were proponents of listening to their children's opinions as a means of informing the decisions they would make.

It could be suggested that the views parents in this study have of Article 12 mostly support and conform to the principles underlining Article 12. Indeed, all parents mentioned that including their children's opinions in everyday activities is an important part of their parenting practices. It could be suggested from these findings that the participants in this study parent their children in a way that is consistent with an authoritative style of parenting as described by Baumrind (1971). That is most parents in this study reported a tendency to encourage verbal give-and-take with their children when it comes to exercising parental objectives, such as making decisions that can affect their child's future.

The literature would also suggest that the views parents in this study have of Article 12 are consistent with a choice theory of rights. That is, parents must be proxies for the choices that their children make until the time that their child is considered, mature and competent enough to make rights related decisions (Buck, 2014). Eekelaar (1992) points out that there is a view that giving children rights to autonomy, such as Article 12, has limits and in some situations children will require parental oversight to ensure that their best interests are protected.

A Dichotomy of Clashes: Parents and Children; External Authorities and Parents

Another significant finding of this study was that parents perceived two types of clashes to occur in the home setting. When discussing clashes that can occur with their children, parents talked about clashes of rights that might be better described as a clash of wills. For example, Sarah and Jackie talked about disagreements that they had experienced with their young children, such as, “No, you cannot go outside”, “Yes, I can” as exemplars of a clash of “rights”. A clash of rights, however, involves a clash of two claims that are inviolable to each individual. This is not to say that rights clashes do not occur. Rather, as one parent expressed:

I am not sure how to answer that one, probably because I have two very young children and, like I said before, I don't think they understand rights stuff so we haven't had any clashes, I guess. Then again, like there is saying “no” and they say “yes”, but is that really a clash of rights in the terms you mean it? (Simon)

Perceptions of a clash between children's and parents' rights is well documented in the literature (Alston, 1994; Freeman, 2000; Pardeck, 2006; Reid, 2006). Reid (2006) states that “children's rights are not neutral; they can and do intersect awkwardly with parental rights and responsibilities” (p. 119). Indeed, it is possible that because parents, in this study, do not have formal knowledge of children's rights, if a clash had occurred they may not have been able to identify it.

Parents in this study also mentioned that a clash between their perceptions of what is in the best interest of their child/children and those held by external authorities (i.e., the government) can disrupt the family setting. When discussing these clashes, all parents mentioned that their right to raise their children as they see fit had, at one time or another, been infringed by law or policy. When discussing the laws or policies that had infringed on this right, most parents mentioned the so-called “anti-smacking law” (i.e., the current Section 59 of the Crimes Act 1961 as replaced by Section 5 of the Crimes (Substituted

s59) Amendment Act 2007). Two parents, Simon and Ella also mentioned policy changes in educational facilities that had required children to use devices in schools and homes (Ella) and placed restrictions on the food parents can send their children to kindergarten with (Simon) as also infringing on this right.

The literature points to a common assumption that parents perceive their right to raise their children how they see fit as a right of unquestionable authority over children (Cunningham, 2006; Pardeck, 2006; Te One, 2008). It could be suggested that any law or policy that challenges or questions parental ‘authority’ over their children can lead to clashes in the home. Hassall and Davies (2003) state that policies or laws that are perceived to interfere in child rearing practices are disliked by some people. According to the parents in this study, the new Section 59 of the Crimes Act took away their perceived right to choose how to discipline their children. Even the one parent who said he was never smacked as a child and probably would never smack his own children, was perturbed that his right to make this choice had been infringed. In particular, all parents mentioned that any previous attempts they had made to rectify clashes or concerns, specifically those involving their children’s educational facilities, fell on deaf ears. It could be stated that this finding parallels Article (12). Parents, in this study, want the right to choose and to be heard, to be consulted on matters that affect their lives. It could also be stated that this finding brings into question parents’ agency. That is, while parents may view themselves as competent adults, capable of making decisions for their child/children, they may also encounter situations where external authorities, such as the government, place restrictions on their capability to act with this independence and autonomy. As such, it could be suggested that parents can also be viewed as “not fully independent beings” (Tisdall & Punch, 2012).

Lastly, Bronfenbrenner’s ecological model of human development suggests that decisions made in broader social settings, as described by the mesosystem and macrosystem, can

affect the home setting (Bronfenbrenner, 1979). Parents in this study talked about how the policies (macrosystem/mesosystem) mentioned above have affected how they rear their children in the home setting (microsystem). For example, Ella talked about how fundamental changes to her eldest daughter's way of learning at primary school had meant that at home she must take on the role of the teacher and teach her daughter the skills that Ella suggests her daughter should be taught at school. Simon, on the other hand, talked about how changes made to what food he can and cannot send his young son to kindergarten with, has meant that as a family they have had to question what they eat and what they can buy to provide his child with food outside of the home setting. On a more positive note, however, Ella mentioned that law changes such as the repeal of section 59 of the Crimes Act had, at the very least, made her stop and think about other alternative ways of rearing her children. These findings are consistent with Bronfenbrenner's 1979 ecological model and suggest that some decisions made by external authorities, especially in regards to family policy and law, have consequences for how parents, at least in this study, rear their children in the home setting.

Practical Implications

I feel as a parent the government really overlooks children and policies, they glaze over them and they do not pay much attention and you would think because a lot of people have kids, everyone knows kids you'd think it would be one of their main focuses instead of other stuff. (Sarah)

The current findings have shown that some New Zealand parents do not believe they have been formally informed about children's rights. While this study shows that parents have an intuitive understanding of what children's rights are, all parents in this study felt that it was necessary that they receive more information regarding children's rights.

Indeed, the government is obligated as a signatory to the UNCRC (1989) to ensure that all individuals in New Zealand know about children's rights. The government needs to proactively disseminate more information to citizens to ensure that they have met their

obligation under international law. As parents are the target group for this study, this could be achieved by providing child rights information packages to parents through Plunket or through educational facilities such as kindergartens or primary schools. To reach other audiences the Citizens Advice Bureau could be provided with pamphlets on UNCRC.

This study also highlighted issues of political literacy surrounding human rights. As can be seen, parents in this study could not differentiate between a right, responsibility/duty and privilege. Also, parents in this study appeared uncomfortable with recent changes made in law and policy to their everyday parenting practice. Notably, parents in this study also felt as though they were not heard or listened to when policy changes were made. The government should promote civics education and further promote measures, such as SKIP, that can help parents to understand and facilitate changes necessary in their parenting practices when law changes that affect their parenting occur.

Strengths and Limitations

The first strength of this study is that it is the first study of its kind in New Zealand to give parents a voice on their individual perceptions of children's rights in the home. As such, it contributes to the literature a new and profound insight into how parents in New Zealand view children's rights in the home.

Another strength of this study is that it used a qualitative descriptive methodology to conduct face-to-face, semi-structured interviews with parents. Using a qualitative descriptive method allows for in-depth information to be collected from participants. It also gives participants a voice and keeps their opinions front and centre of the research with minimal interpretation of data.

However, the sample size recruited for this research was small and therefore is not representative of all parents in New Zealand. The sample for this study included seven

parents (three male and four female participants) aged between 20 and 50 who identified as either New Zealand European, New Zealand Maori or Tongan. The study did not include representatives from other cultural and ethnic backgrounds, such as Asian or Indian parents. While it cannot be claimed that the findings of this research represent all parents, it does indicate that it is possible that there is a lack of knowledge about children's rights present in New Zealand society.

Lastly, recruiting participants for this research proved to be challenging. Given the time frame provided to conduct qualitative research in a Master's thesis, this research was limited in the time available to recruit more participants. Further to this, it is also possible that given the topic of the study parents may have felt that they did not know enough about children's rights and decided not to participate in the study.

Recommendations for Future Research

For future research the current study could be expanded upon in a number of ways. Firstly, future research could look to include a larger and more demographically diverse parent sample. Secondly, this research focused specifically on parents from the Auckland City region. Future studies should look to expand on this to include parents from other urban and rural areas. Thirdly, the focus of this study was the home setting. Future studies could expand on this by including external settings such as kindergartens or primary schools, to see if parents' perceptions about children's rights change in different settings. Lastly, as this study focused on a small age range of children, specifically those aged 3 to 5 years, future studies should aim to expand on this age range to include older children.

Conclusion

The aim of this study was to explore parents' perceptions of children's rights in the family setting in Auckland New Zealand. It explored four research questions "How do parents

perceive children's rights within the home setting?"; "How, if at all, do parents facilitate those rights?"; "Do parents perceive a clash between children's and parents' rights in the home setting?" and "How are those clashes resolved?" The findings of this study show that without formal knowledge of children's rights parents still support and facilitate access to some of their young child's rights in the home. The findings also show that parents in this study support and facilitate, through everyday parenting, children's agency and the exercise of Article 12 in the home for their children. Consistent with the principles of Article 12, parents in this study acknowledge that there are factors such as age and maturity that must be taken into account when children participate in decision-making processes. Lastly, the findings show that clashes of rights between parents and young children may occur in the home, but parents are more likely to discuss clashes that involve a clash of wills. These clashes were most likely to be between parents and children, as well as between parents' and external authorities' perceptions of what is best for their child/children.

This study highlighted that without a formal knowledge of children's rights parents can still facilitate access to some of their young child's rights in the home. It was also the first study of its kind in New Zealand. Therefore, further research needs to be conducted to see if the findings of this study are replicated with different samples. For example, future studies could expand on this research to include more geographically and demographically diverse samples that also include more fathers. Lastly, it is recommended that the government abides by its legal obligation to disseminate information about UNCRC to its citizens and that it becomes a leading advocate for children's rights in New Zealand.

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Appendices

Appendix A: Information Sheet



Participant Information Sheet

Date Information Sheet Produced:

8th of March 2015

Project Title

Parents' perceptions of children's rights within the family setting in Auckland, New Zealand.

An Invitation

Tēnā koe. My name is Jasmin Robson (Jazz) and I am Master's student at AUT University. Under the supervision of Dr Kirsten Hanna and Dr Jane Verbitsky, I am completing a thesis which explores parents' perceptions of children's rights, specifically within the family home environment in Auckland, New Zealand.

Although I am not a parent, I am interested in what parents think about children's rights.

I would like to invite you to participate in my study via a face-to-face interview. Your participation is completely voluntary and you can withdraw from the study at any point in time before the completion of the data collection (late May) without any adverse consequences whatsoever. The contribution of your time and information would be acknowledged and greatly appreciated.

What is the purpose of this research?

The purpose of this research is to explore parents' perceptions of children's rights within the family home setting. Its purpose is also to give New Zealand parents a voice within literature, regarding children's rights. The end result will be a thesis which will go towards my Master's degree. Some of the information may also be used for other academic publications in an academic journal. Please note that this study is not an

evaluation of your parenting; it is about exploring your perceptions of children's rights, in your family home setting.

How was I identified and why am I being invited to participate in this research?

All parents with children aged 4 to 5 at [ECE CENTRE] have been invited to participate in this study. I am seeking parents who are over the age of 20 years, who do not have a working relationship with me and who are comfortable being interviewed in English. I hope to recruit six to eight parents to participate in this study; I also hope to recruit mothers and fathers.

What will happen in this research?

Parents who agree to participate will be interviewed to explore their perceptions of children's rights; the interview will last around one hour. Interviews will be recorded using a digital recorder, with the participant's permission, and the interview transcribed. I will also take notes. Additionally, I will also provide participants with a copy of the transcribed interview. Participants will have two weeks to make any corrections or amendments to the transcript and to return the transcript to me. If, however, at the end of the two week period transcripts are not returned the researcher will assume that there are no changes to be made. The findings will be written up as a thesis and may also be submitted to academic journals.

What are the discomforts and risks?

It is not anticipated that there will be any discomforts or risks associated with this research. The questions I will ask in the interview are about your perceptions of your role as a parent, children's rights and how these rights play out in the home.

How will these discomforts and risks be alleviated?

Your participation in this study is *completely voluntary*. You are most welcome to bring a support person(s) with you to the interview. Furthermore, if you have any cultural or other special requirements that you would like observed during the interview, please inform me prior to the interview. You can decline to answer any of the questions posed. You can also pull out of the study (up to the completion of the data collection) without any adverse consequence whatsoever. The [ECE centre] will not be informed of who has agreed or declined to participate. Hence, if you choose not to participate in the study or to pull out of the study (up to the completion of the data collection) this will not affect your relationship with the early childhood centre.

What are the benefits?

This study will help me to understand children's rights from the perspectives of parents. It is also an opportunity for parents to have a voice in the academic literature on the subject. The findings of this study may be of benefit to individuals and organisations that have an interest in how children exercise their rights. Lastly, this study will help me to achieve my Master's degree qualification.

How will my privacy be protected?

Your identity and the identity of any other people you mention will remain strictly confidential. Similarly, my supervisors will not know your identity. Neither the Early Childhood Centre nor its staff nor other parents will know the identity of yourself or any other parents involved in this study. Indeed, none of the information I collect from the study will be attributed to your name; you will instead be assigned with a pseudonym. During the interview if anything arises that suggests that you or your children are not safe, we will discuss with you what measures could be taken to contact someone to keep you/them safe.

What are the costs of participating in this research?

It will not cost you any money to participate in this research. In total this research will require approximately one hour of your time. The interviews will be conducted either at an AUT office or at your child's ECE centre at a time that is most convenient to you. If you voluntarily choose to partake in this research a koha will be provided as a thank you for your time and for sharing your experiences with me.

What opportunity do I have to consider this invitation?

You have two full weeks to consider participating in this study. If you would like to voluntarily take part in this study or you require more information to help you consider participating in this study, you are most welcome to contact me.

Please note that if I have an oversubscription of participants who agree to participate in my study, I will have to purposely select participants so that I can ensure that my study has a maximum variation of participants (e.g., even numbers of mothers and fathers). Participants who are not chosen for the study will be sincerely thanked for their time.

How do I agree to participate in this research?

To participate in this research please complete the attached consent form and then contact me to arrange an interview time (please see below for contact details).

Will I receive feedback on the results of this research?

Yes. I will provide all participants with an electronic copy of the thesis if they wish to receive a copy or a hardcopy summary of the thesis.

What do I do if I have concerns about this research?

Any concerns regarding the nature of this project should be notified in the first instance to the Project Supervisor, *Dr Kirsten Hanna, Department of Social Sciences and Public Policy, AUT, kihanna@aut.ac.nz, and 09 921 9999 ext 8308.*

Concerns regarding the conduct of the research should be notified to the Executive Secretary of AUTECH, Kate O'Connor, *ethics@aut.ac.nz*, 921 9999 ext 6038.

Whom do I contact for further information about this research?

Researcher Contact Details:

Jasmin Robson [fdh0535@aut.ac.nz] [ph: 0211499974 or 09 921 9999 ext 6940]

Project Supervisor Contact Details:

Dr Kirsten Hanna, Department of Social Sciences and Public Policy, AUT, kihanna@aut.ac.nz, and 09 921 9999 ext 8308.

Approved by the Auckland University of Technology Ethics Committee on 31/03/2015
AUTECH Reference number 15/60

Appendix B: Recruitment Email



Tēnā koe

My name is Jasmin Robson (Jazz) and I am Master's student at AUT University where I am researching parents' perceptions of children's rights within the family home environment.

This study will involve interviewing up to eight parents with pre-school children to explore those parents' views on children's rights. AUT's ethics committee has approved the study.

I was wondering whether I could talk with you about the possibility of advertising the project through your ECE centre in the hope that some of the parents at your Centre might be willing to be interviewed on a confidential basis.

If this sounds of interest, I'd be grateful if you could contact me by email or phone (921-9999 x 6940).

With thanks in advance for your time.

Kind regards

Jazz

Supervisor: Dr Kirsten Hanna

Contact Number: 09-921-9999 x 8308
6940

Email: kiahanna@aut.ac.nz

Researcher: Jasmin Robson

Contact Number: 09-921-9999 x

Email: fdh0535@aut.ac.nz

Appendix C: Consent Form

Consent Form



*Project title: **Parents' perceptions of children's rights within the family setting in Auckland, New Zealand.***

*Project Supervisor: **Dr Kirsten Hanna***

*Researcher: **Jasmin Robson***

- ☐ I have read and understood the information provided about this research project in the Information Sheet dated 8 March 2015.
- ☐ I have had an opportunity to ask questions and to have them answered.
- ☐ I understand that I may bring a support to the interview if I wish to.
- ☐ I understand that notes will be taken during the interviews and that they will also be audio-taped, with my permission, and transcribed.
- ☐ I understand that I may withdraw myself or any information that I have provided for this project at any time prior to completion of data collection, without being disadvantaged in any way.
- ☐ If I withdraw, I understand that all relevant information including tapes and transcripts, or parts thereof, will be destroyed.
- ☐ I agree to take part in this research.
- ☐ I would like to receive
 - ☐ a hard copy summary of the thesis when it is completed
 - ☐ an electronic copy summary of the thesis when it is completed
 - ☐ neither of these

Participant's signature:

.....
.....

Participant's name:

.....
.....

Participant's contact details (if appropriate):

.....
.....

.....
.....
Date:

***Approved by the Auckland University of Technology Ethics Committee on 31/03/2015
AUTEC Reference number 15/60 Note: The Participant should retain a copy of this
form.***

Appendix D: Ethics Approval Amendments



A U T E C
S E C R E T A R I A T

22 May 2015

Kirsten Hanna

Faculty of Culture and Society

Dear Kirsten

Re: Ethics Application: **15/60 Parents' perceptions of children's rights within the family setting in Auckland, New Zealand.**

Thank you for your request for approval of an amendment to your ethics application.

I have approved the minor amendment to your ethics application allowing changes to the recruitment protocol to use informal extended network and snowballing.

I remind you that as part of the ethics approval process, you are required to submit the following to the Auckland University of Technology Ethics Committee (AUTEC):

- A brief annual progress report using form EA2, which is available online through <http://www.aut.ac.nz/researchethics>. When necessary this form may also be used to request an extension of the approval at least one month prior to its expiry on 31 March 2018;
- A brief report on the status of the project using form EA3, which is available online through <http://www.aut.ac.nz/researchethics>. This report is to be submitted either when the approval expires on 31 March 2018 or on completion of the project.

It is a condition of approval that AUTEC is notified of any adverse events or if the research does not commence. AUTEC approval needs to be sought for any alteration to the research, including any alteration of or addition to any documents that are provided to participants. You are responsible for ensuring that research undertaken under this approval occurs within the parameters outlined in the approved application.

AUTEC grants ethical approval only. If you require management approval from an institution or organisation for your research, then you will need to obtain this.

To enable us to provide you with efficient service, please use the application number and study title in all correspondence with us. If you have any enquiries about this application, or anything else, please do contact us at ethics@aut.ac.nz.

All the very best with your research,

Kate O'Connor
Executive Secretary
Auckland University of Technology Ethics Committee

Cc: Jasmin Robson fdh0535@aut.ac.nz, Jane Verbitsk

Appendix E: Recruitment Email to Informal Network



Hi everyone, this is an invitation I am sending on behalf of my friend Jazz to voluntarily participate in her Master's Research. If you could please read the following and if you would like to participate or have any questions please contact her using the information provided, Thanks.

My name is Jasmin Robson (Jazz) and I am Master's student at AUT University and I am researching parents' perceptions of children's rights within the family home environment.

This study will involve interviewing up to eight parents with pre-school children to explore those parents' views on children's rights. AUT's ethics committee has approved the study.

I was wondering whether you might like to voluntarily participate in my study?

If this sounds of interest, I'd be grateful if you could contact me by email or phone (921-9999 x 6940).

With thanks in advance for your time.

Kind regards

Jazz

Supervisor: Dr Kirsten Hanna

Contact Number: 09-921-9999 x 8308

Email: kiahanna@aut.ac.nz

Researcher: Jasmin Robson

Contact Number: 09-921-9999 x 6940

Email: fdh0535@aut.ac.nz

Appendix F: Interview Guide

Interview guide/indicative questions

Preliminary

- i) Introduction and thanks
- ii) Check whether the participant is happy for the interview to be recorded
- iii) Inform the participant that at the end of the official interview demographic information, applicable to the research, will be collected

Introductory questions

- 1. Before we start, do you have any questions about the research?
- 2. As I've mentioned, I am not a parent but I have had enough contact with young children to see that parenting is both a very rewarding and very challenging role. How do you see your role as a parent?
- 3. Who or what has shaped your approach to parenting?

General children's rights questions

- 4. I'd like to turn now to the question of children's rights. What comes to mind when you hear the term, "children's rights?"
- 5. Where did you first hear about the idea of children having rights?
 - a. Prompt: Is it something that comes up in conversation with friends, family, colleagues, or others?
- 6. There are formal definitions of "children's rights", but I am far more interested in how parents think about them. How would you, as a parent, define "children's rights"?
- 7. Are there any rights that you think children *should* have?
 - a. Prompt: Which rights are those?
 - b. Prompt: Do those rights apply to all children or does it depend on something else (age, gender)?
 - c. Prompt: *[If no participatory rights are mentioned: Do you think young children have a right to help you decide or to have a say on what time they will go to bed? Or what they will or won't eat?]*
- 8. Are there any rights that you think children should *not* have?
 - a. Prompt: Which rights are those?

- b. Prompt: Do these rights apply to all children or does it depend on something else (Age, gender?)
- 9. Do you think that the idea of children having rights is a good thing - are there benefits?
 - a. Prompt: Can you tell me more about that?
- 10. Do you think the idea of children having rights can have negative consequences - are there downsides to the idea of children having rights?
 - a. Can you tell me more about that?

Young children's and parents' rights in the home

- 11. I'd like to talk now specifically about young children's rights in the home. You mentioned that children should have x, y, z rights (Refer to question 7)
 - a. Some of these are rights that young children can exercise in the home. For example, [*list examples from response to question 7*].
 - b. Are there any other rights that you think young children should be able to exercise in the home?
 - c. Can you give some examples of how you help your young child/children to exercise these rights in the home?
 - d. Are there any rights that are difficult to allow children to exercise in the home?
 - e. Are some of these rights that can be exercised in the home more important than others?
- 12. Your child is very young, but do you think he/she already has the idea that he/she has rights?
 - a. Prompt: *if yes*: Can you think of an occasion when your child brought this up?
 - b. Prompt: Where do you think your child learned about rights?
- 13. What about parents' rights - do you think that parents have rights?
 - a. Prompt: What rights are those?
- 14. Do you think that there can sometimes be a clash between your rights as a parent and a young child's rights?
 - a. Prompt: What sort of rights are clashes mostly about?
- 15. Can you think of an occasion when you perceived a clash between your rights as a parent and your child's rights?

- a. Prompt: Can you tell me more about that (which rights were involved, what happened)?
- b. Prompt: Was that clash resolved?
- c. Prompt: How was that clash resolved?

The role of the government in parenting

- 16. Can you think of any government laws or policies that have changed your attitude towards how you treat and understand your young child?
 - a. Prompt: *if yes*: Can you tell me more about that? (what laws or policies, how have they changed your attitude or how you treat your child?)
- 17. Do you think the government has a right to implement laws that tell you/assist you in how you parent your young child?
 - a. Prompt: if yes/no: why do/don't they have this right?

Scenarios

- 18. *[Show participants Article 12 of CRC and then explain that it's about children having a say in decisions that affect them, provided that they have the maturity to understand; it's not saying that children get the final say, but that they get a chance to give their views and that those views are taken into account when a decision is made.]*
 - a. What do you think about Article 12 and its idea that children should be part of the conversation about decisions that affect them?
 - b. Scenario example:** It's raining outside, but your young child is adamant that he/she wants to wear shorts and a singlet. He/she says he/she wants to explain to you exactly why he/she wants to wear these items. Do you allow him/her to express their thoughts? If yes: How and why? If no: what is your reasoning behind this?
 - c. Scenario example:** Your young child comes home from preschool. It is his final day there. You tell him/her the name of the primary school, you have chosen, and that they will soon be attending. Your child says they don't want to go to that primary school, in fact they want to go to another primary school. Do you sit down with him/her and talk about this? If yes: how would you discuss this with them? If no: Would you discuss why you have said no with your child?
- 19. What do you think about this right for a younger child?

20. Can you think of and tell me about an occasion where you have enacted this right?
21. If you could get information about Children's rights would you want it? And where or who would you expect it to come from?

Conclusion

22. That's just about all that I was wanting to ask. Thank you so much for sharing your experiences with me; it's been a real privilege to talk with you about these issues. Before we conclude, are there any questions that I haven't asked that you think I should have asked?
23. Is there anything else you'd like to add?

[Thank the participant and explain what will happen next]

Demographic questions

1. What is your gender?
2. Could you please indicate your age range? (e.g. early 30s or late 40s)
3. How would you describe your marital status?
4. How would you describe your ethnicity?
5. What is your highest level of education?
6. How many children do you have?

	Age	Gender
1.		
2.		
3.		
4.		
5.		
6.		
7.		

Appendix G: ATEC Approval



A U T E C
S E C R E T A R I A T

31 March 2015

Kirsten Hanna

Faculty of Culture and Society

Dear Kirsten

Re Ethics Application: **15/60 Parents' perceptions of children's rights within the family setting in Auckland, New Zealand.**

Thank you for providing evidence as requested, which satisfies the points raised by the Auckland University of Technology Ethics Committee (ATEC).

Your ethics application has been approved for three years until 31 March 2018.

As part of the ethics approval process, you are required to submit the following to ATEC:

- A brief annual progress report using form EA2, which is available online through <http://www.aut.ac.nz/researchethics>. When necessary this form may also be used to request an extension of the approval at least one month prior to its expiry on 31 March 2018;
- A brief report on the status of the project using form EA3, which is available online through <http://www.aut.ac.nz/researchethics>. This report is to be submitted either when the approval expires on 31 March 2018 or on completion of the project.

It is a condition of approval that ATEC is notified of any adverse events or if the research does not commence. ATEC approval needs to be sought for any alteration to the research, including any alteration of or addition to any documents that are provided to participants. You are responsible for ensuring that research undertaken under this approval occurs within the parameters outlined in the approved application.

ATEC grants ethical approval only. If you require management approval from an institution or organisation for your research, then you will need to obtain this.

To enable us to provide you with efficient service, please use the application number and study title in all correspondence with us. If you have any enquiries about this application, or anything else, please do contact us at ethics@aut.ac.nz.

All the very best with your research,

Kate O'Connor
Executive Secretary
Auckland University of Technology Ethics Committee

Cc: Jasmin Robson fdh0535@aut.ac.nz

Appendix H: Article 12 Exemplar

Article 12 (Respect for the views of the child): When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This does not mean that children can now tell their parents what to do. This Convention encourages adults to listen to the opinions of children and involve them in decision making -- not give children authority over adults. Article 12 does not interfere with parents' right and responsibility to express their views on matters affecting their children. Moreover, the Convention recognises that the level of a child's participation in decisions must be appropriate to the child's level of maturity. Children's ability to form and express their opinions develops with age and most adults will naturally give the views of teenagers greater weight than those of a preschooler, whether in family, legal or administrative decisions (UNICEF, n.d.) .

