Children, But Not Really Humans?
Critical Reflections on the Hampering Effect of the "3 p's"

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Abstract
In this paper, the widespread use of the "3 p's", provision, protection and participation, to categorise children's rights is critically examined. This conceptualisation is argued to have hampering effects on research in children's rights, in that it frames the research in a problematic way and hinders the possibilities of attaining theoretically driven analyses. In the paper, the emergence and use of the 3 p's is first traced and discussed. Thereafter, an alternative language for constructing and analysing children's rights is proposed, namely the vocabulary used for general human rights: civil, political and social rights. When children's rights are placed within the development of human rights and conceptualised accordingly, a different understanding of the content of children's rights surfaces. The theoretical contextualisation that is then added is suggested as a way of approaching contradictions and conflicts surrounding children's rights issues with more theoretical depth and nuances.

When rights for children are described and discussed, the different 'kinds' or 'categories' of rights are very often (at least in my field – education) presented as provision rights, protection rights and participation rights. As the use of this categorisation is so widespread and accepted, the 'rights categories' can easily be referred to as the '3 p's'. In this paper, I pay attention to, and critically examine, the use of provision, protection and participation to specify children's rights. I argue that this conceptualisation has hampering effects on examinations and discussions in research in children's rights. One problem is that the provision-protection-participation model for specifying rights for children takes the form of the normal and real, and thus frames research on children's rights in a way that directs the spotlight to certain questions and leaves other in the shadows. Another problem concerns the possibilities of attaining theoretically driven and profound analyses in research in children's rights. In comparison with the terminology that is employed to discuss general human rights, and which I propose as a preferable vocabulary, provision, protection and participation largely lack theoretical foundation as rights terms.

The analysis presented in this paper draws on the insights of the linguistic turn that philosophical and societal problems are to a large extent questions of how language is used. In general, the linguistic turn can be said to have changed the analytic interest by moving from the object of language to language itself (Rorty, 1967). From this perspective, language is not understood as a passive vehicle for human thoughts and information exchange, but rather as the site in which agreements and/or struggles over how to give meaning to and learn about what we call reality take place (Englund & Quennerstedt, 2008). In this way, categories and concepts that frame human interaction and thinking are provided in language (Burr, 1995). To use the words of Gee (1999):

> When we speak or write we always take a particular *perspective* on what the 'world' is like. This involves us in taking perspectives on what is 'normal' and not; what is 'acceptable' and not; what is 'right' and not; what is 'real' and not; what is the 'way things are' and not… (p. 2).

With the basic assumption that the meaning and understanding of societal phenomena, such as children's rights, are formed in and by language use, it is necessary critically to analyse the language that children's rights is couched in. Accordingly, we need to examine what is indicated in children's rights thinking as 'normal', 'acceptable', 'right', 'real' and 'the way things are'. The reality and normality that is constructed in language use defines what everyone has to orient themselves towards (Quennerstedt, 2008), and thereby also relate to when pronouncing what rights for children are about.

Another starting point for the analysis in this paper is the relation between human rights and children's rights. It is often pointed out (e.g. Alderson, 1999; Bennet & Hart, 2001) that children's rights are part of a broader human rights framework. Bobbio (1996) describes children's rights as a step in the expansion of human rights during the last half century. Grover (2007) emphasises that children's rights are indistinguishable from human rights generally, and that the rights articulated in the Convention on the Rights of the Child are the same human rights entitlements that apply to all persons. If so, it is unclear why different sets of words are so often used to describe, analyse and discuss human rights for children (provision, protection, participation) than human rights for adults (civil, political and social rights).

In the first section of the paper I trace and examine the emergence and use of provision, protection and participation to categorise children's rights. Some significant changes in the meaning and use of these concepts over time will be highlighted. In the paper's second section, I propose and elaborate on another language for constructing and analysing children's rights. This is done by emphasising children's rights as part of general human rights rather than as something specific. In the final section, I discuss the effects of the two vocabularies by highlighting some insights and possible consequences.

The Use of Provision, Protection and Participation as Rights Categories

In research literature, children's rights are frequently presented as consisting of three main types of rights: provision rights, protection rights and participation rights:

> It has become popular in connection with the Convention to talk about the three P's – protection, provision and participation (Qvortrup, 1996: 36).

> One of the key features of the CRC is that it recognises that children not only have rights of protection and provision (of services relating to health, education, leisure and so on) but that, like adults, they have participation and citizenship rights (Osler & Starkey, 1998: 313).

> Rights in the CRC have been classified into three types: provision of basic needs, protection against neglect and abuse and children's participation in their families and communities (Alderson, 2000: 440).

> Firstly, I will clarify the division of children's rights in protection, provision and participation rights…One common division [of rights] is the threefold categorisation of protection, provision and participation rights, known as the '3 P's' (Dillen, 2006: 238).

These quotes clarify and illustrate two main aspects that I wish to challenge, namely that provision, protection and participation are types of rights, and that this division is natural and normal. My line of argument is that what was once introduced as a "pedagogical tool" (T. Hammarberg, Commissioner for Human Rights, Council of Europe, personal communication 16/6/2009) has been transformed into an authoritative categorisation of rights for children that constitutes a basic and normalising assumption from which research questions are articulated.

The first mention in academic writing of provision, protection and participation as a 'model' for understanding children's rights seems to be in Hammarberg 1990:

> For an easy understanding of the Convention, one could group the articles according to the "three P's": provision, protection, and participation.
> Provision – the right to get one's basic needs fulfilled – for example, the rights to food, health care, education, recreation and play.
> Protection – the right to be shielded from harmful acts or practices – for example, to be protected from commercial or sexual exploitation, physical or mental abuse, or engagement in warfare.
> Participation – the right to be heard on decisions affecting one's own life.
> The Convention is stronger on the first two aspects – provision for basic needs and protection – than on rights relating to participation (p. 100).

Note that Hammarberg states that *the articles* can be grouped according to the p's, not the rights. However, the following explanation of the p's could be interpreted as provision, protection and participation being rights in themselves, although the continuing statement that they are *aspects* that rights might be

related to counteracts such an interpretation. The above quote is the only mention of provision, protection and participation in Hammarberg's paper and he does not use them to analyse or discuss children's rights further. That Hammarberg does not promote the 3 p's as a way of categorising the rights in the Convention is also visible in a later work (1995). In this later work, and with regard to the principle expressed in Article 12 of the CRC, he says that: "Somewhat simplistically, this has been termed by some commentators as the 'participation element' in the Convention" (p. x). Consequently, it is problematic to say that "Following Hammarberg (1990), we can divide the substantial rights of the Convention into the 'three Ps': provision, protection, and participation" (Howe & Covell, 2005: 26).

According to Hammarberg, the division into provision, protection and participation initially emerged in discussions between UNICEF and other actors and it served to explain the Convention to an uninformed public (personal communication, 17/6/2009). It was inspired by the similar symbolic slogan of 'respect, protect, provide' that was used with regard to broader economic and social human rights. Verhellen (2001) expresses that the division is a tool for examination of the Convention: ". . . we can sub-divide the CRC for a closer examination. For example, looking at the CRC through the device of the so-called 3-P's (*provision, protection* and *participation*) is a very useful exercise" (p. 180).

Alongside Hammarberg 1990, a second frequent reference when declaring provision, protection and participation as the central rights types of the child is Lansdown's work from 1994. In her article, Lansdown writes that the Convention:

> provides a comprehensive framework which addresses rights relating not only to children's need for care, protection and adequate provision but also for participation…The principles it [the Convention] contains can be broken down into three main categories – provision, protection and participation.
> The **provision** Articles recognize the social rights of children to minimum standards of health, education, social security, physical care, family life, play, recreation, culture and leisure.
> The **protection** Articles identify the rights of children to be safe from discrimination, physical and sexual abuse, exploitation, substance abuse and conflict.
> The **participation** Articles are to do with civil and political rights. They acknowledge the rights of children to a name and identity, to be consulted and to be taken account of, to physical integrity, to access to information, to freedom of speech and opinion, and to challenge decisions made on their behalf (p. 36).

Note that Lansdown, in a similar way to Hammarberg (1990), states that it is the *principles* in the Convention that can be categorised in provision, protection and participation, not the rights, and that different articles can be connected to these categories of principles. The articles, in turn, are recognitions of rights. Another similarity between Lansdown's work and that of Hammarberg is that the 3 p's model is not employed in the analysis or discussion of rights, but is simply

mentioned as a way of introducing the content of the Convention. Lansdown instead accentuates children's civil, political and social rights throughout the text (cf. the above quote). With regard to parents' right in many states to punish corporally their children, she even emphasises that:

> If one accepts that children are people with social and civil rights comparable with those of adults, then they should be afforded the same rights to physical integrity as adults…It is important to construct this issue in terms of the civil rights of the child and not merely in terms of protection or welfare of children (p. 43).

However, there are certain differences between Hammarberg's (1990) explanation of provision, protection and participation, and Lansdown's (1994). First, Lansdown does not talk about the division as a tool or a device to facilitate understanding, but as actual categories that the Convention can be ordered from. Second, in Lansdown's description, the p's are more specifically elaborated and explicitly connected to general human rights terminology: social rights (for provision) and civil and political rights (for participation). Concerning the participation category, the difference between Hammarberg and Lansdown is particularly obvious. Hammarberg (1990) argued that:

> The substantive articles are meant to cover all kinds of human rights; economic, social, and cultural rights as well as civil and political rights…Nevertheless, very little in the Convention could be regarded as "political" rights. These are, not surprisingly, reserved for adults (p. 99).

Further, Hammarberg specified participation as simply a right to be heard. Lansdown (1994), in contrast, stresses that participation articles deal with the child's civil and political rights and that besides the right to be heard, several other rights are also attached to the participation category. She thus asserts that children do have political rights, and that the Convention includes such rights. Lansdown's version of the 3 p's model consequently has a more extensive claim: she does not say that provision, protection and participation are rights, but couches them in the established human rights-vocabulary and presents them as 'proper' categories. A few years later, Smith (2007) states that "Lansdown (1994) refers to Participation, Provision and Protection Rights, as the three main types of rights covered in the 54 articles of UNCROC [CRC]. Participation Rights involve civil and political status…" (Smith, 2007: 148). Lansdown's categories of principles have thus been transformed into rights, and the civil and political rights that she employs to specify participation have become statuses.

The provision, protection and participation model for talking about children's rights was accordingly initially introduced as a pedagogical tool for "easy understanding" (Hammarberg, 1990: 100) for "an uninformed public" (Hammarberg, personal communication 17/6/2009). A question that might be raised here is

why a tool for easy understanding of children's rights at all was thought to be necessary? There is no equivalent simplifying pedagogic tool for human rights generally – these are named with the historically situated and theoretically well-founded concepts of civil, political and social rights. Concerning adults' human rights, the uninformed public is apparently seen as being familiar enough with the regular human rights vocabulary, although using it for children's human rights could be seen as challenging. Re-packing human rights claims for children in a 'nicer' language with less theoretical baggage to support certain rights claims might have been regarded as a way of avoiding any provocation of those who appear hesitant to the idea of children having rights. Moreover, the historical starting point for claiming rights for children, i.e. the protection of children, is not very visible in the general language of human rights, which may be difficult to accept for children's rights proponents dealing with, for example, the abuse and neglect of children. With the provision, protection and participation model, the protection element is highlighted as a central building block for children's rights. In the beginning of the 1990s, the Convention was new and the world had to be won over. The language used at this time to talk about children's rights thus has to be regarded as historically situated. Similarly, concerns to avoid provocation and connect to the tradition of child protection must be understood in their rightful context.

But it becomes problematic when researchers over time, and increasingly, have taken up the provision, protection and participation model as a main vocabulary for children's rights, using it either in line with Verhellen's (2001) suggestion as a device for closer examinations of the Convention, or as the very definition of children's rights, as in Alderson (2000). When the categories of provision, protection and participation are normalised as *the* categorisation of rights for children and are authoritative enough to make statements like "The three Ps are rights that apply to all children" (Howe & Covell, 2005: 27) possible, we need to stop and think. What does this do to researchers' analyses? Will scholars approach their respective fields of research from the viewpoint of the 3 p's, in that these increasingly define what everyone is expected to orient towards? Will the 'reality' of rights for children be both perceived and best described in the words of provision, protection and participation, and how will this shape the questions asked and the claims made?

Children's rights research has grown since the early 1990s. Knowledge has expanded and new areas for examination and identifying important questions about children's rights have opened up. However, even though the research field can now be regarded as established, it is still limited in size and scope of influence. A literature review of research on children's rights in education (Quennerstedt, forthcoming) shows that the theorising level is generally low in the research examined. In relation to this review and the relatively limited status of children's rights research, I would like to stress the necessity of considering how different

vocabularies either facilitate or obstruct theoretically driven analyses of children's rights in different areas of society.

So far, I have examined the introduction and later use of the provision-protection-participation model, and suggested that the model contributes to a construction of children's rights that affects research in a negative way. In the following section I propose an alternative way of constructing children's rights by explicitly drawing on general human rights terminology.

Human Rights and Children's Rights

In theory of rights literature, rights are often described as having evolved successively over time, expanding both the scope and the subjects of rights (e.g. Marshall, 1949/1964; Van Bueren, 1998). This way of picturing the development of human or citizenship rights has been criticised (e.g. by Giddens, 1982, see also Englund *et al.*, 2009) for being too evolutionary and not taking into account that rights have emerged and expanded in a process of continual societal struggle. In this struggle rights have been contested and the substance of the rights has changed over time. The following exploration of the growth of human/children's rights draws on Bobbio's (1996) outlining of three trends in the development of human rights: positivisation – a process in which initial philosophical ideas of rights were proclaimed as positive rights with a specified content, universalisation – a process in which rights were increasingly viewed as universally valid for all humans, and the more contemporary process of proliferation – where universal rights are viewed as situated within contextual circumstances that have to be taken into account in the interpretation of rights. I believe that Bobbio's approach to the expansion of human rights builds on both a notion of rights as developing successively and as a continuously changing outcome of societal struggle and contestation.

The first expressions of human rights developed within philosophical theory in the late 17th century (Bobbio, 1996). With justification from the theory of natural law, man, by being man, was seen to enjoy certain natural rights. According to these philosophers, John Locke being one, in the state of nature all men are free and equal and the rights of man cannot be taken away from him. Kantian ideas of a relation between a rational mind and rights (Kant, 1788/1997) were part of a wider tendency in early enlightenment philosophy to, based on a demand for rational capacity, restrict the possible subjects of rights. Consequently, women, children and other humans regarded as lacking in rationality were not included as holders of human rights. Assertions in our time that certain rights of the child depend on age and maturity root back to these initial theories that only the rational human can exercise rights. The most basic rights were the rights to life, ownership and freedom, and equality was an underpinning value (equality

meaning equal in the enjoyment of freedom – no man can have more freedom than others). Hedin (2007) discusses the close tie between the right to life and the right to ownership, since this is specifically interesting for understanding traditional perceptions of the relation between parents and children. For Locke, ownership rights were actually a consequence of the right to life – through work you transform a part of your own life into a possession or an asset (a field of corn, a business, perhaps even a child?). Therefore, what you create through your work and effort is your property, which no-one else can claim because it is an outflow of your life. So, ultimately, from such a perspective taking away or unduly making decisions about other people's property could be seen as violations of the right to life (Hedin, 2007). Despite claims in research and policy that nowadays the child is no longer regarded as the property of its parents, I would argue that a view of the relation between child and parent that displays undertones of parental ownership is still widespread, and is, for example, visible in the discussions about the child's freedom of religion in the drafting process of the CRC (Quennerstedt, 2009).

The rights stated by the early philosophers are usually denoted as negative rights (Bobbio, 1996; Hedin, 2007), i.e. rights that restrict the power of the state and define the individual's space of freedom. At the end of the 18th century, when philosophical theories of rights influenced the base on which constitutional states were built, the assertion of rights changed profoundly. Bobbio (1996) describes this step in the history of human rights as the transition from theory to practice and from the mere perception of rights to their enactment. In Marshall's (1949/1964) classical model of the development of citizenship rights, this first category of rights to emerge within the state – *civil rights*[1] – included the freedom of speech, conscience and religion, along with the right to ownership and legal justice.

Within the constitutional state, and through struggles for political freedom and autonomy for all, the rights enjoyed by citizens gradually expanded. A new category of rights emerged alongside civil rights: *political rights*. Now freedom was not only perceived negatively as freedom *from* the state, but also positively as autonomy secured *by* the state, embodied in a responsibility held by the state to provide possibilities for involving members of a community in the process of political power. Both the civil rights and the right to participate in the exercise of

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[1] There is a certain conceptual confusion here, since *civil rights* is sometimes used to reflect *the legal rights one possesses as a citizen* (Wellman, 1999), for instance in *the Civil Rights movement* in the USA during the 1960s. In this article, the term civil rights denotes the first type of rights to emerge in history, which constitutes one of the rights elements in 'citizenship rights' (Marshall, 1949/1962). Bobbio refers to these rights as *libertarian rights* (Bobbio, 1996). When the United Nations employs the concept of civil rights, it has (in my understanding at least) the same meaning as the one indicated here.

political power were tied to citizenship (Bobbio, 1996; Marshall, 1949/1964). Children (and initially women) not having the full status of citizen (merely of resident) were acknowledged neither civil nor political rights. Nowadays, children's citizenship is frequently discussed in the literature and aspects of autonomy rights of the child are often linked to whether the child is regarded as a full citizen or not (e.g. Howe & Covell, 2005).

The third category of rights to emerge was that of *social rights*. Basic social rights are sometimes said to be the rights to work, education and health (Bobbio, 1996), although according to Marshall (1949/1962) social rights can be more widely described as embodying the recognition of access to a certain degree of economic welfare and security as a right. The appearance of social rights during the first half of the 20th century can be seen as an expression of profound societal change that reflected the struggle for new values concerning the meaning of equality and how societal resources should be distributed (Bobbio, 1996; Marshall, 1949/62). Explicit claims for rights for children started to appear at an international level, and in the first declaration of rights of the child (Geneva Declaration, League of Nations, 1924) some social rights for the child, as well as the right to protection, were expressed.

The trend of universalisation started within constitutional states, expanding the notion of the subject of rights to include earlier excluded groups (e.g. working class men, women). The adoption of the UN Universal Declaration of Human Rights (the Declaration) (United Nations, 1948) is held forth by Bobbio (1996) as a milestone for the expansion of human rights. With the Declaration, rights were transformed from being expressed and protected within the nation state to being claimed for all humans globally. Bobbio thus argues that with the Declaration, citizenship rights became *universal human rights*. The extent to which the universal claim of the Declaration included children is questionable, however. In 1959, a decade after the Declaration, a second international declaration for the rights of the child (United Nations) was adopted. Just as in the Geneva Declaration of 1924, the main issues were to protect the child and assure a certain degree of welfare. The language of the declaration was more compelling than in the 1924 declaration, though, and included more social rights, e.g. education. The civil and political rights of the child were accordingly not yet on the agenda, in spite of the universal claim for such rights in the Declaration of Human Rights.

In addition to the continuing process of universalisation, another trend in human rights thinking during the latest half century is proliferation (Bobbio, 1996; Wellman, 1999). Bobbio (1996) stresses that the Declaration must be understood as a starting point, and that the rights pronounced in the Declaration cannot be regarded as carved in stone. Human rights emerged gradually and are the product of human civilisation and struggle – not of human nature. As rights are susceptible to transformation and expansion, Bobbio asserts that the

international community is not only confronted with the mission of securing the rights that have been stated, but also to continuously developing the Declaration by specifying its details and updating the content. According to Bobbio, the Declaration has to be kept alive "by making it grow from within" (1996: 20).[2] One way in which this has been done is through the various declarations and conventions in the human rights area that have been adopted since the Declaration, one of them being the UN Convention on the Rights of the Child (the Convention) (United Nations, 1989). One important part of the proliferation trend is changing ideas about the basic entity of human rights, namely the abstract man as holder of rights has been replaced by a specific human in a specific situation. The differences between individuals and groups of people and the varying social status of human beings are now recognised as aspects to consider with regard to human rights. Bobbio (1996) and Wellman (1999) claim that proliferation is mainly valid for social human rights. In contrast, I would argue that another aspect of proliferation is that the meaning of civil and political rights is being re-interpreted in the light of the specific contexts of certain groups. One of these groups is children.

In the proliferation of rights, children have accordingly been pronounced as a group of humans that is embedded in such specific circumstances with regard to social conditions and status that their human rights need to be specifically considered. The acknowledgment of rights for children and the adoption of the Convention are in line with how Bobbio pictures the growth of human rights as universalisation and proliferation. However, as already touched upon, the emergence, development and expansion of rights for children has another trajectory than the evolvement of rights for adults. Hart and Pavlovic (1991) argue that, when it comes to children, rights have developed in a reversed order. For adults, the first rights served to guarantee personal freedom and to acknowledge the individual as sovereign. Rights to political participation and later access to economic security, social welfare, education and health care came about after the establishment of the initial civil rights. For children it is the other way around. Political and civil rights for children first became an issue in the drafting of the UN Convention of the Rights of the Child (United Nations, 1989), and the articles dealing with these kinds of rights were difficult to reach an agreement on. As a matter of fact, one of the first basic freedoms of man to be stated by the first philosophers – the freedom of religion – is still not fully acknowledged for children. The drafting of article 14 in the Convention, which deals with freedom of thought, conscience and religion, almost brought work on the convention to a

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[2] Freeman (2000) discusses the Convention on the Rights of the Child in a similar way when he rejects the tendency to assume that the Convention constitutes a finishing line. Instead he urges us to view it as a spur to further action.

halt, since agreement about whether the child should be free to choose his or her religion, choose a religion other than that of the parents, or not profess any religion at all proved almost impossible (Quennerstedt, 2009).

Accordingly, although children's human rights are a link in the chain of human rights generally, they have grown differently than human rights for adults. Pronouncements about a child's social human rights to welfare, education and health were made well before any claim for individual freedom and self determination (civil and political rights) for the child occurred. Regarding those rights, an act of balance is still considered necessary when proclaiming rights for children, to ensure that the rights of parents are not set aside (Quennerstedt, 2009).

This examination of the emergence, growth and expansion of human rights served to suggest another way of framing children's rights than the 3 p's model. When children's rights are placed within the development of human rights and conceptualised accordingly, a different understanding of the content of children's rights surfaces, and of how the status and content of children's rights can be viewed against the rights of other people. As I see it, the historical and theoretical contextualisation that is added to children's rights by conceptualising them within the human rights framework offers a way of approaching contradictions and conflicts surrounding children's rights issues with theoretical depth and nuances. In the next section I reflect further on the constructions of children's rights by the different terminologies.

Discussion

The two vocabularies for describing children's rights that I have considered, namely the provision-protection-participation model and the human rights terminology of civil, political and social rights, construct children's rights differently and draw attention to different essentials. These differences are multi-layered, in that there are disparities in the substantial content of children's rights, but also regarding how children's rights are related to human rights generally and in the status that is attached to rights for children.

Even though the meaning of 'provision rights' and 'social rights' are roughly the same – in the sense that they both concern the child's right to a certain degree of welfare, societal goods and economic security – there are some differences. A first difference is that the lack of a theoretical foundation of the 3 p's model means that it is not very clear what the provision rights are, i.e. the actual entitlements. Second, the term provision accentuates that the child is to be *provided* with welfare, which constructs the child as a receiver, indicating passivity and non-agency. The human rights term 'social rights' does not turn the child into a receiver to the same extent, but rather points towards the child's *access* to education or health care, or other social rights.

More decisive differences between the vocabularies concern: (i) How much weight is given to protection. The provision-protection-participation model puts forward protection as a rights category of the child. The meaning of the protection element varies depending on its phrasing as 'protection rights' or 'right to protection', although regardless of the nuances protection is constructed as a main component in children's rights. In the human rights terminology protection is not expressed as a right and is barely distinguishable at all. The use of human rights vocabulary will therefore not specifically highlight protection as an essential feature of children's rights. (ii) How the child's right to self-determination, autonomy and possibilities to influence the exercise of power is constructed. Participation rights are often said by scholars who depart from the 3 p's model to be the most important progress for children's rights achieved through the Convention, because they acknowledge children's autonomy. However, the term participation is vague and 'nice', and it lacks a theoretical foundation that endorses specified rights claims. In contrast, the human rights terminology accentuates that children are entitled to civil and political rights. These are high status rights types, with distinct sub-categories that have been thoroughly discussed and debated over a long period of time from philosophical, political and social theory perspectives. Approaching children's rights with human rights concepts augments the autonomy/self determination part of children's rights.

These different constructions of the principal content and meaning of children's rights also have the effect of either detaching children's rights from human rights or merging rights for children with human rights. The provision-protection-participation model, with its attention to protection and the vague and reduced scope for self-determination and political influence, constructs children's rights as something substantially different from general human rights. In this context children are assigned rights that humans do not have (protection), and humans are assigned rights (civil and political) that children only have in a light-weight version (participation). By setting out from a human rights terminology, children's rights are instead merged with human rights, and a claim that the same basic rights apply to all humans is promoted.

In this paper I argue for a conceptualisation of children's rights in a way that unifies children's rights with human rights generally, thereby toning down the specificity of children's rights rather than using a vocabulary that detaches them from human rights and emphasises the uniqueness of rights for children. My arguments for such a suggestion are philosophical as well as pragmatic and analytical. From a *philosophical* point of view, a fundamental question is whether we regard children as being included in humanity primarily as children or as humans. What are they first and foremost? When considering the answer it might be useful to take into account how other groups of humans are regarded in this sense, for instance women, people with disabilities, indigenous people or homosexual people. I do not believe that anyone would propose that an adult person belonging

to any of these groups is primarily woman, disabled, indigenous or homosexual, and only thereafter human, and that their rights are based on their group affinity rather than on their human status. Why should it be otherwise for children?

From a *pragmatic* viewpoint, we can consider which vocabulary benefits children's rights most. A crucial problem for the progression of children's rights pointed out in the literature is the prevalent image of the child as fragile, in need of protection and lacking in competence. Further, the protection of children has for a long time been held up as important in the striving for rights for children and in discussions in international bodies about children's rights. The area that has been most difficult to achieve progress in is children's rights to self-determination and autonomy – matters that still remain provocative. Research is one component in the growth of children's rights, and what is taken up in research as the central concepts and important issues is considered authoritative also in contexts other than academia, which means that constructions in research will contribute to constructions in other settings. Examples of how the 3 p's model has emerged in policy include the New Zealand Government's strategy and vision *Agenda for Children* (Ministry of Social Development 2002), in which children's rights are defined according to the 3 p's:

> Government policies and services affecting children will be consistent with UNCROC. They will recognise and support children's "provision", "protection" and "participation" rights as set out in the United Nations Convention on the Rights of the Child (p. 7).

In addition, the Council of Europe proposes, with the objective to mainstream children's rights in all Council of Europe policies and activities related to children, that a strategy should be developed "for the years 2009-2011 under the headings 'Provision, Protection and Participation for Children in Europe'…The three Ps, [is] a commonly used subdivision of the rights in the Convention on the Rights of the Child…" (Council of Europe, 2008: 2). In these examples, the 3 p's model is employed to define children's rights in national and supranational policy making. In line with the view that language is a site for the creation of meaning of societal phenomena, the vocabulary with which we approach rights for children is decisive for how they are perceived. The language used in research will inevitably spread and affect the perception of children's rights in other settings. As the provision-protection-participation model does not strongly enough contravene an image of the child as a fragile and incompetent receiver it is an insufficient vehicle for promoting all children's rights. I believe that a construction of the child and the child's status as human, which a human rights terminology contributes to, will benefit the expansion of the whole range of children's rights.

Critical examinations of different aspects of children's rights from a multitude of perspectives require concepts that make theoretically driven, deep and thorough analyses possible. Also, in this *analytical* sense, I suggest that the human

rights terminology provides the better alternative. The concepts are theoretically well-founded as well as discussed and defined in the theory of rights, which makes them the 'hard currency' of rights thinking. Furthermore, as they are the concepts used to discuss rights for adult humans, using them in children's rights analyses will sharpen the gaze in studies of rights issues in various settings. For example, studies that focus on aspects of child influence assume a different shape if the research questions are based on the child's right to participate than on the child's political human rights. In this context it is also pertinent to ask what participation actually means. The indistinct meaning of 'participation', that allows for a range of possible interpretations, makes the term less suitable as an analytical concept. Political rights concern the right to take part in and influence the exercise of power, which forms a significantly more specific and authoritative departure point when designing research and analysing data. Moreover, the theoretical embedding of political rights provides a more qualified instrument with which to study autonomy aspects, for example by examining the often perceived relation between capacity to think rationally and to exercise rights.

Further, employing human rights vocabulary may advance comparisons between rights of children and rights of other groups that might be considered in relation to children. It is difficult to analyse the relation between children's rights and parents' rights with a conceptualisation that singles children out as holders of provision, protection and participation rights, for example regarding who is the holder of the right to education (who has authority to decide about the education of a child and on what grounds?). Such an idea of children's rights is either set against parents' civil, political and social human rights, which makes exhaustive comparisons difficult and elucidates problematic status differences, or the pronunciation of children as specific rights holders (with specific kinds of rights) invites the regarding of 'parents' as a right holding group having 'parental rights'. Attaining deeper analyses may be difficult when unclear 'parental rights' are related to children's rights to provision, protection and participation.

To close, a few self-critical reflections are in order. A reflexive question that might be raised is whether anything will be lost by employing a human rights language and thereby toning down the uniqueness of children's rights. An obvious consequence is that the protection of children will not be as clearly brought out. Various situations for children in the world may require different conceptualisations in the discussion of children's rights. Where the most urgent rights issues are severe poverty and famine among children, the use of children in war or the extensive systematic abuse of children, the protection element might be most relevant to focus on. The human rights terminology may therefore be a less qualifying instrument for analysis when considering children's rights issues in some parts of the world and for some issues. I do believe, however, that most of the questions that we regard as matters of child protection could be analytically approached with a human rights terminology. Different academic disciplines may

further need to construct the child and its rights in different ways, depending on the object of research. Some research, for example my own area of study: processes of education and socialisation, may benefit more from a human rights terminology than other. What is needed from the researcher is awareness of how language contributes to construct meaning and social status, and accordingly a conscious and reflected choice of vocabulary.

Concluding Remarks

Throughout this paper, I have argued that the provision-protection-participation model for constructing children's rights has a hampering effect on research, because it frames the research field in a problematic way and is not a sufficient tool for theoretically driven analyses. I have claimed that the 3 p's model was introduced outside the academic realm as a pedagogic tool that aimed to introduce the new Convention's claim for children's rights in a cautious way, and that scholars then used the model to define children's rights. I have suggested that constructing what children's rights are about from a general human rights language of civil, political and social rights will form a better base for research. Even if I have argued in favour of such a construction, this should not be interpreted as a claim for eternal truth. New ways of talking about rights for all humans or groups of humans may well emerge and provide us with new theories and better analytical tools. At the moment, though, I believe that human rights terminology offers more possibilities for promoting children's rights and achieving theoretically nuanced research of high quality on children's rights than other alternatives.

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