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The children's rights movement: an emancipatory movement?

It is generally acknowledged that during the past few decades discussions on child policy have shifted from a protection discourse to a participation discourse (Hill, 2003; Prout, 2003; Verhellen, 2000). This development was urged by the adoption of the United Nations Convention on the Rights of the Child (hereafter: UNCRC) in 1989. A children's rights based child policy is assumed to produce a greater respect for children (Hammarberg, 1990; Laroque, 1969; Melton, 2005). Since children's rights assign a citizenship status to minors on the basis of which children became regarded as having a *separate social policy identity* (Daniel and Ivatts in Skevik, 2003), governments are forced to develop a social policy for children as persons in their own right (Lyon & Parton, 1996; Skevik, 2003).

The children's rights movement is an important bearer of the discussion on children's rights with a true impact on child policy, practice and theory. However, the study of children's rights from the perspective of the children's rights movement as a *social movement* is a neglected area in children's rights studies. Generally, theory on children's rights is based on institutionalized translations of children's rights focussing on laws and institutions to implement children's rights. This dominant thinking neglects the question why we need children's rights for. Opposite this tenet is the idea that rights are socially constructed in a particular historical and socio-cultural context. Social movements play an important role in constructing rights (Stammers, 1999). They make claims in relation to social struggles in the everyday lifeworld of people. In implementing the U.N. Convention on the Rights of the Child (UNCRC), the children's rights movement is of key importance in constructing children's rights 'from below'. The study of children's rights from the perspective of the children's rights movement as a social movement highlights this dimension and is the key issue of this presentation.

In this paper, we focus on the case of Flanders (Belgium), which is of particular relevance. The emergence of child policy in Flanders goes back to the beginning of the twentieth

century with the creation of child protection. Notwithstanding policy reforms the past decades (1965, 1990, 2004, 2006), the child protection framework today is still highly profiled in Flemish child policy. At the same time, Flanders plays a pioneering role in the discussion on children's rights. Since halfway the nineties, successive steps were taken to come to a 'children's rights policy'. We argue that the children's rights movement in Flanders is characterized by its reductionist understanding of "rights", i.e. withdrawn in the institutionalized youth land at the one hand, constructing an alternative childhood image that consider children as autonomous participants with self-determination rights at the other hand. As such, the children's rights movement lost its potential to raise *structural* questions in relation to the social position of children in society and to consider children's rights as a lever for the redistribution of social goods. Children's rights cannot only be relevant as a legal discourse where the individual and subjective rights of children are of fundamental importance. Children's rights equally appeal to solidarity, to social questions of fair (re)distribution of social goods in society, in particular via the family. A legal interpretation of rights often deprive rights from this social dimension.

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