

Book and media reviews

A comprehensive overview of the rights of children

Erdem Turkelli, G. & Vandenhole, W. (2022). *Advanced Introduction to Children's Rights*. Cheltenham: Edward Elgar Publishing. 168 pp., £16.45 (Paperback) ISBN: 9781789900293; £89.00 (Hardback) ISBN: 9781789900279; £15.18 (Ebook) ISBN: 9781789900286.

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Gamze Edem Turkelli and Wouter Vandenhole are leading authors of key texts on children's rights, and *Advanced Introduction to Children's Rights* gives readers a flavour of their extensive work on the various aspects of children's rights, from a multi-disciplinary perspective.

The book thoughtfully starts off with a 'crash course' on human rights law (Chapter 1), offering a concise overview of the various human rights instruments, both at global and regional levels, and how they interact with one another. There is also a succinct consideration of how human rights obligations are generally categorised into civil and political rights, economic, social and cultural rights, and solidarity rights, and the difficulties with using such a system of classification. Considering that the book is aimed at postgraduate students and children's rights practitioners, who may have differing levels of familiarity with human rights law, the book strikes a good balance in summarising general human rights obligations without going into unnecessary detail.

With the intended audience in mind, the book goes on to trace the origins and development of children's rights law (Chapter 2) and considers non-legal approaches to children's rights (Chapter 3). The latter is particularly beneficial to scholars interested in interdisciplinary work who wish to situate the development of children's rights law alongside broader social and

psychological theories on children and childhood. In this chapter, the authors critically explore the ambiguous boundaries between 'childhood' and adulthood', inviting readers to think more closely about how society treats children, and how it should treat them.

In order to compare children's rights under the UN Convention on Rights of the Child (UNCRC) with the more general human rights afforded by international human rights treaties as derived from the Universal Declaration of Human Rights (UDHR), the book helpfully identifies children's rights that are equal to and different from general human rights, as well as rights that are considered special or unique to children.

In Chapter 4, rights such as the prohibition against torture, the right to privacy, freedoms of expression, thought, association and assembly, the right to education, and the right to equality and non-discrimination are discussed in terms of how they specifically apply to children. For example, in states where social security benefits are offered, generalist treaties such as the International Convention on Economic, Social and Cultural Rights (ICESCR) provide that children's rights to social security are often contingent upon the resources of parents or guardians. However, the authors point out that the position adopted under the UNCRC is expressly different, as Art 26.2 allows for benefits applications to be made 'by or on behalf of the child,' and is therefore subject to progressive realisation.

In Chapter 5, the authors consider how the UNCRC offers rights to children at a differentiated level from general human rights. Rights to physical integrity, freedom, due process and health are examined, and the authors consider the necessity for treating children differently in these contexts. In most cases, children are offered stronger protections under the UNCRC. For example, children should only be deprived of their liberty as a measure of last resort; if this has to happen, their age and needs must be considered, and there must be a view to facilitating their reintegration into society. However, in some cases children's rights are weaker in comparison to general human rights, and the authors duly point these out. For instance, children as a category 'enjoy less comprehensive procedural guarantees in case of deprivation of liberty under the [UNCRC] than they do under general human rights law' (p. 85).

In Chapter 6, a broad range of unique or special rights available to children is discussed. This mostly concerns children's rights to participation and protection, such as the right to have their best interests considered in all actions concerning them, the right to have their views heard, the right to protection from violence and exploitation and many more. The need for such rights is linked back to the state of childhood being a phase of development and evolution. Special care and assistance should therefore be provided to children in order to facilitate such development.

Finally, in Chapter 7, the authors look forward and make predictions for the future of children's rights law. They identify five main challenges to children's rights, namely:

- (i) The 'everyday challenges arising from the implementation and operationalisation of children's rights legal norms in practical settings';
- (ii) The paradigm shift towards recognising 'children as fully fledged human beings', rather than being 'dependent' or 'vulnerable';
- (iii) New and emerging children's rights issues which may require a reinterpretation of existing children's rights norms;
- (iv) The recognition of 'non-state actors' as duty-bearers of children's rights; and
- (v) The conceptualisation of children's rights as 'Western' or 'Eurocentric'.

These are emerging issues which readers should be cognisant of when engaging with children's rights in theory and practice. In addition, they provide a helpful starting point for scholars who wish to make novel and original contributions to knowledge in the area of children's rights.

If one could make a suggestion to the authors, it would be to more explicitly encourage their readers to consider whether the framing of these 'general' rights are appropriate in children's rights contexts. For example, on page 52 the authors mention that a child's right to freedom of thought, conscience and religion is to be exercised in accordance with parental guidance, but that this, read in line with the concept of the child's evolving capacities, signifies that such parental direction is an 'accessory' to the child's right. This is a legal minefield which opens the door to many discussions about the scope of parental authority, but readers are not explicitly invited to critically consider the arguments. Another suggestion would be to explore the concepts of 'progressive realisation' and 'non-retrogression' in more depth in Chapter 2, as they are crucial to measuring and evaluating the implementation of the rights discussed in subsequent chapters.

One key strength of this book is that it highlights many emerging issues for further analysis, discussion and exploration, such as the rights of refugee, asylum-seeking or indigenous children, or children's rights in the era of climate change. The book does not, nor does it purport to, offer an in-depth analysis of these issues, but the authors have signposted a substantial list of appropriate texts and materials for further reading in their bibliography. Another key strength is its discussion of whether children's rights as a whole may be considered to be 'Western' or 'Eurocentric' in nature, and therefore incapable of universalisation. The authors therefore call upon readers to consider how children's rights can be made 'more inclusive by stripping away their Western biases and bringing in multiple cultural affinities' (p. 132). This speaks more broadly to current movements to decolonise education and law, and is certainly a crucial point for readers to reflect upon.

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In short, this book is intended to provide a 'succinct yet comprehensive introduction to the multidisciplinary field of children's rights' (p. 1), and this objective is firmly delivered. It is a valuable text for scholars and students who wish to grapple with the key issues facing children's rights scholarship today and can complement specialist texts and materials on any children's rights-related module or course.