Children's Human Rights: Psychological Assumptions in Comments on the Convention of the Rights of the Child and a Phenomenological Critique

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Child's rights have become prominent and widely discussed since the Convention on the Rights of the Child (CRC) in 1989. They are invoked in discussions on current events and are influential in the creation of policy and programs that affect millions of children across the world. While the foundational text—the CRC—has been analyzed previously for its impact and its psychological assumptions about the child, this paper extends the discussion to include the General Comments (i.e., documents that explain and expound upon child rights) of the CRC. Three prevalent themes emerge from the discursive conceptualization of the child in these documents: the internal development of the individual child is separable from social context, environmental risk equates to vulnerability, and human development is a universal and linear process. This paper critiques these assumptions based on a framework that integrates positioning theory and Spencer's PVEST. In these foundations of children's rights, child development should be understood as multifaceted, recursive, and involving individuals' complex processing of their social contexts. Such a change is possible because of the continual publication of General Comments.

Over the last several decades, human rights have grown in prevalence and influence. Human rights language now permeates many social issues, including child development and education (Suarez & Ramirez, 2004; Anthonissen & Blommaert, 2007; Reyneart, Bie, & Vandevelde, 2009; Quennerstedt, 2013; Walker, 2013). The discussion of the rights of the child has particularly developed since the adoption of the United Nations Convention on the Rights of the Child (CRC) in 1989 (Andreopoulos & Clarke, 1997; Woodhead, 1997; Elbers 2002). The CRC is the most widely adopted human rights treaty with 196 parties (Donnelly, 2013)

Recent history in the United States provides an example of the power of children's rights discourse and the need to critically analyze the conception of the child in this discourse. In 2014, the number of unaccompanied child immigrants to the United States swelled as more than 55,000 migrant parents and children crossed the border with Mexico (Human Rights Watch, 2014, July 29). The issue permeated news headlines, and public discourse about these immigrant children often invoked the human rights of the child. Some lawmakers pushed the United States' Office of Refugee Resettlement to fulfill its mandate "to act in the best interests of the child" (Mascaro & Bennett, 2014, June 29), a key phrase in the CRC. Additionally, other critics of the United States' response directly invoked the CRC, and many human rights organizations tried to pressure the national government into taking

action (Reineke & Messing, June 25, 2014; United Nations High Commissioner for Refugees, 2014; Church World Services, July, 2014). Changes have not been made to United States policy, but this discourse is entering policy discussions (Meyer, Seelke, Taft-Morales, Margesson, 2014) and some social service organizations have begun to adopt programs using these justifications (Vogt, 2015).

Though the gap between theory and practice in human rights can be substantial (Moghaddam & Finkel, 2005), this example demonstrates that texts like the CRC can impact the lives of millions of children. These documents' widespread influence necessitates careful investigation of how the child is conceptualized.

This paper analyzes the construction of the child in United Nations' documents that outline children's rights. In these texts, the child emerges as a limited and definable category that develops linearly toward a maximization of potential. This conceptualization, however, ignores the interrelation of social context with personal development, which is critical to understanding how an individual achieves "the full and harmonious development of his or her personality" (CRC, 1989). Social context and internal characteristics are separated in these documents to the extent that they discount how children perceive, respond to, and interact with their environments. This meaning-making is critical, however, in understanding the ways that children develop within social contexts (Spencer, 1995; Spencer, Dupree, & Hartmann, 1997; Swanson, Spencer, & Petersen, 1998).

Previous work on children's rights has analyzed the foundational document, the CRC, and its influence on discourse and policy. I begin with a similar focus on the assumptions about child development in human rights discourse, but add a new perspective in investigating the Committee on the Rights of the Child's General Comments on the CRC. The first section of this paper discusses the previous work on the CRC and argues for the need to also study these General Comments. Next, I describe the appropriateness of critical discourse analysis before explaining the methodology used for this paper and the rationale for studying the General Comments. In the analysis section, I identify three prevalent themes in the seventeen general comments on the CRC. I critique these themes by detailing how positioning theory and the Phenomenological Variant of the Ecological Systems Theory (PVEST) problematize the General Comments' conceptualization of child development. This critique is based in the desire to more effectively integrate psychology and human rights (Doise, 1998, 2002; Migacheva, 2015). Ultimately, I highlight how the discourse on children's rights should evolve away from a homogenized, linear, and individualistic conception of child development. This paper instead presents a psychological framework in which development involves a dynamic and reiterative interaction with social context.

Although I do not challenge the claim by children's rights advocates that these texts simply describe natural rights (Fortin, 2003; Freeman, 2007), I argue that the discursive construction in the documents ignores how the child dynamically processes social contexts and interactions. Such a critique is important because it identifies problematic

psychological assumptions about the child and its development, which are then reflected in state and NGO actions. In this way, the current paper further supports previous literature that highlights ethnocentric and limiting frameworks for human rights (Shweder, Minow, & Markus, 2002), while also adding to the ongoing debate a new perspective grounded in theoretical advances in social and developmental psychology.

ANALYZING THE CRC

The most thorough studies of the CRC have been conducted by Dauite, who argues that the discourse that emerges from this document homogenizes children. For example, Daiute (2006) notes that while the CRC fails to acknowledge differences for children growing up in the context of war or inequality, research shows that these children reason critically about their ecological contexts at a younger age than their peers from more stable backgrounds. Additionally, Dauite (2008) notes that though the CRC never directly outlines a specific theory of child development, it does imply one through its language. In particular, the CRC draws on stage theories that describe development as progression through a series of physical, psychological, social, and biological changes and challenges. This developmental perspective asserts the existence of an ideal, cumulative, and linear development of children's "evolving capacities." The CRC thus presents the child as a universal category, a participatory actor in society, and a "gradually maturing organism" (Daiute, 2008, p. 708). The CRC assumes that child development is a process of maturation and socialization, and this foundation can lead to a tension between children's rights and their cognitive processing and coping strategies in response to sociocultural context (Daiute, 2008).

Other work on the impact of children's rights similarly focuses on the CRC and the influence that it has on policies and programs (Reynaert, Bouverne-de-Bie, Vandevelde, 2009; Quennerstedt, 2013; Harcourt & Hägglund, 2013). Reynaert, Bouverne-de-Bie, & Vandevelde (2009) explore the use and appropriation of the CRC in literature on the rights of the child. They highlight the document's universal claims by dissecting how the CRC presents autonomy and social participation as key processes in child development. For them, the CRC and those who use it assumes that children are competent, which then necessitates full participation of children in society. In some societies, however, children's participation in society clashes with local norms and practices. Taken as a whole, previous work on the CRC lays a foundation for understanding the problematic nature of how the child is conceptualized as a straightforward, universal category.

I extend these discussions by incorporating further documents and focusing on the assumptions about children's relationship to their surroundings as they develop. The research focus until now has been on the CRC as a foundational text, while I move beyond to study the seventeen General Comments, or "recommendations," on the CRC. These documents are written and published by the Committee on the Rights of the Child, the treaty body that was created by the provisions of the foundational treaty. The General Comments expand on and provide interpretation of specific articles or issues in the CRC.

There are 18 documents in total, and they span from the first one on the Aims of Education in 2001 until the most recent in 2014.[1]

The General Comments should be qualitatively studied because these documents build upon the founding charter with influential and widespread effects. As detailed interpretations of the CRC, they are not simply addendums, but provide substantial clarity and depth. While the documents are not legally binding, they impact children through their enactment in different settings. Governments, regional human rights bodies, and rights advocates have evoked these comments in evaluations of national programs, legal settings, and tribunals as "evidence of the intentions and meanings of the [CRC]" (Doek, 2004, p. 21; see Clapham, 2000; Kilkelly & Lundy, 2006; Gran, 2011). All in all, the General Comments are worthy of study as further development of the textual foundation of child's rights.

ANALYTIC THEORY

My analysis covers all the General Comments on the CRC, and employs a grounded theory approach to discourse analysis. This approach employs Fariclough's (2013) triadic framework of critical discourse analysis: each discursive event is a written or spoken text, an instance of discursive practice (the production and interpretation of the text), and a social practice. I focus my analysis on the first two dimensions by examining the text of the General Comments. Their underlying interpretation of the child is enacted by the governments, advocates and others who invoke these documents. Policy, research, media, and programs that refer to the texts reify and re-enforce their legitimacy. In this way, this approach understands discourses as "practices that systematically form the objects of which they speak" (Foucault, 1972, p. 49). In other words, language is not simply descriptive, but rather is used "to construct versions of the social world" (Potter & Wetherell, 1987, p. 33).

Discourse analysis is an apt analytic tool for understanding how human rights conceptualizes the child because this approach acknowledges the institutional power behind this discourse (Daiute, 2008). It does not necesitate evaluating the underlying foundation of human and child rights—that is, that they are natural rights that are universally applicable to being human or a child—but rather focuses on analyzing the discursive construction in the texts themselves. This paper focuses on the latter in order to explore how specific assumptions about children's development arise in children's rights documents. The General Comments themselves are crucial as recipients, enactors and reinforcers of the power of human right discourse.

METHOD

The qualitative analysis of the General Comments was conducted using a grounded theory approach that allowed the data to drive the analysis. The final step in the process,

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[1] See Appendix A for a chart of the General Comments on the CRC.

however, was deductive as the themes that emerged through coding were then compared to existing psychological theories on children's perspective and development.

First, each of the 18 texts was coded openly by documenting any explicit discussion of the child's perspective and his or her development. An example is the following statement on adolescents from General Comment Number 4 (2003), which states that, "The dynamic transition period to adulthood is also generally a period of positive changes, prompted by the significant capacity of adolescents to learn rapidly, to experience new and diverse situations, to develop and use critical thinking, to familiarize themselves with freedom, to be creative and to socialize" (p. 1). I coded any section of the General Comments related to these areas, rather than limiting the selection to certain central themes identified in the CRC by previous work. Additionally, I coded only relevant portions—excluding, for instance, mentions of systematic data collection—and then conducted an inductive analysis in which categories emerged as the initial codes were examined and grouped. Finally, the texts were recoded for these more inclusive categories and three key themes emerged from this analysis (Bernard & Ryan, 2009; Braun & Clarke, 2006). After this process, I returned to theoretical frameworks on children's development and the relationship between the individual child and society (Kraft, 2014). The results of this exploration were a critique of the General Comments' dominant categorization of the child, and I detail this alternative after first presenting the data.

In the following section I describe how three particular assumptions emerge in these texts. These three themes are the most predominant and continuous among the 18 comments, and together they build toward a cohesive conceptualization of children and their development. Below, I outline each theme and cite demonstrative examples. The extracts are thus nonrandom and were chosen as representative of what emerged from the analytical method described above.

RESULTS

Although the General Comments are produced across more than a decade, the texts as a whole present certain cohesive themes about the child. In particular, there are three key factors in the conceptualization of children and their relation to society. First, the texts construct the child as an isolated individual who is embedded in social contexts, but not formed through relations with these networks. Second, these documents present the child as fragile and dependent by conflating risk with vulnerability. Negative external conditions are assumed to be internalized as harmful by the child. Third, these texts draw on the theoretical underpinnings of human rights by also asserting that there is a universal conceptualization of the child. This universality takes the form of the homogenization of children's individual interactions and perceptions of their social contexts. Although the prevalence of each theme is variable in any given General Comment, these three are prevalent across the majority of the 18 texts (see Appendix B for a complete quantitative summary).

Individuality

The individual is an integral element of human rights. Scholars and theorists widely discuss the supremacy of the individual in the history and discourse of human rights (Donnelly, 1984; Ignatieff, 2003). The General Comments on the CRC draw from this perspective by constructing the child as an individual who must exist and be active within social networks.

In these documents, the child's internal psychological state and interaction with his or her community are two processes that occur simultaneously but separately. The child is an individual whose internal development progresses in accordance with his or her personal characteristics. This construction situates the child as separable and unique in relation to social groups and ecological context. One example is in the discussion on early childhood in General Comment No. 7 (2005):

> *The Committee emphasizes that a comprehensive strategy for early childhood must also take account of individual children's maturity and individuality, in particular recognizing the changing developmental priorities for specific age groups (for example, babies, toddlers, preschool and early primary school groups), and the implications for programme standards and quality criteria. (p. 11).*

As this quote demonstrates, a child must be conceptualized as a distinct unit defined by his or her internal characteristics and age group, rather than external contexts.

Simultaneously, the child is embedded within social groups and must actively participate in these settings. In this vein, an entire section of General Comment 10 is devoted to the "right to be heard." Participation is a key tenet of the child's development as a "social actor": "A shift away from traditional beliefs that regard early childhood mainly as a period for the socialization of the immature human being towards mature adult status is required" (General Comment No. 7, 2005, p. 3). By excluding any notion of socialization, the discourse surrounding the child emphasizes social participation, but not the role of contexts as shaping or forming psychological development. This conceptualization of the child separates the internal and external developmental processes as distinct phenomena. In order for a child to progress through the psychological developmental stages, he or she must be active and "acting" in social settings, though this involvement is separate from the child's internal characteristics and processing of that environment.

The only interplay between the internal and the external contexts is the dependency of the child. The language of dependency is both explicit and implied. As a whole, children are individuals, but they cannot subsist and develop without the external support: "The Committee notes the growing body of theory and research which confirms that young

children are best understood as social actors whose survival, well-being and development are dependent on and built around close relationships" (General Comment No. 7, 2005, p. 4). Dependency does not imply interaction and cohesion, but rather further underlines the distinct compartmentalization of the internal and the social. This construction takes shape most clearly in the discussion of education in General Comment No. 1 (2001):

> *The key goal of education is the development of the individual child's personality, talents and abilities, in recognition of the fact that every child has unique characteristics, interests, abilities, and learning needs. Thus, the curriculum must be of direct relevance to the child's social, cultural, environmental and economic context and to his or her present needs and take full account of the child's evolving capacities. (p. 4)*

Internal psychological processes play a role in forming the child not in relation to the social and cultural environment. Instead, development is dependent on the extent that educational structures foster these processes. As the excerpt from General Comment No. 1 highlights, there is an assumed differentiation between the child's context on one side and personal needs and internal developmental processes on the other, even when the two interact.

Risk as Vulnerability

The constructed relationship between the internal and external processes points toward the second prevalent theme in in the General Comments: the child is inherently vulnerable because of greater ecological risks. This perspective equates dangers that can occur in external contexts (like physical threats from having less developed bodies) with negative outcomes and internal psychological problems. These perils in the environment include that children are less able to comprehend "adversities or resist harmful effects," that they "require particular consideration because of the rapid developmental changes," and that they are more susceptible and sensitive to abuse because they are "least able to avoid or resist, least able to comprehend what is happening and least able to seek the protection of others" (General Comment No. 7, 2005, p. 16). In this discourse, children are seen as extremely vulnerable because of their dependency:

> *Article 2 means that young children in general must not be discriminated against on any grounds, for example where laws fail to offer equal protection against violence for all children, including young children. Young children are especially at risk of discrimination because they are relatively powerless and depend on others for the realization of their rights. (General Comment No. 7, 2005, p. 5)*

Children are dependent because their ideal internal development is threatened by heightened ecological vulnerability. Since development within children is ongoing, these

101

internal processes are put at risk by their evolving nature: "At a universal level all children aged 0-18 years are considered vulnerable until the completion of their neural, psychological, social and physical growth and development" (General Comment No. 13, 2011, p. 13). Once again, the internal and the external are not integrated, but rather separate interacting spheres.

The case of children in acutely at-risk situations further emphasizes this theme. Personal resilience is mentioned only once—in relation to children without families—while the focus is instead on heightened negative outcomes for these children:

> *The best interests of a child in a specific situation of vulnerability will not be the same as those of all the children in the same vulnerable situation. Authorities and decision-makers need to take into account the different kinds and degrees of vulnerability of each child, as each child is unique and each situation must be assessed according to the child's uniqueness. (General Comment No. 14, 2013, p. 16).*

As mentioned above, the interaction of the child's "uniqueness" and its external context remain as separate categories in this equating of children's risk to vulnerability.

Children are susceptible because of their dependency, despite the fact that internal development is not inherently interconnected with social contexts. Uniting this theme with the previous one, external environments and relationships must be right for a child to be able to develop internally because children face greater risks and thus greater vulnerability. Nevertheless, internal development is not guided by the ecological context, but rather either impeded or allowed to progress to full realization of individual potential. Children are fragile progressing organisms that need the right social conditions to fulfill their uniquely individual capabilities and personalities.

Universality

The construction of the child also draws on the universality of human rights. It describes children's developmental trajectories as comparable and with ideal endpoints. Children do not just have rights because of their humanity, but also should ideally follow a linear progression toward an end goal. Their outcomes are universal and final categories. General Comment No. 1 encapsulates this by specifically stating the purpose of the CRC:

> *The aims are: the holistic development of the full potential of the child, including development of respect for human rights, an enhanced sense of identity and affiliation, and his or her socialization and interaction with others and with the environment…The goal is to empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence. (General Comment No. 1, 2001, p. 2).*

The child can only achieve these ultimate outcomes through integration and participation in society.

The progression of the child's "evolving capabilities" leading to "full potential" is linear and constructive. That is, it builds upon itself. The emphasis on the term "evolving" among other phrases implies forward movement in development toward these goals. In this vein, General Comment No. 7 (2005) defines "evolving capabilities" as "processes of maturation and learning whereby children progressively acquire knowledge, competencies and understanding, including acquiring understanding about their rights and about how they can best be realized" (p. 8).

This conceptualization borrows directly from stage theories in which an individual child fits within not only the category of "child," but also a developmental phase. Though as a whole the discourse does not just affirm stage theories, the connection does exist. General Comment No. 15 (2013), for example, explicitly lays out this connection:

> *Childhood is a period of continuous growth from birth to infancy, through the preschool age to adolescence...The stages of the child's development are cumulative and each stage has an impact on subsequent phases, influencing the children's health, potential, risks and opportunities (p. 7).*

Development is conceptualized as a linear progression that occurs in discrete stages, borrowing heavily from work like that of Piaget and Erikson. This understanding is presented as particularly important on education in which educational contexts must serve a purpose of universally promoting "maximum development:"

> *The Committee interprets the right to education during early childhood as beginning at birth and closely linked to young children's right to maximum development (art. 6.2). Linking education to development is elaborated in article 29.1: "States parties agree that the education of the child shall be directed to: (a) the development of the child's personality, talents and mental and physical abilities to their fullest potential (General Comment No. 7, 2005, p. 13).*

The child has an ideal trajectory and education must promote this linear development toward participation, integration, and achievement of "their fullest potential." As with the first two themes, this internal progression can be limited or promoted by external circumstances like education, but its trajectory is set apart from social context.

DISCUSSION

The 18 General Comments on the CRC span a diverse topical and chronological range. These documents were produced over the course of more than a decade and address issues including child prisoners, the sex trade, health as a human right, the needs of young children, and many others. These varied issues affect the lives of millions of children. It is thus valuable to consider whether the discursive construction of the child provides a sound framework for children's development. Qualitative analysis provides a clear picture of the key elements in these documents: the three themes together demonstrate that while the General Comments acknowledge differences in social context and internal characteristics, they do not address the importance of how children perceive, respond to, and interact with their environments. The child is a separable category that exists within, but remains separate from social context. In this section, I argue that a child's development occurs through the dynamic interaction of the internal and external by using psychological theories on perspective and meaning-making.

In contrast to the themes presented above, social and developmental psychology offer a more complex and expansive way to understand the child. It is particularly important to reframe the interaction between internal and external processes because many cultures differ specifically in "how social identification processes are represented and channeled to regulate social cooperation and achieve a balance between expression of individuality and social conformity" (Cherney, Greteman & Travers, 2008, p. 451). I argue that since the General Comments hold discursive power, they would more effectively describe children's needs, rights, and growth by embracing a theoretical framework that incorporates the diversity of developmental trajectories within varied social settings. This section bases this argument in an integration of positioning theory and PVEST. Though these are two distinct abstract theories, they both relate to the issue of the internal/external dynamic in children's development. Together, they provide a nuanced and more inclusive framework for how children perceive and interact with their social contexts. In this view, the child's own role in development is interpretive, follows many paths, and acts toward a variety of possible outcomes. I thus challenge the static, universalistic, and stage-based theory, which qualitative analysis identifies in the General Comments.

POSITIONING THEORY AND PVEST

Positioning theory argues that people maneuver between different perspectives and positions (Davies & Harré, 1990). The projection of self is a creative and ongoing process, and involves movement across different subjective positions. This perspective taking helps develop empathy and interpersonal understanding (Gillespie & Martin, 2014). When applied to child development, positioning theory highlights the children's dynamic and relational self-construction. They may have multiple senses of self that depend on social context, and grow in their understanding of themselves and their environments based partly on how they believe other people see the world. Internal processes, therefore, are inherently and indivisibly united to what is around them.
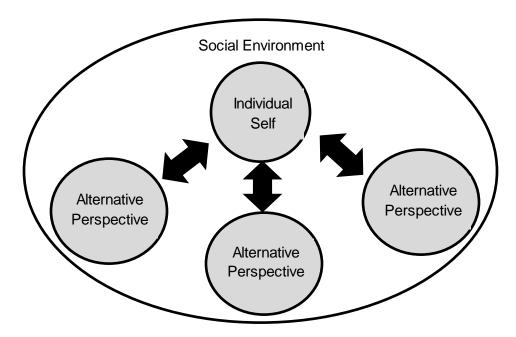

Figure 1: Positioning Theory

The experiences of interactions with others integrally shape an individual child's understanding of and place in the world. As evident in Figure 1, this process involves movement; internal and external circumstances are constantly at interplay. Whereas in the General Comments social contexts limit or support development along a set trajectory, in positioning theory the child comes to be and develops based on a dynamic positioning within these settings and relationships. Children's development is not simply affected by external contexts, but inherently involves dynamic interaction with this environment.

Positioning theory thus offers a more complex conception of children's interaction with external settings, but still situates this dynamic within a static timeframe. That is, positioning theory lacks a developmental perspective on how such processes shape the child as they age. PVEST addresses this issue by helping to conceptualize how children's perspective taking interfaces with their identity formation over time. PVEST places the

individual's meaning making of social context as the driver of development; the continued perception, evaluation and reaction to environment are the bases of an iterative process of development.
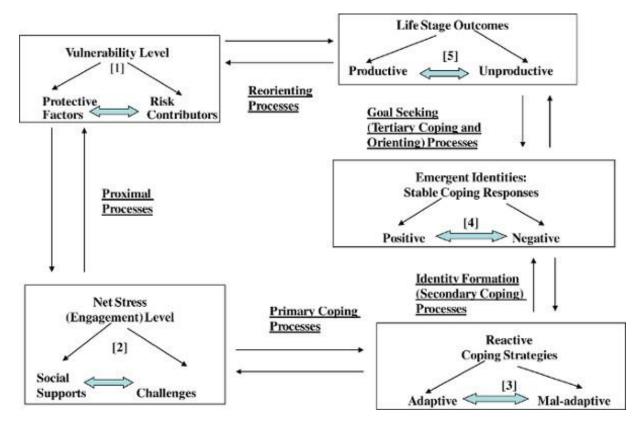

Figure 2: Phenomenological Variant of the Ecological Systems Theory

PVEST starts with the assertion that social environment—apparent risk and protective factors—is not deterministic of life outcomes. Instead, these ecological contexts are experienced, interpreted, and processed through perceived stress, reactive coping strategies, and eventually emergent identities. External risks are not equal to vulnerability (because of perceived supports and beliefs about self), and identity development over the life course is continual and recursive (Spencer, Dupree & Hartmann, 1997). Children interpret environmental contexts as a net level of stress, and respond with adaptive or maladaptive coping strategies. Based on others' responses to these behaviors and their own reading of benefits and costs, children then form deeper emerging identities.

The process of interpreting the environment is where positioning theory connects to PVEST. The coping and identity formation processes are shaped by how children understand and interact with their social settings. There is not a simple division between children's internal attributes and external contexts, but instead personal meaning-making involves entering and interpreting the others' perspectives.
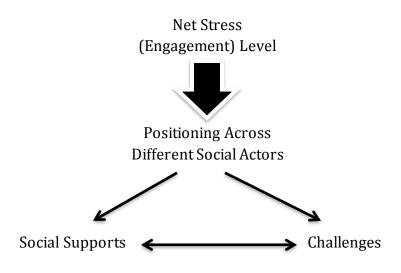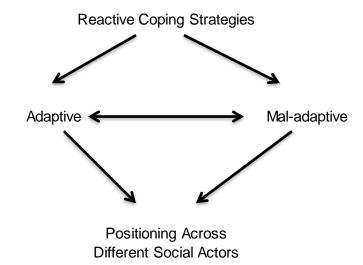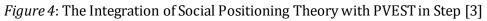
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Net Stress
(Engagement) Level

⬇

Positioning Across
Different Social Actors

Social Supports ⟷ Challenges

Figure 3: The Integration of Social Positioning Theory with PVEST in Step [2]

Reactive Coping Strategies

Adaptive ⟷ Mal-adaptive

Positioning Across
Different Social Actors

Figure 4: The Integration of Social Positioning Theory with PVEST in Step [3]

This perspective integrates positioning theory and PVEST at two points that are crucial to an expansive framework of children's development. First, in the processing of perceived risks and supports from the environment (as seen in Figure 3), the child interprets not only through his or her own eyes, but also through others' as well. For example, children as young as one demonstrate awareness of and the ability to respond to someone else's pain. They make meaning out of their context in that moment by internalizing the experienced pain of another (Bloom, 2013). Second, when children respond with primary coping strategies, they evaluate the responses to their actions (as seen in Figure 4). They interpret

the responses to and effects of their actions, and base further developmental responses (i.e. identity processes) with these reactions in mind. This dynamic is demonstrated by work on hyperaggresivity in groups of urban African-American male youth. The youth studied develop hypermasculine behaviors as part of an identity-formation coping process in which they evaluate and internalize the positive responses of their peers (Cassidy & Stevenson, 2005).

WHAT PSYCHOLOGY OFFERS CHILDREN'S RIGHTS

Bringing together positioning theory and PVEST allows for the heterogeneity of children's developmental paths by incorporating the dynamic relationship between internal characteristics and social contexts. This framework offers an insightful critique of the General Comments by asserting the importance not only of children's social contexts and internal psychology, but also of their responses, interactions, and individual developmental trajectories. The General Comments' conceptualization is limiting because it focuses on stage theories and asserts that a child's outcome is the ideal result of a linear and universal process. As Shweder (2009) has argued, theory defined by this homogenization is untenable; children's development is more nuanced and interconnected with their social contexts. A child's internal processes occur in relation to perception and meaning-making; that is, the bidirectional influence of the interior and exterior as a recursive process over time. Any understanding of development must allow for the complex diversity that actually exists in childhood across the world (Shweder, 2009).

I argue that such a critique is important because the General Comments' conceptualization of the child holds influential power as a basis for the larger discussion and enactment of child rights. Other work has offered similar reasons why critiquing the documents underlying children's rights is necessary, but the focus has been on how the CRC is a product of outdated vision of the child and society (Daiute, 2008; Veerman, 2010; Hägglund & Thelander, 2011). The CRC was created over twenty-five years ago and so this previous work does not address the problematic conceptions of the child in the more recent explanations.

Since the General Comments perpetuate and deepen understandings of the child that are homogenized and limited, it is important to highlight these concerns and point to alternative ways to think about development. Reynaert et al. (2009) note that, "[children's] rights are presented as the new norm in policy and practice without questioning or problematizing this new norm" (p. 528). Instead of fostering greater appreciation for the lives, perspectives, and rights of children as humans, the category of the child is enacted in its restrictive and universal form in the General Comments. These documents thus feed into a larger concern over the child in rights discourse: "The subject of child and youth rights...is the autonomous, willing subject of modernity, a subject whose essential nature owes nothing to the social, to historicity, to eventness" (Tarulli and Skott-Myhre, 2006, p 189).

Isolating the social sphere from the internal "evolving capacities" does not capture the actual variety of developmental trajectories. Furthermore, the formation and content of individual identities among social environments can vary widely across cultures, and a limited understanding of child development would not allow for different governments and organizations to address the local balance of individual and collective self-interest (Brewer & Chen, 2007; Cherney, Greteman, & Travers, 2008). These concerns are significant because this conceptualization influences policies, programs, advocacy and human rights organizations. In the context of the 2014 unaccompanied child immigrants to the United States, neither the rights discourse nor the responsive actions acknowledged these children's resilience. They experienced greater risks and faced difficult external challenges, which were portrayed as negatively affecting their development. The psychological framework based in positioning theory and PVEST would have helped pinpoint the resilience and coping responses in these children. In this way, the theory presented in this paper incorporates a more nuanced understanding of the interaction between the child and the environment that could have helped policy-makers and programs address the heterogeneity, cultural background, and perspective of these children. Interventions based in this inclusive framework would involve a nuanced approach that incorporates larger sociopolitical trends with awareness of the particular experiences and responses of the children themselves. Such interventions may be more likely to be experienced by these children as supports and thus more likely to promote positive, stable coping responses and productive life outcomes.

The benefits of the theory presented in this paper could extend to other key areas of concern for children's rights, including child soldiers. Drumbl (2012), for instance, details and critiques the portrayal of child soldiers as passive victims and a homogeneous group. Cases like these highlight that the General Comments and children's rights discourse should be based in richer understanding of the complexity of child development pathways, the individual-social interaction, and the individual meaning-making processes.

Importantly, the discursive construction of the child in child rights is evolving and ever-growing. The foundational description of child rights continually grows and develops, partly through the publication of new General Comments. The understanding of children's development, therefore, is malleable. This paper has critiqued the current conceptualization, but it is also noteworthy that such analysis could lead to a richer framework. Future General Comments could incorporate a more nuanced theoretical framework, like that described in this paper, into the construction of child rights. While previous work has focused only on the CRC, which is a static and foundational text, I have sought to open a new path to developing the discursive basis of child rights by analyzing the ever-growing General Comments.

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APPENDIX A:

Chart of General Comments by Committee on the Rights of the Child
(in chronological order)

Number of General Comment	Issue That General Comment Addresses	Publication Date
No. 1	The Aims of Education	April 17th, 2001
No. 2	The Role of Independent National Human Rights Institutions in the Protection and Promotion of the Rights of the Child	November 15th, 2002
No. 3	HIV/AIDS and the rights of children	March 17th, 2003
No. 4	Adolescent health and development in the context of the Convention on the Rights of the Child	July 21st, 2003
No. 5	General Measures of Implementation of the Convention on the Rights of the Child	November 27th, 2003
No. 6	Treatment of Unaccompanied and Separated Children Outside Their Country	September 1st, 2005

		of Origin	
No. 8	The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment	August 21st, 2006	
No. 7	Implementing child rights in early childhood	September 20th, 2006	
No. 9	The rights of children with disabilities	February 27th, 2007	
No. 10	Children's rights in juvenile justice	April 25th, 2007	
No. 11	Indigenous children and their rights under the Convention	February 13th, 2009	
No. 12	The right of the child to be heard	July 20th, 2009	
No. 13	The right of the child to freedom from all forms of violence	April 18th, 2011	
No. 15	On the right of the child to the enjoyment of the highest attainable standard of health	April 17th, 2013	
No. 16	On State obligations regarding the impact of the business sector on children's rights	April 17th, 2013	
No. 17	On the right of the child to rest, leisure, play, recreational activities, cultural life and the arts	April 17th, 2013	
No. 14	On the right of the child to have his or her best interests taken as a primary consideration	May 29th, 2013	
No. 18	On harmful practices (Joint comment with Committee on the Elimination of Discrimination against Women)	November 4th, 2014	

APPENDIX B

Quantitative Summary of Themes in Documents

General Comment Number and Topic	Pages	Number of Times Individuality Appears	Number of Times Risk as Vulnerability Appears	Number of Times Universality Appears
No. 1: The Aims of Education	8	14	1	14
No. 2: The Role of Independent National Human Rights Institutions in the Protection and Promotion of	8	5	2	4

the Rights of the Child				
No. 3: HIV/AIDS and the rights of children	14	14	13	17
No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child	11	8	13	25
No. 5: General Measures of Implementation of the Convention on the Rights of the Child	17	12	4	11
No. 6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin	23	19	13	19
No. 7: Implementing child rights in early childhood	19	17	17	17
No. 8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment	13	15	6	15
No. 9: The rights of children with disabilities	22	16	22	23
No. 10: Children's rights in juvenile justice	23	25	7	19
No. 11: Indigenous children and their rights under the Convention	17	14	10	21
No. 12: The right of the child to be heard	27	24	6	27
No. 13: The right of the child to freedom from all forms of violence	27	34	19	22
No. 14: On the right of the child to have his or her best interests taken as a primary consideration	18	22	3	19
No. 15: On the right of the child to the enjoyment of the highest attainable standard of health	22	14	11	14
No. 16: On State obligations regarding the impact of the business sector on children's rights	11	8	10	11
No. 17: On the right of the child to rest, leisure, play, recreational activities, cultural life and the arts	12	32	14	30

No. 18: On harmful practices (Joint comment with Committee on the Elimination of Discrimination against Women)	19	14	22	17

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