Children’s Rights in Policy and Poverty: 
An analysis of Iceland, Norway & the UK

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Acknowledgements

In child poverty research a whole new field is opening up in child well-being, social exclusion etc. and children are increasingly being seen as a unit of analysis of their own right. This is a far cry from when I first began looking at child poverty in my BA thesis at the University of Iceland in 2003. Focus on policy and child policy has also grown over the last decade with the UK’s and EU’s focus on eradicating child poverty utilising evidence based policies to better achieve these goals. Things looked bright and child poverty targets in the UK seemed somewhat possible when I began my research as a PhD student in 2007. At least the overall focus was on children.

Then in the autumn of 2008 the global bank crisis hit and I watched as my country battled devastating losses. Icelanders took to the street banging pots and pans relentlessly for months; demanding a new government, demanding that someone take responsibility. It was a difficult time, but I was lucky that I had fellow PhD students from a wide range of countries; talking and sharing news from our respective countries over steaming cups of coffee.

Unfortunately, at the same time my out-going, bubbly daughter Anna was diagnosed with a chronic illness; bedridden she was registered as disabled. I add this here, not for pity sake, but so that I may properly thank the many people that helped and supported us. I cannot begin to thank the army of professionals that have surrounded us. Many kind and caring people came into our lives just when we needed them.

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Abstract

This study examines three areas of child policy assumed by scholars and recent research to relieve child poverty; child benefits, child support and early childhood education and care (ECEC) from a children’s rights perspective by comparing Iceland, Norway and the UK, 1991-2011, asking when, if and how do children’s rights emerge in these policies. These areas of policy provide a good opportunity to examine the tension between the child, the adult and the state. A new framework was created combining both children’s rights and child poverty theories with comparative analysis. The results indicate that when and in what form children’s rights emerged not only suggests a classification of the three states; Iceland an *Equality-Integrity Rights* based system; Norway an *Integrity Rights* based system; the UK a *Family-Centred/Social Investment* system. It also opened up an understanding of the three policy areas studied; that the triangular relationship between the state, parent and child is very important and policy specific. These results can help guide policymakers in their search for evidence-based policies, and the framework offers politicians, activists, researchers and social workers a simple, sophisticated tool to gauge children’s rights in policies.
List of Abbreviations

§ Section (legislation)
p Paragraph (legislation) page (literary)
Ch. Chapter
Art. Article
CCR Committee on Children’s rights
CRAE Children’s Rights Alliance of England
CRIN Child’s Rights Information Network
ECEC Early Childhood Education and Care
ECHR European Court of Human Rights
EEC European Economic Community
EHR European Convention on Human Rights
ESC European Social Charter
EU European Union
EUROSTAT Statistical Office of the European Communities
GMI General Measure of Implementation
HRC Human Rights Council
NCCP National Centre for Children in Poverty, US
NCS Nordic Convention on Social Security
NGOs Non-governmental organizations
UK United Kingdom
UN United Nations
UNA-UK United Nations Association United Kingdom
UN CCPR United Nations Covenant on Civil and Political Rights
UN CEDAW United Nations Convention on Elimination of Discrimination against Women
UN CEDER United Nations Covenant on Economic, Social and Cultural Rights
UN CRC United Nations Convention on the Rights of the Child
UN DESA United Nations Department of economic and social affairs
UN HCHR United Nations Office of the High Commissioner of Human Rights
US United States of America
Introduction

“The economic benefits of investing in children have been extensively documented. Investing fully in children today will ensure the well-being and productivity of future generations for decades to come. By contrast, the physical, emotional and intellectual impairment that poverty inflicts on children can mean a lifetime of suffering and want – and a legacy of poverty for the next generation.”

Chapter 1. Introduction

Child poverty is an issue faced by every nation, including the affluent, where a percentage of children are still affected by their socio-economic situation. This lack of resources leads to ill health, lower well-being and lower education scores, to name a few, and can persist from generation to generation. In this sense well-being is used in its broadest connotation. Furthermore, since the 1970s the gap between the affluent and poor continues to increase throughout OECD states, where there has been, “notable changes in the shape of the income distribution in many, but not all, western developed nations” (Jenkins & Micklewright, 2007, p. 2).

The persistence of child poverty in affluent nations is perplexing in so far as poverty rates for the elderly have decreased over the post-war era, but has risen for children (Vleminckx & Smeeding, 2001). Policies are needed to address child poverty in the same way that old-age insurance schemes were created in the last century to protect the elderly. “There is no reason why the same could not happen for the problem of child poverty” (Vleminckx & Smeeding, 2001, p. 2).

At the same time that the changes in child poverty and income distribution occurred, children’s rights continued to develop; culminating in the creation and adoption of the UN Convention of the Rights of the Child (UN CRC). Since then, the focus on children in policy and research has gained momentum (Flekkøy, 1995; Franklin, 2002a; Freeman, 2002; 1)

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1 Carol Bellamy, former Director of the Peace Corps, former Executive Director of UNICEF, former President and CEO of World Learning, Chair of the Education for All-Fast Track Initiative
Introduction

Johansson, 2005; Pilnik, 2006). With all but two nation states ratifying the UN CRC it has created the space for children to be discussed in both national and international policy arenas.

By pairing children’s rights with child poverty research, not only does a strong argument for the reduction of child poverty emerge, but children’s rights may also indicate how to alleviate the various forms of child poverty that are known (Vranken, et al., 2010). Arguably, the power to alleviate child poverty lies at the feet of policymakers, and children, as individuals and not statistical units, are underrepresented in studies that influence these policies (Alderson, 2008a; Ben-Arieh & Goerge, 2005; Johansson, 2005; Middleton, et al., 1997). This study joins the efforts of recent research and well-being studies trying to change this trend.

Aim

This study sets out to examine children’s rights in those policies suggested by scholars (Bradbury & Jäntti, 2001; Bradbury, et al., 2001; 2001a; Bradshaw, 2006a; Danziger & Waldfogel, 2000; Vleminckx & Smeeding, 2001; Vranken, et al., 2010) to alleviate child poverty in the two decades following the inception of the UN CRC, 1991-2011. The question being: To what extent has the discourse of children’s rights permeated policies on child poverty?

The three states have been selected based on my own interest in Iceland and its unique blend of Beveridge and Scandinavian welfare models, the UK’s recent push to reduce child poverty in the beginning of the 21st century, and Norway’s notorious child-friendly culture. Furthermore, all three states were influenced initially by Beveridge, but have each evolved in different directions over the last half century.

2 See e.g. Alderson (1995); Andrews & Ben-Arieh (1999); Bastos (2006); Danziger & Waldfogel (2000); Duncan et al. (2012); Eydal & Jeans (2006); Gregg (2008); Hallet & Prout (2003); Hill & Tisdall (1997); Kammerman et al. (2003); Lahikainen et al. (2008); Middleton et al. (1997); Prout (2003); Redmond (2008); Ridge (2002; 2006); Ritakallio & Bradshaw (2006); Satka & Eydal (2004); Therborn (1993)
Introduction

There has been a gap in comparative research in child-related areas, but lately there has been an increase in comparative child well-being studies, mainly due to UNICEF’s recent reports and league tables. However, a child-centred study that looks beyond the child as a statistical outcome until recently was even rarer (Ridge, 2002; Therborn, 1993).

As this is a fairly new area of research, the scope of this study is determined by 1) the need to create a new framework to examine policies from a children’s rights perspective; 2) choosing a set of policies that address child poverty. Therefore the aim of this study is twofold; i.e. to examine the extent to which the discourse of children’s rights has permeated policies on child poverty and to test the framework created to conduct such a study.

In creating a framework it was determined that the UN CRC alone would not make a robust research tool. Therefore, a great amount of time and effort went into creating a framework that could examine children’s rights in child policy. As Therborn (1993) states, “the rights and conditions of children and their pattern of change in the 20th century do not, then, offer themselves as a ‘dependent variable’ to be picked up and submitted to statistical software packages and/or to other explanatory treatment. As a first step a basic analytical framework has to be constructed” (p. 244).

To begin with, the three P’s of the UN CRC: Provision, Protection and Participation form the basis of the international agreement and help form the framework of this study. Further examination of children’s rights in social policy leads to the discussion of Fox-Harding’s (1997) classification of rights in child care, but more pertinently Therborn (1993), whose categorisation of Western states according to their child/family policies improves our understanding of the various levels of children’s rights that policies can achieve; i.e. child-centred family rights, equality rights, and integrity rights. Vranken et al. (2010) remind us that when examining child poverty that a study of services (or lack of) provided for children is needed but importantly not to forget the triangular relationship between the state, parent and family. Redmond (2008) and Sen (1999) combined improve this framework, by illustrating how social policy research can benefit from a
broader approach. This includes, in essence, three approaches that go beyond the basic needs of food, clothing and housing; i.e. economic welfare, capabilities and social exclusion. Therefore, this study defines child poverty as more than just a lack of economic welfare, but includes social exclusion and the lack of opportunities to foster innate traits as discussed in Sen’s (1999) theory of capabilities.

It is by combining these assumptions, concepts and theories with the ideals of the UN CRC that I believe it is possible to look at child policies from a new perspective; to look beyond ‘the best interest of the child’ and search for evidence of protection, provision and participation.

Data

In regards to the second factor in the scope of this study, the policies selected are not only assumed to alleviate child poverty, as shown later, but also reflect the UN CRC’s definition of an adequate standard of living, (p. 1 art. 27). Add to this Article 26, which forms the basis for the moral obligation of states to provide social security to children and families in need.

Although many various policies could be selected to look at in this context and good arguments made for each, the following three policy areas were selected based on the current understanding of which three policy areas are assumed to have the greatest affect on alleviating child poverty; child support, child benefits and early childhood education and care.³

Analysing child support (child maintenance) policies allows an analysis of not only the provision of economic welfare and its potential implications in reducing child poverty, but also the implications in regards to basic children’s rights; i.e. the right of children to be provided for by and have access to both parents. Furthermore, an examination of child support

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³ For a more in-depth discussion see chapter 3 or e.g. Bradbury & Jäntt, 2001; Bradbury, et al., 2001; 2001a; Bradshaw, 2003; 2006; 2007; Bradshaw & Finch, 2002; Bradshaw & Mayhew, 2006; Brewer, et al., 2006; Cordon, 1999; Danziger & Waldfogel, 2000; Duncan & Brooks-Gunn, 2000; Eydal, 2005; Eydal & Rostgaard, 2011; Eydal & Olafsson, 2013; Forssén, 2000; Gregg, 2008; Harker, 2006; Harkorvirta, 2010; Micklewright, 2003; OECD; 2011; Vlemenickx & Smeeding, 2001.
will place the obligation of the parents (as defined in the UN CRC art. 18) and the importance of the states’ role in supporting parents in fulfilling this obligation firmly within this discourse on children’s rights.

While, analysing child benefit policies offers an opportunity not only to examine the idea of citizenship (Lister, 2003; 2004; 2008), but also to look at the provision of social security and the economic protection of children by the state; giving an indication of how children are perceived within this particular society and their value or worth.

When it comes to analysing capabilities, Sen (1999) believes that currently there are only three main areas of research that are capable of measuring and defining them; infant and child mortality, nutrition and participation in education. Here, the study will simply look at the provision of early childhood education and care schemes such as Sure Start or playschools (Ice. leikskóli) in Iceland and kindergartens (Nor. barnehage) in Norway, based on significant research that shows how children in low-income households benefit from early access to education and the implications that access to affordable, reliable childcare reduces child poverty.

Methods

In regards to examining the policies, basic Interpretive Policy Analysis was applied so that the study remained open to new ideas and concepts that emerged as the documents were analysed (Yanow, 2000), “which is of great importance when working with primary sources and empirical research questions” (Eydal, 2005, p. 21).

Once the policies were analysed individually a comparative analysis was conducted. The most obvious reason for comparing states is to look at their differences and similarities. As Hantrais (1999) states the researcher should, “set out to analyse systematically phenomena or groups of phenomena in one or more societies and cultures with regard to their similarities and differences, the aim being to establish typologies or systems of classification” (Hantrais, 1999, p. 96). Again, the aim of this study is to examine the extent to which the discourse of children’s rights has
permeated policies on child poverty as well as to test the framework created by comparing the individual results of Iceland, Norway and the UK. It is by looking for the similarities and differences between the states that a system of classification can begin to form.

Organization of the Chapters

Chapter two provides a discussion of the definition of children in society and social policy, as well as defines the argument presented earlier that child policy can be defined according to the three P’s of the UN CRC; provision, protection and participation. This leads to a discussion of the inequity in the power balance between adults and children and research is presented showing how children are seen and defined within policy dictates to some extent what policies are put into place. Children’s rights and the relevance of viewing social policy for children from a rights-based approach are examined. Children’s citizenship is defined and the history of children’s rights is traced up to the implementation of the UN CRC. The organisation of the thesis is presented in greater detail and some comparative studies are presented.

In chapter three, child poverty is discussed and child poverty rates and well-being scores, along with other demographics help to introduce the three states examined in this study. The three policies are selected based on two main principles; 1) the definition of poverty as defined by the UN CRC, 2) those policies assumed to alleviate poverty.

Chapter four provides an overview of the study’s framework and methodology. By synthesising the varying approaches described earlier it is thought that a more encompassing view of the policies examined will emerge. In this chapter, comparative policy analysis is explored in more depth.

Chapters five through seven examine the results of the analysis of child support, child benefits and early childhood education and care policies respectively between Iceland, Norway and the UK, both singularly and comparatively. As shown, children’s rights in policies not only vary from
state to state, but from policy to policy. This concludes with an overall discussion in *chapter eight*, shedding light on the thesis’ findings.

The framework, presented in this thesis, will offer a new way of looking comparatively at child policy from a children’s rights approach. Applied to these three states and these three policy areas will not only test the framework, but offer new insight into how these states approach children and child poverty.
Chapter 2. Children, Social Policy and Children’s Rights

In the world of policy research, comparatively, child policy research is in its infancy where policies that are created specifically for children or that affect children span the whole spectrum of public policies. Children are governed by policies from education to inheritance; economically covered in policies from taxes to disability to social welfare; and protected by specific children’s acts. It can be easily argued that the fact that child policy spans such a variety of policy types would explain why the field of child policy research has been so long awaited.

Add to this the fact, as presented later, that children have often been seen as an object of research (Alderson & Morrow, 2004; Ridge, 2002). Neupert (2005) states that children have rarely been the unit of analysis in demographics. That research should be conducted from a child-centred perspective because; children have a right to be studied in their own accord.

The study of children is incomplete unless they are also studied as a unit of analysis in their own right and with respect to other children and not only to adults. It is demonstrated that, in fact, this approach may open new avenues to the study of children from a social perspective (Neupert, 2005, p. 351).

This absence of a child-centred perspective has been noticed by more and more researchers and policy makers over the last decade. Micklewright and Stewart (2001) argue that there certainly is a need for a more comprehensive picture of child well-being than the more traditional...
approaches offer. Until now in both social and policy research children have been studied most often in view of the adults in their lives.

First, in order to understand policy from a child-centred perspective it is helpful to define the concept child. What does the word child mean? What does it mean to be a child? Does it matter who is asking this question; i.e. the child, youth, adult, offspring, parent, grandparent? In this chapter, we will see that the concept child is volatile and changes not only between actors, but also within space and time (Cunningham, 2005). On the surface it may seem trivial to spend any great length of time defining such a commonly used word. However, there are at least two good reasons to stop and contemplate its meaning; not only because the word child is so emotionally charged and thus needs clarification in respects to this study, but also because scholars suggest that the theoretical definition of child can ultimately define the relationship children have with society and influence the power struggle that exists between adults and children.

Later in this chapter, this struggle is mirrored in the discussion of social policy and the governance of children, how the term child is legally defined, and in the tension between state and parental obligations. This chapter will define child policy both theoretically and in respect to this study. It will also show that child policy is guided in part as to whether children are seen as ‘beings’ or ‘becomings’ (social investment theory) (Levitas, 2004; Qvortrup, 1990; 1993; Qvortrup, et al., 1994); whether they are seen as ‘savage’ or ‘innocent’ (adult-relational theory) (Alenen & Mayhall, 2001; White, 2002); and/or whether they are seen as competent social agents that contribute to the family and society (social child theory) (Brembeck, et al., 2004; James, et al., 1998).

This chapter will also examine how children’s rights have increasingly influenced child policy in the last decades of the 20th century and first decade of the 21st. The children’s rights movement grew from a protective approach germinating between the two world wars to that of a socio-economic and cultural rights approach in the late 70’s and early 80’s, finally culminating in the adoption of the United Nations Convention on the
Children, Social Policy and Children’s Rights

*Rights of the Child* (UN CRC) helping researchers, professionals and policymakers alike to examine child policy as a specific area within social policy.

Finally, studies in comparative child policy research are introduced. The fact that comparative studies were most prevalent in early childhood education and care shows the need for more research in this field. Few comparative studies look at both poverty and rights. Therefore, this study will add to new research in field of child poverty and child policy. However, in order to understand child policy or child poverty the concept of the child is presented first.

The Child

The *child* is such a fluid concept filled with ambiguous meaning. Depending on who you talk to the concept changes: to a child it is not nearly the same as it is for the parent or grandparent; neither between mother and doctor; nor doctor and psychologist etc. The concept is fluid in the sense that it is ever changing in space from one state to the next and in time from one decade to the next; not withstanding changes within and between societies and cultures. On the one extreme is the idyllic almost mythical ideal of the “angelic” child and on the other, the almost evil typecast of the innately “savage” child (Griffen, 1993; Roche, 2002).

This, however, is by no means a dichotomy, because every imaginable concept of childhood can be found somewhere between these two extremes, sometimes even at the same point in time. One point is the idea of the *priceless child* coined by Zelizer (1985) showing that the emphasis or value placed on children in society has been changing rapidly over the last century. Children are increasingly becoming more important to adults as the investment in a primary relationship becomes increasingly ‘safer’ with one’s offspring rather than ones’ spouse or partner (Beck & Beck-Gernsheim, 1995). Over the 20th century Zelizer (1985) argued that the *child* went through phases from being seen as useful to useless and back to useful again. In this section, the three main views of childhood will be looked at specifically.
Firstly, that childhood or rather the child can be viewed as a relational concept, which is understood only in relation to its opposite; the adult (Alenen & Mayhall, 2001). This is compounded by cultural aspects, where childhood has often been depicted in the media as an almost fairy-tale like golden age; parents reminding their children to enjoy themselves because childhood is the best years of their life. Yet, in this fairy-tale, the child is seen and not heard (Franklin, 2002; 2002a; Freeman, 2002). The child is a separate yet voiceless entity in life and in research; e.g. single mother with one child.

Secondly, only recently has there been a shift towards seeing the child from a social perspective, the social child, (James, et al., 1998) and thirdly, towards viewing the child as less weak or vulnerable and rather as a stronger, constructive actor, the competent child (Axford, 2008; Brembeck, et al., 2004; Martensen & Tufte, 2002). Others see the child as an investment for the future and a whole argument has arisen between viewing children as either beings or becomings (Lee, 2001; Qvortrup, et al., 1994).

To begin with, the relational concept is discussed and the power struggle between the child and adult defined by this theory followed by the concepts of the social child and the competent child.

The Child: A Relational Concept

It is essential to examine the relational concept here, considering that children’s rights research is, “about rethinking and redefining adult-child relations and are a means with which to articulate, challenge and hold to account relationships of power,” (Roche, 2002, p. 72). And what could depict this challenge more than in an arena where children have little or no voice and where adults generally have the last say; i.e. social policy. No matter how well intended those policies are or whether they have the child’s best interest at heart the act of creating social policy remains without a doubt the realm of adults. Whether this unbalance could ever be addressed completely due to the complexity of the nature of childhood is probably
unlikely, yet it is necessary to at least briefly concentrate on the relational model here.

Thus, Alanen and Mayhall (2001) set forth three principles, which need addressing when constructing the terms child or childhood:

Children and adults must interrelate across age division, power inequalities and (in families) household norms and needs.

Relationships are also constituted between social groups; the social group children and the social group adults interact across the generations.

Adults belong to a different generation from children. Adults born at a point 20 to 40 years before their children, carry with them knowledge, assumptions and experience acquired during their trajectory through their lives and influenced by social forces in operation during their life span to date (Alenen & Mayhall, 2001, p. 2).

Thus, for this study, it would be beneficial to focus on Alanen and Mayhall’s first principle and the power inequalities that exist within the parent/adult-child relationship, which makes one ponder the agency of the child or the child as a social actor (see social child below). Although Alanen and Mayhall (2001) do not address the issue here, one can assume that from this premise children are social agents of their own accord and can be seen as competent actors within society.

White (2002) also discusses childhood along the lines of power struggles combined with the rhetoric of the ‘savage’ and ‘angelic/innocent’ child and she argues that by defining children along these lines of ‘savage’ or ‘innocent’ the balance of power is changed in the adult-child relationship.
Table 2-1 Description of adult-child power struggle according to assumption of childhood

<table>
<thead>
<tr>
<th>Description of power</th>
<th>Adult-Child power inequalities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child-as-Savage</td>
<td>Power is there to control the child</td>
</tr>
<tr>
<td></td>
<td>Adult is in complete control</td>
</tr>
<tr>
<td>Child-as-Innocent</td>
<td>Power is there to protect and nurture</td>
</tr>
<tr>
<td></td>
<td>Gentler, but adult is still in control</td>
</tr>
<tr>
<td>Combined</td>
<td>Adult ‘in-training’ to develop child’s innate abilities</td>
</tr>
<tr>
<td></td>
<td>Power is graded to the child’s stage of development</td>
</tr>
</tbody>
</table>


Notably, White (2002) assumes that when both views are combined a more equitable power distribution between adult and child is achieved. This is notable, as shown later, because one premise of the children’s right movement in recent years has been similar to that of gender rhetoric; i.e. a more equitable distribution of power. However, while until recently the majority of concepts defining children and childhood continued to have been defined in relationship to adults the latest attempts have tried to move away from this, e.g. the theories of the social child and the competent child. Next, these concepts are presented respectively.

The Social Child

Once focus is moved away from a dualistic approach to defining children a deeper understanding of the social child emerges; a child that is an actor within society, a child with agency. In contrast to Alanen and Mayhall (2001) in the previous section, James, et al. (1998) developed a theory where childhood is isolated from the dualistic child-adult argument. This, “equipped children with a status of agency, admitting them to act outside common theories of socialization, which up until now had been the main source of conceptions of children” (Brembeck, et al., 2004, p. 18).

James et. al (1998) are also concerned with the constraints public institutions and social policy place on how children are defined within society. When it comes to social policy, they state that this institutionalization of the concept of childhood both reflects and projects our day to day understandings of what it means to be a child.
Therefore, there is some value in studying child policy in terms of children’s rights, since it is easily argued that through children’s rights children are allocated agency. This emphasis placed on childhood in conventions such as the United Nations Convention on the Rights of the Child (UNCRC) will be discussed in greater detail later in this chapter. Meanwhile, it is useful to remember that most states having ratified the UN CRC in the 1990’s committed themselves to children’s agency and as participants in society as well. However, before a closer examination of social policy and children’s rights is presented it is essential to examine one more definition of children; i.e. the competent child in order to round out this discussion of the concept of the child.

The Competent Child

Nordic society has long been equated with being child and family friendly, thus, it is understandable that the concept of the competent child would grow out of Nordic traditions and attitudes towards children and childhood.

The concept of the competent child could be conceived of as part of the Nordic rural tradition, but it is also clearly influenced by Rousseau’s romantic view of the child (Stein, 1984 & Selmer-Olsen, 1990 in Brembeck et al., 2004). The Nordic rural child was considered a competent family member who could care for younger siblings, guard animals or could do other age and gender appropriate chores (Brembeck, et al., 2004). Yet, this is not some mythical place or time where children were treated as equals. The generational relations within families were far from equitable, as children were expected not only to be obedient to the adults in their lives, but must keep out of their way “...these were also the expectations among ordinary people in the 1930’s. The ideal of reformers like Alva and Gunnar Myrdal had reached only a small segment of intellectuals” (Brembeck, et al., 2004, pp. 15-16).

However, as Brembeck et. al (2004) point out, the concepts of children and parents were constantly being constructed and reconstructed based on the growth and modernization of many institutes (mainly childcare and after-school care) during the late half of the 20th century.
As in many Western states, developmental psychology and pedagogical rhetoric played a large role in influencing the child’s perspective in Nordic countries, where possibly more emphasis was placed in practice on pedagogy by creating meaningful everyday life through structured activities considered to be best for the child; i.e. childcare, which is now seen as the norm in Nordic countries. Where quality childcare is state regulated and where socialization and developmental theories form the basis of childcare (Brembeck, et al., 2004). This is a significant aspect to examine closer, because on the one hand, this study compares childcare policies and on the other, when writing about children’s rights it is necessary to constantly ask the question; is this truly in the best interest of the child? Do children enjoy and gain something from being in formal care at this early age?

Brembeck et al. (2004) set forth that, “from an early age children get used to being in groups and develop capabilities for finding and keeping a position in a collective, which creates the competence to communicate and build relations with many people, adults as well as other children” (Brembeck, et al., 2004, p. 17). Thus, the child is seen as benefiting from childcare in the present moment by socialising and playing, and in the future by learning social skills through this play and interaction.

Childhood

It is important to also look at the concept of childhood and not just the child. As Archard (2004) suggests, “something more is indicated by speaking of ‘childhood’ rather than simply ‘children’. The former is an abstract noun which denotes the state of being or the stage of which one is a child. Its use dictates a certain formal and sophisticated grasp of what and when it is to be a child”, (p. 21). However, it is apparent that there is some disagreement of when and how childhood emerged as a concept in the West. Philippe Ariès (1960/1996) suggested that childhood (as a concept) did not emerge until the late 17th century:

In medieval society the idea of childhood did not exist; this is not to suggest that children were neglected, forsaken or despised. The idea of childhood is
not to be confused with affection for children; it corresponds to an awareness of the particular nature of childhood, that particular nature which distinguished the child from the adult. In medieval society, this awareness was lacking (Ariès, 1963 (1996), p. 125).

He suggests that the modern concept of childhood in a social, moral, legal and political context began to form in the 17th century, basing his findings on paintings, games and a diary of a royal prince (Ariès, 1963 (1996)). Furthermore, he argued against the prevailing assumption that indifference was equal to cruelty (Ariès, 1963 (1996)).

Critics felt that Ariès did not define thoroughly enough the French term 'sentiment' as a concept and although there had not been an abstract notion of childhood it did not necessarily indicate that society was unaware that children were different from adults as, for instance, art iconography did not depict reality, the diary of a prince was not indicative of the life of an average child and that the past cannot be judged by present-day values (Archard, 2004). Archard (2004) argues that, “previous society did not fail to think of children as different from adults, it merely thought about the difference in different ways from ours” (pp. 22-23).

Archard (2004) suggests that childhood is a social construct like any construct such as sex (biology) and gender (social) and that, “it would be a mistake to view biology or the natural as immutable facts...the physical differences between adult and children...are theoretically constructed” (Archard, 2004, p. 26). However, he suggests that childhood is not only a social construct (or abstract concept) of the natural existence of age, but both a biological and social construct, “a period of immaturity understood in a certain way” (Archard, 2004, p. 26). He argues that by having a concept of childhood it distinguishes children from adults, “in respect of some unspecified attributes” (Archard, 2004, p. 27) which at the very least is dependent on age, but not age alone.

It seems that childhood is loosely defined as a social construct, dependent upon the circumstance and actors involved, and that it is possibly more vaguely defined than the concept of child. Thus, for this study
it is very important to analyse not only how children are defined by the policies and legislations, but childhood as well.

In the next section this issue associated with defining these two concepts will be examined both in policy and in legal terms.

Social Policy and Children

The latter decades of the 20th century saw an increase in policies created specifically for children. In fact, there were more policies created for children in the UK in the last ten years then in the previous fifty (Children's Commissioner for England, 2008). As mentioned earlier, social policies that are created specifically for children or those policies that affect children span the whole spectrum of public policies. Children are governed by policies from education to inheritance; economically covered in policies from taxes to disability to social welfare and protected by specific children’s acts. Ridge (2008) states more succinctly, “state involvement in the provision of support for children can range from child benefit, the public acknowledgement of society’s interest in sharing the costs of raising all children, to child support, which is concerned with enforcing financial obligations within the family” (Ridge, 2008, p. 169). Furthermore, how children are viewed and their perceived role in society is also affected, and continues to affect, what types of policies were created for them over the last century. Next, how social policy, family policy and child policy have been defined theoretically is presented and, ultimately, in respect to this study.

Definition

If, as stated by James et al. (1998) in the previous section, the concept of childhood is institutionalised via social policy reflecting our day to day understandings of what it means to be a child then it is necessary to understand what these policies are. However, first it is helpful to define terms such as social policy, family policy and child policy. Social policy is the area of public policy that governs social issues from healthcare to welfare support. It is first necessary to define the term family policy since as Therborn (1993) states, “more often policies with regard to children are
grouped under the rubric of family policy” (Therborn, 1993, p. 243). *Family policy* is a fairly new field of research in the academic world and grew out of disciplines such as family studies, social work, political science, economics, and sociology (Andersen & Skinner, 1995). Wennemo (1992) suggests that family policy covers three legislative categories; i.e. family legislation; social services for families and income transfers to families. Furthermore, in Papadopoulos (1996) three more definitions of family policy are presented:

1. As umbrella policies that cover a wide range of polices for the young (e.g. children’s act), old (e.g. inheritance), individuals in transition (e.g. divorce or child maintenance), singles (e.g. income tax) and women temporarily separated from the labour market (e.g. maternity leave) (Wilensky, 1985).

2. As a disguise for other policies concerning areas such as population, labour market and health (Kamerman & Kahn, 1978).

3. As regulatory policies for gender, race, class and age (e.g. the relationship between women and the welfare state) (Ginsburg, 1992).

Papadooulos (1996) combines these theories and categorises them by asking questions such as which, who and why; which policies, who is covered and whether the policy is regulatory or concealing unpopular policies (see Figure 2-1 on the next page).
Based on Papadopoulos, 1996

Figure 2-1 gives us a better overview of these four definitions of family policy. However, a more recent definition according to the OECD states, “family policies are defined as those policies that increase resources of households with dependent children; foster child development; reduce barriers to having children and combining work and family commitments; and, promote gender equity in employment opportunities” (OECD, 2007). This definition is a more inclusive definition of family policy, combining the varying definitions shown in Figure 2-1. Therefore, how would the field of children’s social policy be defined (hereafter child policy)?

The definition of child policy would most definitely include the first two components of the OECD definition of family policy; (1) Policies that increase the resources of households with dependent children, and (2) policies that foster child development. However, I feel this definition is lacking in areas and a more encompassing definition of child policy could be created. For instance, where are the policies outlining the obligation of states and parents to provide for children? Policies that support social inclusion? Policies that protect a child’s well-being? Policies that empower children’s rights, their rights to voice their opinion and be heard?
Although the first condition includes policies that increase household income, it does not define who is responsible for providing for the child. Furthermore, although this definition provides for child development one could argue that child well-being would differentiate more readily between physical, emotional and social development, and support social inclusion. Thirdly, policies empowering children’s rights need to be drawn out specifically. As shown later in this chapter, the United Nations Convention on the Rights of the Child (UN CRC) covers the three P’s: provision, protection, participation. Therefore, a definition of child policy based on these three notions is proposed:

- **Provision:**
  Policies that outline the obligation of states and parents to provide for the child; including policies that increase the resources of households with dependent children

- **Protection:**
  Policies that protect the child’s well-being and foster child development; including policies that support social inclusion

- **Participation:**
  Policies that empower children’s rights; including their rights to voice their opinions and be heard

This definition would help to identify the area of social policy this study will examine and outline the sub-areas that can be examined more deeply; i.e. provision, inclusion and capabilities.

Next, in order to better understand how policies define childhood and the concept of children how policies legally define the concept *child* is examined.

**Legal Definition of Childhood**

The various academic views on childhood discussed in the previous section show the complexity of defining the concept *child*. This is also evident in how states choose to legally define childhood and until the onset of the UN CRC an international consensus of the definition of child had not existed.
Before 1992, a minor was legally defined as any individual below the age of 16 in Iceland. However, the UN CRC defines a child as any, “person below the age of 18” (p. 1, art. 1, UN CRC, 1990). Thus, legislation had to be adopted in which the age was extended to 18 by the time Iceland ratified the UN CRC and adopted the convention by the Icelandic parliament Althingi (Samningur Sameinuðu þjóðanna um réttindi barnsins [UN CRC] nr. 18/1992).

Although not part of this study, the complexity in defining children in policy can be shown in the case of former Argentinian policy where prior to the UN CRC children were grouped into two categories: (1) from conception to the age of 16, and (2) from 14 to 21 years, the latter group having increased rights, but not obtaining full rights until reaching majority. However, influenced by the UN CRC lowering the age to 18 is being openly discussed (Grossman, 1996). This definition between groups within the legal classification of a minor is apparent in other legislation in the West.

In Norway, social policy recognises and accepts the view that children develop and mature in stages. According to Flekkøy (1995) there existed more than 25-30 different age limits in Norwegian legislation in 1995. Here, policymakers were trying to grasp in legal terms the difference between being a child at age 3 and a child at age 16, a difficult enterprise. In fact, defining different levels of childhood is not uncommon in the three states studied here and the age of majority is sometimes lengthened from 18 to 20-21 for certain vulnerable groups (see e.g. Children Leaving Care Act 2000, UK) and to support children in education (see e.g. art. 55 Barnalög [Law in Respect of Children] nr. 76/2003, Iceland). Furthermore, the definition is blurred by the legal restrictions placed on young people between the ages of 18 and 20-21 that are not placed on other adults. Again looking at an example outside of this study, for instance, in the US an 18 year old is considered an adult when voting, joining the military, marrying or signing credit contracts but must be 21 years of age to e.g. purchase alcohol. This blurring between adulthood and childhood has been found in all three of the countries studied here showing the difficulties policy makers have in defining a child.
The tension between viewing children, as we saw in the previous section, either as vulnerable and in need of protection or as competent social actors creates another discord within social policy governing children. Thus, it is not uncommon for definitions of the child to vary from policy to policy in any given state. Therefore, in this study a child will be defined as any individuals below the age of 18 as recognized in the UN CRC and any differentiation from this definition will be mentioned specifically.

Here, the legal definition of the term child was discussed as well as how this definition varies not only from state to state, but from policy to policy. This is a good example of one form of governance; therefore in the next section a closer examination of the idea of governance in regards to children is presented.

The Governance of Children

Considering, that the term child as a concept is being so widely defined both academically and legally, these variances are further compounded in child policy research by how childhood is governed and the varying roles states have in the lives of families.

When it comes to child policy there are specific ideas or ideals about children, which surface and are often established around social-based concepts: a paternalistic stance, the vulnerable child in need of protection; social investment and children as future citizens; the savage child where policy is merely adopted to regulate child behaviour; the competent child and a focus on child participation etc. (Archard, 2004; Brembeck, et al., 2004; Coppock, 2002; Franklin, 2002a; Jenks, 2005).

This debate is never static but like society is rather fluid in nature and can swing from one extreme to the next (Coppock, 2002; Cunningham, 2005; Franklin, 2002a). However, the crux of the matter is that, for example, as fluid the concept of appropriate child behaviour is the, “authority of adults to define what is appropriate and acceptable behaviour for children and young people remains constant” (Coppock, 2002, p. 140). Historically, this authority was founded in religion and the church, but in recent decades this power has been derived from scientific research. For instance, although the
church has been advising parents on child-rearing for centuries, child-rearing practices are increasingly based on research that is passed on to parents via professionals such as doctors, nurses, social workers, psychologists etc. (Coppock, 2002; Cunningham, 2005). Arguably, this evolution is primarily based on the intention to increase child well-being through research. However, one must admit this still affects child behaviour. Coppock (2002) argues that the concept of normal (i.e. acceptable) behaviour has been, “institutionalised in the state’s response to children and young people and operationalized through professional practice” (Coppock, 2002, p. 140).

Furthermore, Hill and Tisdall (1997) add, “children seem to be the most governed as social control increases both by overt physical means and more covert psycho-social ones,” (Hill & Tisdall, 1997, p. 250). Hill and Tisdall continue by suggesting four reasons for why children are so heavily regulated.

Firstly, the fear that children are out of control and with increasing globalisation and technology parents and teachers are concerned they may no longer have the same influence in children’s lives. Prout (2003) suggests that in this technological age with the constantly streaming information, people, products, values and images at levels and in ways never experienced before creates more complex ways with which children connect to each other regardless of geographical boundaries.

Secondly, the need for children to be socialised into ‘good citizens’, which could be also called the social investment approach (Lister, 2004; 2005; Qvortrup, 1993) where the child is seen mainly as a future citizen or future labourer, this is reflected in policies that are created specifically for these reasons and can be seen especially in sections of e.g. childcare, educational and healthcare policies and is discussed in more detail later in this chapter.

Thirdly, the assumption that children are in need of greater protection. Here, Prout (2003) concludes that the child is seen as ‘in danger’, or rather is depicted as the angelic and vulnerable child discussed
earlier in the section on childhood. Yet, as stated in the beginning of this section, increased protection is arguably the equivalent to greater adult control.

And finally, an attempt in *defining careers offenders*; i.e. the weeding out of and early preventative measures towards ‘likely’ career offenders. This is not only another social investment approach, but depicts the child as being ‘dangerous’ to society. This is mirrored in policies surrounding curfew guidelines in for instance Iceland, ASBOs in the UK,\(^5\) regulating youth movement through the community (e.g. disbursement tactics in the UK) and access (or lack of) to public property to name just a few.

Based on the arguments set forth in this section, it is easy to agree that children are one of the most highly governed social groups within society. Protection and provision are equal to greater control over children, early intervention are considered preventative and children are viewed or categorised as either ‘in danger’ or ‘dangerous’.

However, although most scholars can agree that children are a highly governed group within society, it is an altogether different case when asking whose responsibility it is to provide for or protect the child as shown in the next section.

**Tensions between the State, the Parent and the Child**

When looking at financial resources or rather financial provision, it becomes apparent that the tension between the roles of the family and state in children’s lives places its mark on child policy. On the one hand, no state intervention (e.g. no tax credits, family benefits, nor subsidised services for families) means that the sole obligation to provide for the child is set squarely on the parent’s shoulders, in other words, this equates to a very

\(^{5}\) ‘Anti-Social Behaviour Order (ASBOS) are court orders which forbid specific threatening or intimidating actions. An ASBO can ban a child aged 10-17 from: threatening, intimidating or disruptive actions, spending time with a particular group of friends or visiting certain areas’ (http://www.homeoffice.gov.uk/anti-social-behaviour/penalties/anti-social-behaviour-orders/)
small safety net for families. While on the other hand, greater state intervention means that benefit amounts increase and thus a wider safety net for those same families exist. However, as Ridge (2008, p. 168) states, “central to [this] debate is the issue of where the balance is to be struck between state support for children and state intervention in the private realm of family life”.

This tension between state and family, or rather the interrelationship between the state, the parent and the child can be better understood if we examine them first, along two axes. To begin with, there have been two main views that have surfaced in the child-parent relationship as it is legally defined. Some cultures have seen children as property while other cultures see the parents as keeping the children in trust. In the first, the child is in the ownership of the parent and the parent can raise the child as they see fit and in the most extreme instances, can sell or hire-out for work. In the latter, the parent becomes the provider, in fact is obligated to provide for the child until the child reaches majority. Recently, in Western states the inclination is more and more leaning towards the latter and the older view of the child-as-property is receding. Yet, having said that, in policy practice the child-as-property is still more prevalent in US legislation and the child-in-trust is more prevalent in Nordic legislation (Thomas, 2002).

Figure 2-2 The duality between legal definitions of the adult-child relationship

<table>
<thead>
<tr>
<th>child-in-trust</th>
<th>child-as-property</th>
</tr>
</thead>
<tbody>
<tr>
<td>obligation to provide for</td>
<td>ownership of</td>
</tr>
<tr>
<td>child</td>
<td>child</td>
</tr>
</tbody>
</table>

Secondly, the obligation of the family versus the state has often been a contention in family policy throughout the Western world. Some states take a laissez-faire approach to parenting; while others focus more on state paternalism or fall somewhere in-between (Fox-Harding, 1997; Thomas, 2002).
Notoriously, state paternalism is seen in its most extreme in Nazi Germany where parents were left without any rights when their offspring became children of the state. However, state paternalism in a less abrupt but just as dramatic form was often the status quo in the West well into the post-war era, especially in regards to the institutionalisation or fostering of children of poor or disadvantaged households (often lone mothers) in many countries including Iceland and the UK (Fox-Harding, 1997; Hobbs, 1980).

Today, in Nordic nations, attempts have been made to more equally distribute the responsibility between the state and family and move towards a more idealistic child-centred approach. The UN Convention on the Rights of the Child (UN CRC) specifically states that the state should help the parents achieve their goal of raising a healthy and well-adjusted human being. White (2002) states that not only does the UN CRC mediate the, “state’s relationship to the child”, it also places responsibility with the state to, “ensure resources are in place for the family to fulfil its responsibility to the child” (White, 2002, p. 1097). This emphasis is increasingly evident in child policy in Nordic countries, where policies strive to fulfil mandates such as the Copenhagen Declaration.

In the Copenhagen Declaration and Programme of Action, 5, it is acknowledged that the family plays a key role in social development and, as such, should be strengthened, with attention to the rights, capabilities and responsibilities of its members. Both call for creating an economic, political, social, cultural and legal environment that will enable people to achieve social development (UNDESA, 2005).
Children, Social Policy and Children’s Rights

These child-friendly policies in Nordic States are created to ensure to some degree that these fundamental economic, social and cultural needs are met and the state is there to help the parents in their role.

On the other end of the spectrum is the laissez-faire approach characterised by minimal state intervention. Laissez-faire versus state paternalism is still a hot debate. For instance, in the US, social policy encourages the parents to take responsibility without much state intervention (or benefits). State interference is kept minimal with supporters arguing that this creates a psychological bond between parent and child, where state interference would sever that bond (Thomas, 2002).

However, the two previous figures only show what is going on between adult agents; i.e. the state and parents and is lacking the perspective of the child. “Any policies that aim at reducing child poverty cannot ignore the particular triangular relationship that exists between children, their parents and the state” (Vranken, et al., 2010, p. 2).

Figure 2-4 The triangular relationship between children, parents and state in policies that influence child poverty

The figure on above depicts this tension visually, but as shown later in this thesis, it can change shape and structure depending on the country, the policy and the emphasis on children’s rights.

Vranken et al. (2010) as other scholars, believe that economic welfare by itself is not enough to gauge child poverty and suggest that
access to services needs to be included in child poverty research. Therefore, it will be important to depict this triangular relationship when looking at the policies in this study.

Although not focused on child poverty, one study conducted in the UK looked at adoption and foster care policies and concluded that there are in fact five identifiable categorisations of family policy in this field according to emphasis on state rights, parental rights or children’s rights. It is valuable to review this study of child care (fostering) from a historical perspective in light of this discussion on the tension between the child, the parent and the state.
Table 2-2 Fox-Harding’s (1997) classification of rights in children-in-care policy

<table>
<thead>
<tr>
<th>Historical Period</th>
<th>Specific Characteristics</th>
<th>Child as object</th>
<th>Child as subject</th>
</tr>
</thead>
</table>
| Patriarchy        | Early 19th century       | · Children as possessions  
|                   |                          | · No state interference | X |
| Laissez-faire     | Early 20th century       | · No state interference unless gross misconduct  
|                   |                          | · Education and labour laws | X |
| Birth Parents Rights | 1950s-1960s             | · Biological bonds  
|                   |                          | · Psychological bonds  
|                   |                          | · Bad parenting = social deprivation  
|                   |                          | · Support for parents | X |
| State Paternalism and Child Protection | 1960s-1970’s             | · Considerable state intervention  
|                   |                          | · Child as separate entity  
|                   |                          | · Devaluation of parenthood | X |
| Children Rights   | 1980s-1990’s*            | · Children’s rights  
|                   |                          | · Child’s perspective  
|                   |                          | · Ombudsman | X |


Here, Fox-Harding successfully merges the two views discussed from a historical perspective; child-as-property (patriarchy), child-in-trust (children’s rights), laissez-faire and state paternalism adding birth parent’s rights. Table 2-2 shows us the evolution of policies for children-in-care from a patriarchy stance to that of children’s rights.

According to Fox-Harding, few countries could claim complete emphasis on child’s rights. Yet, there has been documented an emphasis on children’s rights in family and child policies that are increasingly becoming prevalent especially amongst the Nordic countries (Satka & Eydal, 2004), while on the other hand, there are claims that children’s rights had not been widely accepted in social policy or legislation by the end of the 20th century in the UK (Fox-Harding, 1997). This had been changing
over the first decade of the 21st century, prior to the global bank crisis. For instance, the results of this study show that more and more policies emphasised children’s rights and the best interest of the child in the three states during that first decade, but that following the bank crisis austerity measures in at least one of the states has somewhat eroded the rights of children (see chapters five-seven).

However, before continuing, one main argument should be examined more closely in order to reveal how policies can enforce children’s rights and their best interest. This argument centres on how policies see children; as beings, becomings or both?

Social Investment: the Beings or Becomings Debate

Social Investment is an area in social policy where the child is seen mainly as a future citizen or future labourer, this is reflected in policies that are created specifically for these reasons and can be seen especially in sections of childcare, educational and healthcare policies for example.

Qvortrup (1993) so eloquently coined the term *beings or becomings* to describe this dualism when examining childhood. Yet, some scholars question why children must be given special rank to begin with, “The adult/child division in global regulation is a reflection of a widely held view that adults are human beings while children are human becomings” (Lee, 2001, p. 138).

In other words, adults have tended to view children as whom they will become in the future, rather than who they are today. White (2002) finds that, “children offer a mirror in which adults check and reflect their own hopes” (White, 2002, p. 1096) and that the argument surrounding beings and becomings centres not only on what children are versus the adults they become, but, parallel with gender studies, connotes the power struggle discussed in the beginning of this chapter. Thus, it is necessary to explore the idea that, “both adults and children are at once ‘being’ and ‘becoming’ negotiating their present in relation at once to their past selves and in response to encounter with other” (White, 2002, p. 1097).
Therefore, this argument goes beyond the dichotomy of being or becoming and suggests that, “there are no “beings”; i.e. neither fully autonomous nor independent individuals (Lee, 2001). That everyone, including adults, are, “always on our way towards something, always ‘becomings’ in some sense: becoming-child, becoming-adult, becoming-man, becoming-woman, becoming–researcher etc. ... thus, in Lee’s epistemology the child acts as a norm for the adult” (Brembeck, et al., 2004, p. 19). Lee (2001; 2005) argues for an understanding of the hierarchy of relationships from that of belonging, as this feeling of separateness causes separation anxiety in adults, as well. Therefore, Lee (2001; 2005) suggests the adults begin to fear that children’s rights will somehow create a distance or reduce the love between their children and themselves.

White (2002) also argues for a view that goes beyond this dichotomy of being/becoming or adult/child and insists; “what is needed instead is an appreciation of the multiplicity of relations amongst and between adults and children, and the variety of forms and terms of engagement which these comprise.” (White, 2002, p. 1097).

This debate between beings and becomings is also visible in child policy and child research. In child poverty and policy fields Levitas (2004) sees three main discourses unfolding over the last 20 years in the political arena. First, social exclusion, which is a citizenship based rights approach where resources are redistributed through the state and focus is on the reduction of inequality. Secondly, what Levitas (2004) calls a social integrationist discourse focusing primarily on parents’ labour market participation or thirdly, a moral underclass discourse focusing on the behaviour of the poor and, “idle, potentially criminal young men and single mothers” (Levitas, 2004, p. 44). It is mainly within the last two discourses that social investment is most evident in child policy. Investment being the operative word; invest in our children, invest in our schools, invest in the workers of the future etc.

This has very clear consequences for policy. Child poverty is targeted not from a moral rejection of poverty per se, but because poverty in childhood is a risk factor in later poverty and exclusion. Children brought up in poverty are less
able to compete in capitalist labour markets when they grow up (Levitas, 2004, p. 49).

Without a doubt, focusing on children as the future has helped policymakers create policies to eradicate child poverty. In other words, it has helped politicians to sidestep the moralistic debate of poverty and offer a less explosive reasoning for eradicating child poverty. In fact, it can be argued that social investment brings children in from the margins where they gain access to new resources (Lister, 2004).

Furthermore, Duncan and Brooks-Gunn (2000) argue creating such policies would ensure a more productive, creative and independent workforce in the future, and that, “economic logic suggests that policies aimed at preventing either economic deprivation itself or its effects are likely to constitute profitable social investments in the twenty-first century” (Duncan & Brooks-Gunn, 2000, p. 194). Therefore, the most pertinent aspect of social investment is the cost to the state; i.e. how and at what point should a state intervene in a child’s life that would be most cost effective. In other words, is it more expensive for the state to pay future unemployment or other benefits, or spend money today on efforts to help children become a more viable workforce in the future?

However, whether you agree with the validity of the concept of being or becomings in childhood, it is clearly in the best interest of the child and from a human rights perspective, to view the child and their well-being from their present experiences as well as their future selves when it comes to policy making. Is it not only in the best interest of the child, but also a child’s right to be seen both as a being and a becoming; who they are today and what they will become tomorrow?

Children’s rights and their reflection in social policy have gone through many transformations, where once viewing children as ‘beings’ was seen to be in their best interest, as we have seen in this section, a more amalgamated approach is now introduced by some researchers and child activists alike. In the next section, we will examine how social policy and children’s rights have become increasingly intertwined over time.
Over the 20th century the rights of children have evolved and children went from being the property of their fathers to parents being obligated to provide economically and socially for their children a nurturing environment that offers the child the best possible beginning for their life journey. The rights of children are increasingly forming the basis for policymaking and policy decisions throughout Western states and especially amongst Nordic states (Satka & Eydal, 2004; Therborn, 1993). As stated in the introduction, this thesis will analyse the occurrence of children’s rights in policies assumed to reduce child poverty and look at whether these policies are written from a child centred perspective rather than a parent-centred or state-centred perspective; in some instances a synthesis of these perspectives might emerge where the best policy allows for a balance between parent, child and state.

However, before this study is discussed in more detail it is beneficial to start by defining the concept of rights, “a right is a claim to be treated in a certain way. The content of the claim is justified on the basis that every person has inherent worth, irrespective of their virtues, abilities or values to others” (Axford, 2008, p. 29). Thus, one would assume that children’s rights could be defined as the right of a child to claim to be treated in a certain way…that every child has inherent worth, irrespective of their virtues, abilities or values to others. However, as discussed in the previous chapter, “children’s rights throw up special challenges because of the contested nature of childhood” (Axford, 2008, p. 33). Therefore, the next section begins at the very basis and examines children in regards to citizenship.

Children and Citizenship

Citizenship is a basic element in Western political thinking; combined citizenship and social theory is one of the central organising features of Western political discourse (Hindness, 1993; Lister, 2008; Turner, 1993). Moreover, as we saw earlier in this chapter, the definition of the term child is reflected in how children are seen in policy or rather as Therborn (1993) states, “the constitution of modern childhood has defined what childhood is
and what children are” (Therborn, 1993, p. 245). He briefly explains the historical evolution of rights from adult males to children:

The emancipation of adult males was a liberation from gerontocracy and from feudalism, slavery and other socioeconomic despotisms. That of women and children has in both cases above all been a process of liberation from patriarchy....and children came last; freeing a legitimate space for children beneath the weight of paternal power began to occur about half a century after the first significant advances of women (Therborn, 1993, pp. 253-254).

Therborn (1993) created a framework for comparative child policy that is based on the evolution of children’s rights over the last century. However before we examine his contribution to this discourse, it is essential to take a brief look at citizenship theories, although whatever is written here is only the tip of the iceberg of new and emerging perspectives in this area of childhood studies.

So what is citizenship? According to Marshall (1952) citizenship constitutes three elements:

1. The Civil Element; the rights necessary for individual freedom...and the right to justice.

2. The Political Element; the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body.

3. The Social Element; from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being, according to the standard prevailing in the society (Marshall, 1952, p. 11).

However, Therborn (1993) noticed that children received rights in a different order than other groups in society; i.e. beginning first with basic social rights followed by some civil and political rights mainly through educational settings.

Nevertheless, citizenship is so much more than these individual parts. According to Lister (2008), “citizenship simply denotes the legal
status of membership of a nation-state as symbolized by the right to a passport. However, at a substantive level it means much more than this legally, politically and socially” (Lister, 2008, p. 10). In other words, it is the sum of these parts (so much more than individually) that creates full citizenship.

Yet, as seen with any socially defined concept, the term citizenship varies in meaning in space and time; i.e. socially, politically, culturally and historically, thus making it even more difficult to define children’s citizenship. Qvortrup (2005) takes a more direct approach and defines children’s citizenship simply as, “the extension of economic and social rights (as well as responsibilities) to children” (Qvortrup, 2005, p. 218). Lister (2008), however, dissects the term to understand it better and to allow a greater discourse of how this influences the status of children within society. She includes three main elements: (1) membership of a community, (2) the rights and duties that flow from that, and (3) equality of status (Lister, 2008, p. 10).

When asked about membership, children often see citizenship as universal, “children’s relationship to that community may be different from adults, but that does not necessarily affect the claim to citizenship status” (Lister, 2008, p. 11). By allowing children full citizenship status the inequality of power distribution in the adult-child relationship would be addressed. When it comes to rights, Lister (2008) points out that one argument of many is that children have the right to be heard and to voice an opinion and for some it is mainly children’s lack of voting privileges that places their citizenship status at risk. In the UK there is a strong debate to lowering the voting age to 16 and if this were to succeed one would assume that many states would follow suit (CRAE, 2008). Equality, Lister (2008) states, deals with respect and recognition where it has emerged that although children have demonstrated the ability to show respect it is the lack of respect and recognition of children’s responsibilities that excludes them in part from full citizenship status. In theory, the UN CRC was an attempt to offer children better citizenship status.
In fact, White (2002) claims that the UN CRC offers fundamental human rights not only for children, but adults as well. Briefly to begin with, the UN CRC offers children inclusion and recognition in society through social policy:

Inclusion;

Challenges assumptions of children’s “difference” and the age-based exclusionary and exploitative practices to which this can give rise.

Recognition;

Of children’s status; vulnerability, interests and entitlement. Children are a priority group for special services; i.e. school, health and protection (e.g. from exploitation and/or exposure to harmful work). Children are not a scale model of adults, but individuals that require a distinctive and particular approach (White, 2002, p. 1095).

However, before the innovation of the UN CRC and surrounding literature is presented in more detail, it will be beneficial to retrace the history of children’s rights, which in of itself includes the history of human rights and the UN CRC.

History of Children’s Rights

Human rights go beyond national borders existing out of the realm of the state, “tying together rights and obligations” (Lister, 2003, p. 59). This includes the issue of poverty and starvation (Lister, 2003). The human rights discourse can be traced to its infancy 400 years ago (Alderson, 2008a; 2008). Philosophers such as Locke, Paine and Kant discussed the rights of man; rights, “to personal privacy, to own property and to have freedoms, for example, of thought, conscience, and religion” (Alderson, 2008a, p. 47). Of course, as is well known, these rights were not originally for all men and women, but only thought of in regards to white European men of property, whereas, “women and children were seen as too dependent and irrational to have these rights” (Alderson, 2008a, p. 47).

This assumption that rationality and rights went hand in hand was questioned in the 19th century by philosophers such as John Stuart Mill, but
still did not include the notion of children, “whether they make wise or foolish decisions (and who is to judge what is wise?) adults, but not children should have the precious freedoms of autonomy and liberty” (Alderson, 2008a, p. 48).

For women, independence, rights and citizenship were beginning to be acknowledged in the US and UK by the middle or late 19th century (Lister, 2003). However, these were not full rights as recognised by today’s treaties and conventions, “a married women could not, without her husband’s consent, own property or make contracts…free access to education and employment and even the custody of her own children were rights denied to her” (Lister, 2003, p. 69). Women gained political rights before civil rights, since even after winning the vote women were still denied the same liberties of men well into the 20th century; e.g. jury duty, immigration laws, taxation (Lister, 2003). In fact, even scholars were criticised later in the 20th century for being blind to gender and race. For instance, Marshall (reviewed earlier in this chapter) was criticised for focusing on class while missing the importance of gender (Lister, 2003).

As shown later, Therborn’s (1993) findings indicate that children have gained rights in an order different than European men, women and non-European people; e.g. political rights have not been achieved for children first. Therefore, it is important to examine in more detail the path children’s rights have taken.

The development and progression of children’s rights, and consequently the UN CRC alongside other human/children rights conventions, was a long and winding process with roots reaching far back into earlier times. As seen in the following Table 2-3, children’s rights were first acknowledged internationally in the Geneva Declaration on the Rights of the Child in 1924.
Table 2-3 Historic timeline of children’s rights in the 20th Century

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geneva Declaration on the Rights of the Child</td>
<td>1924</td>
</tr>
<tr>
<td>Universal Declaration of Human Rights</td>
<td>1948</td>
</tr>
<tr>
<td>UN Declaration of the Rights of the Child</td>
<td>1959</td>
</tr>
<tr>
<td>Proposal to the UNCHR to adopt a convention on the rights of the child</td>
<td>1978</td>
</tr>
<tr>
<td>International Year of the Child</td>
<td>1979</td>
</tr>
<tr>
<td>Drafting of the UN CRC begins</td>
<td></td>
</tr>
<tr>
<td>UN General Assembly agrees to adopt CRC into international law</td>
<td>1989</td>
</tr>
<tr>
<td>UN CRC is adopted</td>
<td>1990</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Three examples of ratification of the UN CRC</th>
<th>Signed</th>
<th>Ratified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iceland</td>
<td>26 Jan 1990</td>
<td>28 Oct 1992</td>
</tr>
<tr>
<td>Norway</td>
<td>26 Jan 1990</td>
<td>8 Jan 1991</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>19 Apr 1990</td>
<td>16 Dec 1991</td>
</tr>
</tbody>
</table>

Source: (CRIN, 2007; United Nations, 2010)

Yet, however significant the UN CRC is in the history of children’s rights it obviously does not mark the beginning of the children’s rights movement, but is rather a culmination of the rhetoric and debate that had surfaced over previous years. Although there is some speculation as to when and where children’s rights actually began to surface some clues can be found in prominent late 18th –early 20th century literature:

Thomas Spence (1796) The Rights of Infants
Jean Valles (1879) L’Enfant
Kate Douglas Wiggin (1892) Children’s Rights: A Book of Nursery Logic
Janusz Korczak (1919) How to Love a Child
Janusz Korczak (1929) The Child’s Right to Respect

So, how did the ideas of these men and women jump from the page and onto the international arena in the 20th century?
Geneva Declaration on the Rights of the Child

A young English woman, Eglantyne Jebb, joined the charity Save the Children in 1919 organizing food and clothes for children following WWI and founded Save the Children in Sweden and other countries. This enterprising young woman helped pen and advocate a significant twentieth century civil rights document; the Geneva Declaration on the Rights of the Child (Beigbeder, 2007; Detrik, et al., 1992).

The Geneva Declaration (see appendix II.i p. 355) was first adopted by the International Save the Children Union in 1923, three years before it was signed by the League of Nations in 1926. Although, one would hesitate to use some of the terms in the Geneva Declaration today (e.g. backward child) it laid the groundwork for consequent treaties and finally the UN CRC that in general still contain the same overtones of protection (Art. 3-4 Geneva Declaration 1926) and social investment (Art. 4-5, Geneva Declaration 1926).

During the time between the two World Wars, there existed trepidation amongst nations in committing themselves to a more comprehensive international legally binding agreement. States feared a loss of autonomy or sovereignty. However, this concern swiftly changed in the aftermath of WWII and the suffering caused so easily by men and political policy (Ben-Arieh, 2008).

A slightly amended version of the Geneva Declaration was adopted by the United Nations in 1946 followed by a more comprehensive version (the UN Declaration of the Rights of the Child) being adopted in 1959. First, however before it is possible to make that leap the evolution in human rights and thus children’s rights will be presented.

Universal Declaration of Human Rights

This is neither the first nor the last time that, historically, a human rights declaration or convention is influenced by the political tension between the East and West. Yet, it is possible to argue that although this may have constricted the human rights movement in some ways, it may also have benefited it. “This document [the Universal Declaration of Human Rights]
included two different sets of rights civil and political rights, which were strongly advocated by the West, and economic, social and cultural rights, which were championed by the Soviet Union and its allies” (Ben-Arie, 2008, p. 34). Thus, strong opposing ideals met and melded a more comprehensive document; however other factors were set aside in order to come to a consensus (see appendix II.ii p. 356). This in turn stimulated a new declaration of children’s rights.

UN Declaration of the Rights of the Child, 1959

The influence of the Universal Declaration of Human Rights is evident in the wording of the Declaration of the Rights of the Child and the UN CRC with the proclamation of universal human rights while the ideals of the child in need of protection from the Geneva Declaration remained intact (see Appendix II.iii on page 355).

Beigbeder (2007) states that it is, “clear that children are vulnerable. More than adults, they are exposed to and suffer from poverty, underdevelopment, ill health, and lack of education. Many suffer hardship and abuse. Governments with appropriate international support, are responsible for creating the conditions under which children can develop their full potential” (Beigbeder, 2007, p. 511). The child in need of protection remained potent, while new ideas of childhood and children’s rights began to surface.

International Year of the Child

During the 60’s and 70’s the West saw an increase in the debate on child’s rights specifically how far children’s rights should be taken, the child was seen as less passive and the child’s perspective described previously in this chapter began to form theoretically as well as ideas of children’s competency and ability to participate in society with a counter-argument of how these rights would or would not impinge on the rights of other members of society (such as parents). Thus, it is easy to argue that at this moment the international arena was ripe for a move towards a more encompassing legal definition of childhood and children’s rights than that provided by the Declaration.
In 1978, the Polish UN delegate presented a proposed draft of a convention for children’s rights before the UN Commission on Human Rights. It was based on the previously adopted Human Rights Convention and Declaration on the Rights of the Child in hopes that, based on this merit, it would hasten the adoption process in order for it to be accepted the following year; i.e. the International Year of the Child. This is not the first time that Poland had expressed a concern for codifying and defining specific children’s rights and not surprisingly so, considering the country’s rich history of child rights advocates such as Janusz Korczak (Detrik, et al., 1992). The Polish proposal was accepted, an open-ended Working Group on the Question of a Convention on the Rights of the Child was established, and the drafting of the UN CRC began. Unfortunately, the drafting of the UN CRC took longer than the optimistic hope of one year, in fact it took ten and even at one point it was feared that it would actually take twenty. The early years of the Working Group was influenced by the tension of the cold war, until 1985 when tensions between East and West began to subside. The major actors in the drafting process over represented the northern hemisphere and an attempt to rectify this is evident in the increase in representation and observations from southern governments and Islamic States in later years of the drafting. Whether this was in time is still debated (Siraj Sait, 2000).

Surprisingly, in retrospect of the current importance of non-governmental organisations’ (NGO’s) roles in the implementation of the UN CRC the NGO’s did not play a clear role in the drafting until after 1983, following an “NGO Consultation” held in Geneva that concluded a need for an NGO Ad Hoc Group representing over 20 organizations aimed at solidifying and coordinating the efforts, experience and knowledge of NGO’s in regards to the drafting of the Convention. The NGO’s went on to draft Articles 42-45 of the Convention (Detrik, et al., 1992).

6 See e.g. Janusz Korczak (1929) The Child’s Right to Respect
Finally, the UN CRC was drafted and accepted by the United Nations Council then ratified by 189 countries (to read the UN CRC in its entirety see appendix II.iv p. 363). Casas (1997) concludes, “both in a sociological and psychosocial sense the Convention even starts a ‘new Childhood’, a new image of what children are as a social group or as a social category” (Casas, 1997, p. 283). Similar to ideas of the child’s perspective, now children are defined as members of, “the ‘human category’ in its full sense, with civil and political rights that formally include liberties as human beings as stated in articles 12 to 16 of the Convention” (Casas, 1997, p. 283). This has laid the groundwork for a global acceptance of children’s citizenship, which as we saw earlier, is still being debated and the ideal of full citizenship status for children is, albeit much closer since the ratification of the UN CRC, still to be fully rectified (Invernezzi & Williams, 2008; Lister, 2008; Roche, 2002).

Ratification by States Examined in this Study

Norway ratified the UN CRC in 1991 with one reservation then, “on 19 September 1995, the Government of Norway notified the Secretary-General that it had decided to withdraw its reservation with respect to article 40(2)(b)(v) made upon ratification of the Convention” (UN, 2010). Norway was already known for being a pioneer in welfare and social equality and the same could be said in the case of children.

The Nordic nations are known for their family friendly policies, while Iceland has always tended to be more right-from-centre politically speaking than its Nordic cousins (Eydal, 2004; Ólafsson, 1999). It ratified the UN CRC in 1992 and had reservations to two articles, article 9 children’s contact with biological parents and article 37, the legal detention of minors:

1. With respect to article 9, under Icelandic law the administrative authorities can take final decisions in some cases referred to in the article. These decisions are subject to judicial review in the sense that it is a principle of Icelandic law that courts can nullify administrative decisions if they conclude that they are based on unlawful premises. This competence of the courts to review administrative decisions is based on article 60 of the Constitution.
2. With respect to article 37, the separation of juvenile prisoners from adult prisoners is not obligatory under Icelandic law. However, the law relating to prisons and imprisonment provides that when deciding in which penal institution imprisonment is to take place account should be taken of, inter alia, the age of the prisoner. In light of the circumstances prevailing in Iceland it is expected that decisions on the imprisonment of juveniles will always take account of the juvenile's best interest," (UNHCHR, 2001).

The UK ratified the UN CRC in 1991 with a long list of reservations, but mainly the reservations included the definition of citizenship within the UK, and as with Iceland, the detention of a minor:

(c) The United Kingdom reserves the right to apply such legislation, in so far as it relates to the entry into, stay in and departure from the United Kingdom of those who do not have the right under the law of the United Kingdom to enter and remain in the United Kingdom, and to the acquisition and possession of citizenship, as it may deem necessary from time to time

(e) Where at any time there is a lack of suitable accommodation or adequate facilities for a particular individual in any institution in which young offenders are detained, or where the mixing of adults and children is deemed to be mutually beneficial, the United Kingdom reserves the right not to apply article 37 (c) in so far as those provisions require children who are detained to be accommodated separately from adults (UNHCHR, 2001).

While recently the removal of reservations regarding one group of children who normally live without any rights; i.e. asylum seeking children in paragraph (c) above. This has been well accepted among children’s rights activists, social workers and other childcare professionals (CRAE, 2008).

Here, the history of children’s rights has been examined, the creation of the UN CRC and briefly how it influences policy. However, what influence has children’s rights had on the academic field and in the area child research?
Children’s Rights in Research

Children’s rights, as a topic of research, have grown in part out of the child’s perspective and child well-being themes. As shown earlier in the chapter, until recently, children have been seen as an object in research, but a current trend is growing towards these child-centred perspectives (Alderson, 1995; Alderson & Morrow, 2004; Andrews & Ben-Arieh, 1999; Bastos, 2001; 2006; Danziger & Waldfogel, 2000; Middleton, et al., 1997; Neupert, 2005; Ridge, 2002; Satka & Eydal, 2004).

Adults have been researching children for more than a century (Ariès, 1963 (1996); Darwin, 1877; Mead, 1955; Piaget & Inhelder, 1948 (2002)) and, as seen earlier, the idea of the child has long been debated and that this debate is never static but like society is rather fluid in nature and can swing from one extreme to the next (Coppock, 2002; Cunningham, 2005; Franklin, 2002a).

When it comes to research it is essential to recognise that children have the same rights as other social groups to be studied of their own accord. In fact, studies have shown that children are social actors, who make important contributions within the family (Ridge, 2006). In other words, as stated eloquently by Qvortrup (1993), children should be studied as beings and not just becomings. Other researchers are in agreement with Ridge and Qvortrup. Brembeck et al. (2004) describe this as:

A new understanding of the child has been presented: that of a social and cultural being, an adequate member of society, who acts, reflects and contributes to its own growth as well as the growth of society. Children are attributed agency, and constructions of subjectivities are understood as ongoing processes where identities are negotiated. Culture is not primarily regarded as a process of transmission from adults to children, but as a process of the continuous construction of meaning that children as much as adults participate in (Brembeck, et al., 2004, p. 18).

Although, some studies conclude that ‘real’ participation in creating social policy amongst the general adult population remains elusive (Bochel, et al., 2008) it goes without question that children as a group still remain amongst
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those within society without a voice. However, it all boils down to one simple rights premise, which is that society should respect a child’s views because, although they may at times vary from those of adults, their views, “have the same moral legitimacy” (Ridge, 2002, p. 7).

Furthermore, it is possible to detect a subtle change and deepening in the focus and emphasis in the field of children’s rights research which is evident between e.g. The Handbook of Children’s Rights and The New Handbook of Children’s Rights edited by Bob Franklin (Franklin, 1995; 2002a). In the former book the main emphasis throughout is on the practical implementation of the UN CRC and discourse on children’s need for codified rights, while in the later addition the emphasis has evolved and blossomed into many areas of focus within the discourse of children’s rights; from access to resources (e.g. health care, public space etc.), to participation, minorities (e.g. refugees, young carers etc.), social policy, global rights and so forth. It can be argued that this expansion in focus seen here in just seven years is representative of the spread and increase in children’s rights research throughout the field of childhood studies.

The next section returns to the discourse on children’s rights in social policy and will examine more closely whether a similar expansion into child-centred approaches is evident.

Children’s Rights in Social Policy

The various attitudes toward children described in research (above) and in society (earlier in the chapter) are mirrored in social policy. In fact James et al. (1998) conclude that the institutionalisation of childhood through social policy not only reflects society’s attitudes towards children, but compounds these norms. When it comes to child or family policy there are specific ideas or ideals about children, which surface and are often established around social-based concepts: a paternalistic stance, the vulnerable child in need of protection; social investment and children as future citizens; the savage child where policy is merely adopted to regulate child behaviour; the competent child and a focus on child participation etc. (Archard, 2004; Brembeck, et al., 2004; Coppock, 2002; Franklin, 2002a; Jenks, 2005).
Therborn (1993) has analysed a large range of policies regarding children and children’s rights which he identifies as:

*child-centred family rights*, “a consensual union of parents and children in place of a transcendental paternal hierarchy” and the idea of the best interest of the child. Here, it refers to, “explicit legal formulation of equal parental obligations and of the best interest of the child as a paramount principle, e.g. in custody litigation”.

*equality rights*, “equality between children regardless of their parents’ marital status”. Here, it refers to, “equality between children of married and non-married parents with regard to both paternity and inheritance”.

*integrity rights*, “legitimizes the autonomy and the personal integrity of the child, both inside and outside the family context”, and refers to, “legal prohibition of corporal punishment by parents and other custodians plus children’s rights to divorce their parents/guardians” (Therborn, 1993, pp. 254-256).

From this categorisation we could maintain that the study conducted here for the most part will be examining equality and integrity rights, where focus is on the child. This will be discussed in more depth in chapter four. First, an examination of recent comparative studies in child policy is presented next.

**Comparative Studies in Child Policy**

The field of comparative family policy studies has grown greatly over the last two decades and as we will see in the following chapters, a new generation of scholars have been crucial to our current understanding of public spending on families with children and its effect on child wellbeing in the three states of this study and beyond; Jonathan Bradshaw at the University of York, Anne Skevik-Grodem and Aksel Hatland at NOVA (Norwegian Social Research), and Guðný Björk Eydal and Stefán Ólafsson
as each chapter unfolds, these names will crop up over and over and comparative studies in each area; child benefits, child support and early childhood education, will be revisited in more depth as and when appropriate. In this section we will take a brief look at two volumes of comparative studies that help articulate the approach used in this study.

Ostner and Schmitt (2008) edited a collection of chapters reporting on an international study that aimed to examine, “the differences and similarities in social policies supporting parenthood, including parents’ employment, in eight countries”, (Ostner & Schmitt, 2008, p. 9) the five Nordic countries and the UK, Netherlands and Germany. I chose this volume of work out of many good examples, as it offers a general overview of all three states studied here, each state’s summary conducted by those scholars mentioned in the beginning of this section is presented chapter by chapter. When it comes to discussing children’s rights Ostner and Schmitt (2008) concluded that, “the Nordic countries pioneered in putting children first, granting them rights sometimes at the expense of those of their parents. The legal individualisation of children has helped re-draw, and often blur the boundary between the state and the privacy of the family, albeit to a much lesser extent in the UK” (Ostner & Schmitt, 2008, p. 204).

Bradshaw and Hatland (2006) also edited a volume on comparative family policy that included all three states studied here. The emphasis of these comparative studies is on, “the relationships between work, family change and social policy” (Bradshaw & Hatland, 2006, p. 1). In this particular volume instead of each state being viewed separately chapter by chapter as in Ostner and Schmitt (2008) each area from family change to employment to policy is looked at comparatively one area at a time, “we aim to use comparison to elucidate the nature of family change, employment and social policy” (Ostner & Schmitt, 2008, p. 7). Therefore, in this study I

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7 See e.g. Bradshaw, 2003; 2006; 2007; Bradshaw & Finch, 2002; Bradshaw & Hatland, 2006; Bradshaw & Mayhew, 2006; Bradshaw et al. 1999; Eydal, 2005; Eydal & Olafsson 2003; 2006; Hatland & Mayhew, 2006; Olafsson, 1999; 2011; Satka & Eydal, 2004; Skevik, 2003; 2006
will organise the chapters by the area of policy examined rather than by state.

Comparative Research

Later, other comparative studies will be introduced in more depth that pertain to the specific area of policy analysed. For instance Meyer et al. (2011) conducted a comparative analysis of child support schemes (including Norway and the UK) looking at how child support policies can create inequity between siblings. They found that when families became increasingly complex (half-siblings living in multiple households) the rights of the first born were at risk in some cases.

Bradshaw and Finch (2002) compared child benefit packages in 22 states (including Norway and the UK) and found, “non-income-related child benefit is still the most popular vehicle for delivering the child benefit package. Only seven countries do not have any non-income related child benefits” (Bradshaw & Finch, 2002, p. 8)

Of the three policies examined, comparative studies were most prevalent in early childhood education and care. Comparative studies were found that compared provision (Finch, 2006; Leira, 2002; OECD, 2001; 2006), addressed gender inequality (Korpi, 2000; Björnberg, 2006; Eydal & Rostgaard, 2011) and poverty (Solera, 2001), examined the “marketisation” of care (Brennan, et al., 2012) and the rights of children (Herczog, 2012).

Comparative Policy and Children’s Rights

Few comparative studies look at both poverty and rights. Vranken et al. (2010) suggest that, “the potential role of a human rights approach to socio-economic research on poverty has not been fully explored, at least not in terms of how human rights can influence research questions, the focus and structure of analysis and the identification of policy implications” (Vranken, et al., 2010, p. 1).

In their book Why Care? Children’s Rights and Child Poverty (Vandenhole, et al., 2010) important discussions are presented around international treaties, children’s rights and policy, and defining child poverty,
but the field of comparative child policy analysis from a children’s rights perspective is so new that specific comparative policy analysis is not presented. For instance, Vranken (2010) proposes a holistic framework approach to understanding child poverty asking, “How important is perception with respect to child poverty? Of utmost importance, especially since our views on child poverty are often clouded by feelings of compassion” (Vranken, 2010, p. 109). However, this is looking specifically at child poverty analysis.

In the same book, Schockaert and Nicaise (2010) look at the social factors underlying child poverty such as unemployment, education and social capital using the Belgian Household Panel Survey and found, “Poverty persistence, factors hampering outflow such as unemployment, low educational attainment and reduced social capital, and the effects of policy measures are different for adults and children” (Schockaert & Nicaise, 2010, p. 143).

Although not comparative policy studies per se, the conclusions of both Vranken’s (2010) framework proposal and Schockaert and Nicaise’s (2010) results add more weight to the premise of this thesis. In that it is important to analyse child policy from a new perception such as the children’s rights perspective (Vranken, 2010) simply because policies affect children differently (Schockaert & Nicaise, 2010).

Briefly, Therborn’s (1993) comparative study of the evolution of children’s rights in policy has already been discussed in this chapter, but is mentioned here as it indicates not only how children’s rights evolved differently than other groups such as the rights of women, but that this evolution varies between states. In the next chapter the results of his study are discussed in more depth.

In closing

In this chapter, the focus has been on the definition of children in society and social policy and an argument was made that child policy can be defined according to the three P’s of the UN CRC; provision, protection and participation. Research has indicated that how children are seen and defined within policy dictates to some extent what policies are put into place. 61
and thus, it is meaningful to explore how children and children’s rights are represented in policies that are assumed to prevent child poverty and social exclusion. Therefore, children’s rights and the relevance of viewing child policy from a rights-based approach were presented. 9

As presented in the next chapter, the definition of poverty by the UN CRC provides one of the perimeters for the selection of policies examined in this study and later in chapter four, its pertinence to the creation of the framework is provided.
“The persistence of child poverty in rich countries undermines both equality of opportunity and commonality of values. It therefore confronts the industrialized world with a test both of its ideals and of its capacity to resolve many of its most intractable social problems.”

Chapter 3.  Data: Child Poverty in the States and Policies Selected

Child poverty continues to be an issue in affluent states, but recent EU directives and New Labour initiatives in the UK during the first decade of the 21st century, put children and child poverty squarely on the political agenda. In the UK alone, children came out from behind their parents as a statistical unit in their own right. Whereas in Norway, focus was placed more on children’s rights and with the adoption of the UN CRC as an amendment of the Human Rights Act in 2003 meant that all policies concerning children, including those that reduced child poverty became even more child-centred. At the same time Iceland lagged behind the other two states in child poverty research. Politically, focus was more on gender equality and creating a robust framework of family policy, where child poverty had not been officially calculated until 2006. Yet, academically the issue of child poverty in the first decade of the 21st century is closely linked with the new focus on children as a separate entity in research as outlined in chapter two.

This chapter presents the data selected for this study; both the states and policies chosen and is set up in four sections. First, the three states being studied are introduced in more depth; Iceland, Norway, and the UK. This includes a description of common demographics such as child population, GDP and social expenditure rates.

It is necessary to introduce the three states first, because once the discussion turns more concretely to child poverty in the second section, the child poverty rates and well-being scores presented are better understood.

8 Unicef (2000, p. 1)
in light of the historical categorisation of the three welfare states. Therefore, the importance of child poverty research in affluent states is discussed in this section coupled with the various child poverty measurements used by researchers today.

The third section examines briefly Therborn’s (1993) results of his study examining the evolution of children’s rights in social policy in the West. Finally, the fourth section presents the policies examined and how they were selected based on two criteria; 1) the definition of economic well-being as depicted in the UN CRC, and 2) that the policy is assumed to alleviate child poverty.

Selecting States

In this section, the reasons for including Iceland, Norway and the UK in this study are presented. First, the historical ties between these three states on a social policy level are examined. This includes a look at the states’ demographics, GDP and social expenditures for families.

The three states approach child policy, child wellbeing and, thus, child poverty in various ways. However, that is not how it began; the UK, Iceland and Norway share a historical emphasis based on Beveridge’s theories (see Table 3-1).

The UK was a pioneer of the 19th century and the vanguard in both the industrial revolution and utilising market forces as well as social security during the first half of the 20th century. Beveridge wrote his renowned report Social Insurance and Allied Services during WWII that focused on poverty, illness and unemployment (Esping-Andersen, 1990; Ólafsson, 1999).

Beveridge Report 1942

In order to understand the impact Beveridge had on the creation of the welfare state in the 20th century, associated with the ‘second great reform wave’, (Esping-Andersen, et al., 2009, p. 18) it is necessary to examine the history of social and welfare policies. For centuries the most common form of assistance was in the form of alms and charity.
In pre-industrial agricultural societies the responsibility for social care rested firmly on the shoulders of the family (Ólafsson, 1999). In the three states studied here there are three medieval laws that influenced social assistance well into the 19th century:

- In Iceland, the medieval laws Grágas (ca. 1262) had clauses stipulating that the parishes were responsible for those without family and who could not provide for themselves identified as ‘the needy’ (Ólafsson, 1999).
- In Norway the Frosttingsloven (ca. 1260) established a committee of five farmers and one priest in each parish, which placed the responsibility of helping those in need on the shoulders of well-off farmers (Ólafsson, 1999).
- In England, the Old Poor Act 1601 was the first law to create a comprehensive policy for a nation that set guidelines and defined the rights of the poor. Poor assistance was regulated by the parish and a poor tax applied to tax payers (Ólafsson, 1999).

The 19th century saw the birth of the industrial age, with new lifestyles as well as new social problems. In the UK, it was the industrial revolution that pushed the development of new welfare forms as urban populations grew and employment became less secure (Ólafsson, 1999; Wilensky, 1975). During this time there was a flourish of unions and union based social insurance (Friendly Societies) (Ólafsson, 1999). Employer-based insurance also became common throughout the west, but employees were not always guaranteed payments as many companies went bankrupt or found the system too costly. Although both these types of social insurance were widespread it left a part of the population uncovered as the unemployed or the lower working classes did not have access (Ólafsson, 1999).

In the UK, this was paired with social assistance in the form of the New Poor Law, 1834, The Pension Act, 1908 and similar acts in 1911 outlining healthcare and unemployment (Ólafsson, 1999). “Benefits were modest and aimed mainly at putting a floor under the declining wages of
older workers and a modest income for their widows” (Esping-Andersen, et al., 2009, p. 158). Although Beveridge played some role in the latter acts (1908-1911) he is best known for the report that bears his name (Ólafsson, 1999).

Beveridge set out to create a social security system where an individual’s basic needs were met in a manner where the individual could help themselves (Ólafsson, 1999). In the report, he identified ‘Five Giant Evils’; Ignorance, Disease, Idleness, Squalor, and Want, which were weakening British society (Alcock, 2008; Ólafsson, 1999). “He argued that it was in the interests of all citizens to remove these evils from British society, and it was the duty of the state, as the representative body of all citizens, to act to do this” (Alcock, 2008, p. 6).

Beveridge introduced the idea of universal flat benefits for everyone (Esping-Andersen, et al., 2009). The focus here was on the market and family with support from the state. However, it is important to remember this was created at the height of the male-breadwinner era and, “when Lord Beveridge and his political contemporaries launched their commitment to full employment, they were explicitly referring to men only”. (Esping-Andersen, et al., 2009, p. 21).

During the post-war era western states adopted many aspects of the Beveridge system (e.g. family assistance) and, thus, states began spending more on its citizens not only in the form of monetary assistance, but as institutes and services were needed or bolstered to take on this new responsibility (Alcock, 2008; Ólafsson, 1999).

Iceland based its first encompassing Social Security Act of 1942 on the New Zealand Act of 1938, which in turn was based on Beveridge (Ólafsson, 1999). During WWII, Norway’s exiled government was housed in London. Influenced by Britain’s emphasis on welfare, Beveridge was carried back with them to Norway at the end of the war (Bjørnson, 2001). Thus, we have three countries that are historically connected, however, emphasising relatively different approaches to child poverty today.
Next, the connection between Iceland and Norway becomes apparent due to the mutual emphasis on family policy via the Nordic Council. The UK has historically placed an emphasis on the market, self-preservation and charities, but not to the same extent as other English-speaking countries, such as the US, choosing to balance the market with family values (Ólafsson, 1999).
### Table 3-1 Variances and similarities between the three countries' approach to social policy in simplistic terms, 2011

<table>
<thead>
<tr>
<th>Classical categorization of welfare state</th>
<th>Iceland</th>
<th>Norway</th>
<th>United Kingdom</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basis</td>
<td>Beveridge/Scandinavian</td>
<td>Scandinavian</td>
<td>Beveridge</td>
</tr>
<tr>
<td>Income related and universal</td>
<td>Universal</td>
<td>Universal and market related</td>
<td></td>
</tr>
<tr>
<td>Main emphasis</td>
<td>Family and gender equality</td>
<td>Middle class Redistribution and equality</td>
<td>Combined market and family values</td>
</tr>
<tr>
<td>Other characteristics</td>
<td>Means-tested social security Universal health care</td>
<td>Income equally distributed Tax-based benefits Universal health care</td>
<td>Premiums paid by both employer and employee Self-preservation Charities Universal health NHS</td>
</tr>
<tr>
<td>Welfare or social security benefits</td>
<td>Means-testing Cash and non-cash transfers</td>
<td>Universal (Means-tested was a brief trend)</td>
<td>Means-testing Cash and non-cash transfers</td>
</tr>
<tr>
<td>Family Benefits</td>
<td>Means-tested child benefit</td>
<td>Universal child benefit</td>
<td>Child tax credit Means-tested Universal child benefit</td>
</tr>
<tr>
<td>Child Support</td>
<td>State guaranteed system with advance payments</td>
<td>State guaranteed system with advanced payments</td>
<td>Emphasis on private arrangements Targeted support for parents through CSA/CMEC</td>
</tr>
<tr>
<td>Paternal leave</td>
<td>Paternity/Maternity leave Paternal leave</td>
<td>Paternity/Maternity leave Parental leave</td>
<td>Maternity/Paternity leave has some regulation, but is an agreement between employer/employee</td>
</tr>
<tr>
<td>Early childhood education and care</td>
<td>State regulated and local authority subsidised ECEC</td>
<td>State regulated and local authority subsidised ECEC</td>
<td>Targeted; Sure-Start Universal free 15 hours per week for 3-4 year olds</td>
</tr>
<tr>
<td>Emphasis on child/family policy</td>
<td>Family centred Gender equality</td>
<td>Family centred /individualised</td>
<td>Social investment/ child poverty</td>
</tr>
<tr>
<td>Reason’s to include</td>
<td>Icelandic has historical ties with both Beveridge and Scandinavian approaches when it comes to social policy the child poverty rates for the UK and Iceland vary greatly.</td>
<td>Norway was influenced by Beveridge following WWII Iceland has ties to Norway, and to some extent a shared emphasis on the family.</td>
<td>The pioneer in the welfare state and home of Beveridge. The Labour Party placed a great emphasis on reducing child poverty in the UK during the first decade of the 21st century.</td>
</tr>
</tbody>
</table>

Sources: Björnberg (2006); Björnberg & Bradshaw (2006b); Björnberg et al (2006a); Bradshaw (2007); Bradshaw & Finch (2006); Bradshaw & Mayhew (2006); Castles, (1993); Cordon (1999); Eydal (2004; 2005); Eydal et al. (2003); Eydal & Ólafsson (2003a; 2003b; 2006; 2008a); Finch (2004; 2006; 2006a; 2008); Ólafsson, (1999); Skevik (2004; Skevik, 2006a); Skevik & Hatland (2008); United Nations (2010)
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As shown, there are stark differences between these three countries. Iceland tries to balance means-testing with emphasis on gender equality and family. Emphasis is placed also on all members of society working, including mothers, so affordable state subsidised childcare is not only offered, but children are expected to enrol by age two (Eydal, 2005).

Norway, often seen as the ideal in welfare states, offers universal benefits in hopes to create more equality between the poor and rich, and between those with children and those without. The trend in Norway was slowly moving towards more means-testing, but this has changed as the state has resumed universal benefits in many areas of family policy.

The UK, the pioneer, blends and emphasis on the market emphasis with family values highlighting child poverty issues over the first decade of the 21\textsuperscript{st} century. Yet, at the same time New Labour showed interest in adopting US influenced policy reforms, “Both in language and substance, these policies [\textit{New Deal} and \textit{Welfare to Work}] looked to the USA, aiming to reduce ‘dependency’ and ‘cut the costs of failure’, as well as reflecting the new integrationist paradigm dominating European social policy” (Levitas, 2004, p. 45).

The jurisdiction of local authorities versus the state will be discussed in more depth in chapter seven. However, at this time it is helpful to briefly point out the difference between centralised and decentralised government. For instance, in the case of the UK, when it comes to child benefits and child support the policies are created and implemented in the central government in London; i.e. policies cover all of the UK. However, when this study looks at early childhood education and care in chapter seven, it will show that this policy scheme is decentralised. England, Northern Ireland, Scotland and Wales each have their own policies and practices, which vary greatly between regions (Skinner, 2005). Therefore, great care is taken to draw attention to decentralisation where appropriate.

Demographics

The three states vary greatly when it comes to general demographics. Strictly speaking their population sizes vary from 62,041,708 in the UK in 69
2010 to 4,854,824 people living in Norway followed by 318,755 residing in Iceland (EUROSTAT, 2010c). This large disparity is of course mirrored in the child populations.

Table 3-2 Child population 17 years or younger on the 1st of January of each year in Iceland, Norway and UK, 2002-2010

<table>
<thead>
<tr>
<th>Year</th>
<th>Iceland</th>
<th>Norway</th>
<th>UK</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>78,186</td>
<td>1,757,581</td>
<td>13,332,989</td>
</tr>
<tr>
<td>2003</td>
<td>78,157</td>
<td>1,752,179</td>
<td>13,283,311</td>
</tr>
<tr>
<td>2004</td>
<td>78,542</td>
<td>1,748,941</td>
<td>13,236,384</td>
</tr>
<tr>
<td>2005</td>
<td>78,935</td>
<td>1,755,115</td>
<td>13,193,212</td>
</tr>
<tr>
<td>2006</td>
<td>79,450</td>
<td>1,753,516</td>
<td>13,142,790</td>
</tr>
<tr>
<td>2007</td>
<td>79,469</td>
<td>1,742,804</td>
<td>13,095,337</td>
</tr>
<tr>
<td>2008</td>
<td>80,188</td>
<td>1,728,756</td>
<td>13,112,380</td>
</tr>
<tr>
<td>2009</td>
<td>80,781</td>
<td>1,660,729</td>
<td>13,116,455</td>
</tr>
<tr>
<td>2010</td>
<td>80,682</td>
<td>1,716,113</td>
<td>13,128,198</td>
</tr>
</tbody>
</table>

Source: EUROSTAT (2011a)

Table 3-2 shows not only this disparity between these three states, but from these numbers there seems to be a slight upward turn in the child population in Iceland, a downward trend in Norway since 2002 with some small blips, and slightly decreasing in the UK over the last decade. In order to understand this and the variance between these three states better it is necessary to look at the proportion of the population that are children.

Figure 3-1 Proportion of population 0-17 years in Iceland, Norway and UK, 2002-2011
Figure 3-1 shows Norway’s child population is quite large in ratio to the total population over the last decade. By looking at the proportion of children as a percentage of the total population, it shows more clearly a definite downward trend in this ratio for all three states over the last decade from almost 39% of the population to 35% in Norway, from 27% to 25% in Iceland and from 23% to 21% in the UK. However, in spite of this downward trend, Norway remains a “young nation” in comparison with the Iceland and the UK. Whether this has any effect on policies for children could comprise an entire study of its own. However, it will be important to keep both the population (total numbers) and ratio disparities in mind when examining the policies later in the following chapters.

Before an examination of poverty rates within these three states is conducted it is important to look at one more defining factor and that is of course the economic status of these nations. This dissertation is being written at an economic tumultuous time, and therefore it is necessary to briefly discuss the affect the current recession has had on these three states. Spending cuts to bolster the economy most likely will have a knock on effect on child policy issues and the policies examined here although few had taken hold during the period of analysis (1991-2011).
Figure 3-2 shows the Gross Domestic Product (GDP) by state for the period of analysis where 100 is the OECD baseline. This allows us to look at the relationship between OECD states from the baseline average factoring in the global bank crisis. Here, we can see a gradual decline for Iceland over the long term and a slight recent decline in the UK, but a very steep climb for Norway in the early part of the 21st century followed by a small decline following the global bank crisis. Furthermore, it is important to notice that all three states are around or above the OECD baseline of 100. If the figure had shown the GDP by USD, then the picture would have looked slightly different, where there would be a steady increase in all states and the effect of the banking crisis on GDP for all three countries more dramatic. Iceland showing an overall downward trend since 2008 (OECD, 2013a). Therefore, it could also be helpful to look at how the banking crisis has affected these three state's by examining changes to the GDP and unemployment in the year following the crisis.
### Table 3-3 Crisis and beyond: Employment and GDP trends 2008

For Iceland, Norway and UK

<table>
<thead>
<tr>
<th></th>
<th>Total employment cumulated percentage change</th>
<th>Gross domestic product cumulated percentage change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iceland</td>
<td>-5.122</td>
<td>-12.012</td>
</tr>
<tr>
<td>Norway</td>
<td>-0.518</td>
<td>-1.204</td>
</tr>
<tr>
<td>UK</td>
<td>-1.918</td>
<td>-6.031</td>
</tr>
</tbody>
</table>

Source: OECD (2010b)

Table 3-3 shows that Iceland suffered the largest jump in unemployment with slightly more than a 5% increase, compared with the UK with almost a 2% increase and Norway with less than a 1% increase. The change to the GDP was of course much greater in Iceland with a 12% decrease in GDP, the UK showed half that with a 6% decrease and Norway’s GDP decreased by roughly 1%.

**Figure 3-3 Accumulated growth or contraction in Iceland, Norway, UK and EU 27, 2008-2010**

![Graph showing accumulated growth or contraction](image)

Source: Ólafsson (2011)

Figure 3-3, shows the continuing nature of the crisis over the following three years, where Iceland showing the greatest contraction of the three states studied here (-9.6%), followed by the UK (-3.6%), but Norway (+1.2%) was the only of the three states to show economic growth over the period in
question. For comparison, the EU 27 averaged a contraction of -1.9% at this time.

Social Expenditure

To conclude this examination of the three states selected for this study, it will be useful to discuss their social expenditure rates in order to better understand the classical categorisation of the three states presented earlier. Additionally, comparative policy research tends to lean towards a statistical comparison of benefit packages for children and families. Arguably, it is not enough to just have adopted a specific policy, but rather to what extent that policy is implemented or extended may be just as important. One way to gauge this is through comparative analysis of public spending. Figure 3-4 shows public spending on child benefits (cash transfers), and tax credits (tax measures), as well as services for families amongst OECD countries.

Figure 3-4 Public spending on child benefits in cash, family services and tax measures, in per cent of GDP, 2007

Source: Social Expenditure Database (OECD, 2010c), and ESSPROS (EUROSTAT, 2010).

Notes: - Public support accounted here only concerns public support that is exclusively for families (e.g. child payments and allowances, parental leave benefits and childcare support). Spending recorded in other social policy areas as health and housing support). Spending recorded in other social policy areas as health and housing support also assists families, but not exclusively, and is not included here. Data missing for Turkey. Data on tax breaks towards families is not available for Chile, Estonia, Greece, Hungary, Israel, Slovenia and non-OECD countries.
The three states in this study place in the top third of the 39 OECD countries examined and all three spent well over the OECD average of 2.2%. These are defined as child-related *cash transfers* to families with children (e.g. child benefit) shown in red, public spending on *services* for families with children (e.g. childcare) shown in blue, and financial support for families provided through the *tax system* (e.g. child tax credits) shown in white. The UK spent the greatest percentage of GDP (3.55%) in total in 2007 out of the three countries; Norway (2.95%) follows further behind close beside Iceland (2.8%). The UK and Norway both offer families all three areas of coverage, while Iceland, offering only cash transfers spends a relatively larger ratio on services for families than the other two states.

**Figure 3-5** Percentage of GDP spent on social protection for families in Iceland, Norway, and UK, 1991-2010

Data Source: EUROSTAT, (2012b)

Public spending includes all social protection benefits; both cash transfers and benefits-in-kind

Figure 3-5 shows the percent of GDP spent on social protection for families over the period of this study, 1991-2010 (data for 2011 was unavailable). It is apparent that spending on families was already in a decline in Norway (shown in green) before the global banking crisis, while Iceland (shown in red) shows a considerable increase in spending on families over the first part of the 21st century, bringing its spending more in line with Nordic
welfare state model as shown in the proximity to the Norwegian expenditure rate between 2002-2010. The UK (shown in blue) shows an overall decline in spending on families from 1998, however it is possible that Labour’s war on child poverty changed this trend slightly with a visible increase between 2006-2009 in the UK. Furthermore, the decline in spending might also be explained by a large increase in GDP in the beginning of the 21st century.

Figure 3-6 Social protection expenditure for families in Iceland, Norway and UK in Euros per inhabitant, 1991-2010

Therefore, if the same data is examined by amount spent per person (in Euros) a different picture emerges. Norway’s expenditure on families per person continues to climb throughout the period in question, while Iceland’s increase over the years now falls sharply following the bank crisis. Most importantly it shows, as argued, that expenditure on families in the UK actually had increased per person in 1997-2008.

The decline in Iceland following the bank crisis is even more dramatic when taking into account that extra care was taken to protect the family and other vulnerable individuals while the government put austerity measure into place (Ólafsson, 2012).

This section presented the three states chosen for analysis. The reason for this selection is based on the historical connection all three states
have with the Beveridge model, which slowly evolved into three different approaches. The demographics show that Norway is a young nation with the largest proportion of children out of the population (35% in 2011) whereas the UK has the largest total number of children in 2010 (13,128,198) in comparison with Iceland, the smallest country (80,682). Focus on the GDP shows that Norway was somewhat protected from the global crisis in 2008, whereas the UK and Iceland's GDP had a cumulated change of -6.03% and -12.01% respectively. The three states are in the top third of OECD states in 2007 in regards to social expenditures on families, where Norway and the UK were the only two of the three states to offer tax credits as well as the benefits and services for families. The global bank crisis affected social expenditure on families in both Iceland and the UK and must be taken into account when analysing policies created after 2008.

Now that a general picture of the three states has been presented it is time to focus on the issue of child poverty; i.e. a theoretical discussion that includes how child poverty is measured and how the three states compare.

Child Poverty and Well-Being Rates

Child poverty is more widely discussed now than it was 20 years ago, as Western states admit to the existence of child poverty under steadily growing research that shows high levels of child poverty in many OECD countries. Poverty in affluent nations is a perplexing issue on many levels, but mainly: 1) from a moral perspective defined by the simple question how can child poverty exist in affluent nations; 2) If poverty can be reduced in other populations such as the elderly, why has this not been done for children (Vleminckx & Smeeding, 2001).

Vranken et al. (2010) suggest that child poverty can be examined through three lenses; time, agency and public services and state:

A clear rationale for focusing on child poverty derives from the fact that children are rapidly evolving and that their evolving capacities need to be assessed and protected in their own right. Also within this time perspective, poverty is likely to mean different things, both subjectively and objectively, to children of
Child Poverty and Social Policy

different ages. This has consequences for the measurement of poverty among children: with whom should they be compared—everybody, just other children or an even narrower age sub-group of children? (Vranken, et al., 2010, p. 2).

The growing emphasis on children in research as a unit of their own right, discussed in chapter two, created a window into the family with studies depicting the situation of children more concretely. These results helped prompt policy makers to wage wars on poverty in e.g. the UK and the EU or even admit the existence of child poverty in e.g. Iceland.

How policy makers attack the problem of child poverty has concerned child poverty researchers and some focus has been spent on examining which policies are most beneficial in reducing child poverty. Studying child policy comparatively from a child-centred perspective in the field of child poverty will inform policymakers on areas of improvements and possible challenges while outcome studies depict the extent of poverty that a nation is dealing with, a step in that same direction, where policies can be constructed around the individual needs of children that fall below various poverty and well-being levels (Duncan & Brooks-Gunn, 2000). As Duncan and Brookes-Gunn (2000) suggest, “it is crucial to track rates of poverty among children...to inform policy discussions regarding children’s well-being,” (Duncan & Brooks-Gunn, 2000, p. 193).

Effects of Child Poverty

It has long been know that child poverty has long-term adverse affects for children in the present and for the future. Furthermore, research is showing that more children overall are affected by poverty than had been previously thought, as children move into and out of poverty over the long-term (Bradbury, et al., 2001).

Children from low income families are more likely to experience 1) physical health issues; e.g. low birth weight, malnutrition, poor health, failure to thrive, 2) mental health issues; e.g. cognition, emotional and behavioural, 3) social issues; e.g. teenage pregnancy, parental as well as individual substance abuse, bullying, witnessing violent crimes, and 4) education issues; e.g. have special needs, low academic scores, higher
early drop-out rates and youth unemployment (Brooks-Gunn & Duncan, 1997; Büchel, et al., 2001; Mickelwright, 2001; Phipps, 2001; Ridge & Wright, 2008a; Ross & Smeeding, 2001).

Much debate has been about whether poverty affects a child more negatively when experienced in the early years rather than later. Yet, studies are showing that poverty is a very complex phenomenon and that the age of the child, length of experienced poverty, whether the child has moved in and out of poverty multiple times, head of household can effect outcomes along with many other factors (Bradbury, et al., 2001a; Brooks-Gunn & Duncan, 1997).

Hundreds of studies, books and reports have examined the detrimental effects of poverty on the well-being of children...while the literature on the effects of poverty on children is large, many studies lack the precision necessary to allow researchers to disentangle the effects on children of the array of factors associated with poverty. Understanding of these relationships is key to designing effective policies to ameliorate these problems for children (Brooks-Gunn & Duncan, 1997, p. 56).

What is also known is that specific family types are at greater risk for poverty; e.g. young families are more likely to experience poverty than families with older children, larger families are more likely than smaller families, lone parent households rather than dual parent households etc. (Bradbury, et al., 2001a; Bradbury & Jäntti, 2001; Ridge & Wright, 2008a; Vleminckx & Smeeding, 2001). Therefore, when choosing policies to analyse later in this chapter care is taken to consider policies that protect specific family types such as lone parents, large families and young families.

In the next section economic welfare is presented as one approach to poverty research. It is just one link in understanding child poverty and, as shown later in this chapter, capabilities and social exclusion are two other approaches. However, with economic welfare being the most examined area of the three it is a good place to start.
Child Poverty and Social Policy

Economic Welfare

The complexity of defining poverty is eloquently summed up in the quote by Ralph Waldo Emerson, “Poverty consists in feeling poor.”\(^9\) Although here, Emerson is broadening the scope of poverty from just monetary status, it is important to tighten our scope in this section, where the term poverty will often replace or be used equally as referring to economic poverty or economic welfare for brevity.

Table 3-4 Children at risk of poverty or social exclusion in Iceland, Norway, UK and EU 27 in 2005-2011

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iceland</td>
<td>14.7</td>
<td>14.9</td>
<td>15.7</td>
<td>13.2</td>
<td>11.2</td>
<td>16.9</td>
<td>16.6</td>
</tr>
<tr>
<td>Norway</td>
<td>14.8</td>
<td>14.1</td>
<td>16.0</td>
<td>13.0</td>
<td>14.3</td>
<td>14.6</td>
<td>13.0</td>
</tr>
<tr>
<td>UK</td>
<td>31.2</td>
<td>30.1</td>
<td>27.6</td>
<td>29.6</td>
<td>27.4</td>
<td>29.7</td>
<td>26.9</td>
</tr>
<tr>
<td>EU 27</td>
<td>27.8</td>
<td>27.2</td>
<td>26.3</td>
<td>26.2</td>
<td>26.0</td>
<td>27.1</td>
<td>27.0</td>
</tr>
</tbody>
</table>

Source: EUROSTAT (2013). Results shown as percentage of population under 18 years. Eurostat’s definition of poverty risk refers to individuals living in households where the equivalised income is below the threshold of 60% of the national equivalised median income. The key advantage of using the median is that it is not influenced by extreme values – either extremely low or high incomes.

If we take a look at the child poverty levels for the three states considered in this study, as seen in Table 3-4 above, the results are quite similar for both Norway and Iceland, which are both well below the EU 27 average where as the United Kingdom is very close to the EU 27 average.

Figure 3-7 At-risk-of-poverty or social exclusion in Iceland, Norway, UK and EU 27, 2005-2011

\(^9\) An American poet, lecturer and essayist from the 1800’s
Data: EUROSTAT (2013). Results shown as percentage of population under 18 years. Social exclusion is defined by combining at-risk-of-poverty rates after social transfers, per cent of severely materially deprived households and people living in households with very low work intensity (EUROSTAT, 2011c).

Figure 3-7 is a visual representation of this data. Here, it is easier to see the similarities between the Nordic states on the one hand and the UK and the EU27 on the other. In 2009, Iceland had overall the lowest child poverty rate of all three states in this study at 11.2% but this quickly rose following the global bank crisis to almost 17% by 2010. The UK has had a rapid decline from 2005-2007 some scholars believe this is due in part to policy reforms and the focus of the Labour Government on child poverty (Stewart & Hills, 2005; Driver, 2007). Since then the rate has been seesawing but remained comparable to the EU 27 in 2011 (26.9% and 27% respectively).

The most commonly used benchmark for measuring relative child poverty or what is called At-risk-of-poverty, is “the share of persons with an equivalised disposable income below the risk-of-poverty threshold, which is set at 60% of the national median equivalised disposable income (after social transfers),” (EUROSTAT, 1996). In the UK and the government’s focus on child poverty this threshold has been applied to measure the
nation’s ability to eradicate child poverty by 2020. However, the measurements seen here are defined by combining at-risk-of-poverty rates after social transfers, per cent of severely materially deprived households and people living in households with very low work intensity (EUROSTAT, 2011c). This is built on the definitions created by the EU in their attempt to reduce social exclusion.

As stated in chapter two in the section on social investment, the approach or aim a state takes towards poverty influences not only its' policies but also the measurements used to gauge the status of the poor. Therefore, a social exclusion or citizenship rights based analysis of poverty would arguably benefit more from at-risk-of-poverty and child well-being measurements, while an absolute poverty measurement defines a poverty threshold. Absolute poverty lines explain only the status of the most destitute in society and, it could be argued, help to foster an underclass discourse and an approach to poverty that fosters distrust of the poor within the wider community; i.e. seen as idle or criminal (Levitas, 2005; Lister, 2003). Therefore, an analysis of labour market participation, measuring who is working and how much can bolster Welfare-to-Work type policies, which tend to categorise individuals as either deserving or non-deserving (Levitas, 2004; 2005).

However, when it comes down to policies that are aimed at alleviating child poverty it is also important to remember that according to Unicef (2005), “No OECD country devoting 10 per cent or more of GDP to social transfers has a child poverty rate higher than 10 per cent. No country devoting less than 5 per cent of GDP to such transfers has a child poverty rate of less than 15 per cent”. Although the calculations here are at 50% of the median income as opposed to the 60% shown in the tables and figures above, it still indicates that state intervention, in the very least in the form of

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10 The proportion of children in households with incomes below 60 per cent of the 1998/1999 median income (i.e. a ‘fixed’ relative poverty line, updated only for inflation).
social transfers, is an important step in alleviating child poverty (Ditch, et al., 1996; Esping-Andersen, 1993; Ólafsson, 1999).

Capabilities

As stated earlier, the definition of poverty according to the UN CRC centres on three main approaches in poverty research; economic welfare, capabilities and social exclusion. The capabilities approach to poverty research is based on access to resources, opportunities etc. whether the individual in question chooses to utilise these resources and therein lays the freedom.

Sen (1999) explains this as the difference between a rich person fasting and a poor person starving; i.e. the rich person has the choice not to eat the food, it is a conscious decision, while the poor person has no choice at all. Ability and capability should not be confused either. Ability is an individual’s functioning level given all other things are equal (income, access to health care, access to education), capability is the freedom to cultivate these abilities if the individual so chooses via appropriate income, access to health care, access to education etc. This approach accepts the fact that different children may need different levels of support (Redmond, 2008). This can be measured beyond normal income studies and relative income studies, as described above, the first step towards this among affluent Western states, but as scholars studying poverty found relative income is not enough to describe the situation and inequalities experienced by low-income families or rather in this case children in low-income families.11

Child well-being studies, as evident in the UNICEF League Table of Child-Well Being in Rich Nations, are one way to measure capabilities. The chief significance here, is that it is asking researchers from many fields to

11 See e.g. Andrews & Ben-Arie (1999); Axford (2008); Bastos (2006); Ben-Arie (2008); Ben-Arie & Goerge (2005); Bradbury & Jäntti (2001); Bradbury, et al. (2001a; 2001); Bradshaw (2006; 2006a); CPAG (2009); Jenkins & Micklewright (2007); Lahikainen, et al. (2008); Mickelwright (2001); Mickelwright & Stewart (2001); Ridge & Wright (2008a); UNICEF (2000; 2005); Vlemincx & Smeeding (2001)
re-define children’s well-being on a research level, incorporating the child’s perspective along with more traditional statistical measures (such as child poverty, health and education) (Ben-Arieh & Goerge, 2005). This is by far the most child centred measurement of poverty to date, without disregarding important qualitative studies on which this measurement is firmly rooted, in that the child’s well-being (as defined by Ben-Arieh & Goerge, 2005) is quantifiable and thus measurable. The significance to children’s rights is shown by the emphasis on well-being, inclusion and capabilities and not just economic welfare. Six specific dimensions of child well-being are examined; (1) material well-being, (2) health and safety, (3) educational well-being, (4) family and peer relationships, (5) behaviours and risks, and (6) subjective well-being. Within each dimension various data from comparable studies are gathered from e.g. UNICEF, WHO, PISA etc. Dimensions two and three have been the most prominent factors examined when measuring children’s capabilities; i.e. health and education (Redmond, 2008; Sen, 1999).

Table 3-5 The three states ranking in dimensions 2 and 3 in the league table of child well-being in rich countries, 2007 and children at-risk-of-poverty rates, 2007

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>Iceland</td>
<td>(2)</td>
<td>(13)</td>
</tr>
<tr>
<td>UK</td>
<td>12</td>
<td>14</td>
</tr>
</tbody>
</table>

Source: UNICEF, (2007). *Insufficient data for Iceland at this time, placement is based on ranking for each separate factor. † EUROSTAT (2012).

If we look at Table 3-5 it shows the results of the well-being score in dimensions two and three with a 60% poverty rate. There seems to be some resonance between the health and safety ranking and poverty rate. Norway is ranking in the top 10 out of 23 states in health with a 16% child poverty rate, while Iceland would probably rank somewhere in the top five in health and safety with a 14.7% child poverty rate. The UK ranks towards the middle
of health and safety and has the highest at-risk-of-poverty rate of the group in 2007.

Table 3-6 Child wellbeing index for Iceland, Norway, and UK, 2006

<table>
<thead>
<tr>
<th></th>
<th>Health Rank out of 29 countries</th>
<th>Education Rank out of 27 countries</th>
<th>Material resources Rank out of 26 countries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway</td>
<td>6</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Iceland</td>
<td>4</td>
<td>14</td>
<td>2</td>
</tr>
<tr>
<td>UK</td>
<td>24</td>
<td>22</td>
<td>24</td>
</tr>
</tbody>
</table>

Source: CPAG, 2009 p. 3

If we compare this to data from the University of York (Bradshaw & Richardson, 2009) and CPAG (2009) calculated for the European Union 27 countries including Iceland and Norway in 2006 a similar picture emerges. It is interesting that at this time Iceland fared relatively well in those areas of the league tables that data existed; yet Iceland does not spend as much on child and/or family policy as Norway does, but it must be noted that, as shown earlier, it did have a significant increase in spending in the first part of the 21st. Although, the UK was also increasing its spending on children and the family at this time it still lagged behind both Iceland and Norway and therefore it is perhaps not surprising that it did not fare as well as the other nations. This also implies that there is more to defining poverty than just monetary thresholds and social spending as explained in the following section on social exclusion.

Social Exclusion

Looking at the next definition of poverty as defined by the UN CRC, social exclusion, it becomes apparent that the lack of data in this area is greater than in the former two areas, especially comparative analysis. From a child’s rights perspective it is important to ask if the measurement of economic welfare is the best gauge of a child’s current or longitudinal experience of poverty. Granted it tells us a lot about the household the child lives in and the income for the family, even who is working or receiving benefits, but it does not tell us in detail about the child themselves. This has
perplexed researchers leaving fertile ground for a growing emphasis on the child’s perspective in childhood studies and social research. For instance, Qvortrup (1990; 1993) explains how different measurements and statistics reveal a completely different view of the world if children are seen as the unit of measurement and not for instance households.

Social exclusion is an attempt to look at the social aspects of people’s lives and has recently become a popular area of research; especially in the field of poverty and policy, since more traditional poverty measures, as shown earlier, may not give a complete picture:

Social exclusion is often defined as the isolation of subgroups, minorities or other individuals within a community based on their race, socio-economic status, sexuality, religion, and/or age. Social exclusion is increasingly viewed as a crucial factor in the fight against poverty and scholars believe that it can help politicians and interest groups create better and more effective policies in this widening area of concern (Kammerman, et al., 2003; Ridge, 2002; Ritzen & Wolcock, 2000).

Results from studies show us that children from low-income families have themselves defined three main areas of difficulty: (1) participation; (2) belonging amongst peers; and (3) inclusion and exclusion in school (Middleton, et al., 1997; Ridge, 2002; 2006)

Yet, today’s modern child is often seen as a materialistic being and although children may have their own consumer culture that could exclude children of lower-income families, when asked most children would chose to have more time with their families and friends, play outside, go swimming, etc. (Alderson, 2000; Eydal & Jeans, 2006; Ridge, 2002; 2006).

These answers are closer to basic human rights: freedom to enjoy and move around the area where they live, to meet their friends and be members of their local community, to enjoy nature, to play actively and creatively rather than be passive consumers…it is adults, however, who have effected this commercial transformation, including the pressures from advertising. It is therefore illogical and ironic to blame children for this change, and to see their requests for simple
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rights, such as to meet their friends, as greedy irresponsible demands. (Alderson, 2000, pp. 15-16).

Children that are being excluded from participating in the everyday activities of their peers purely based on their economic status do not become only isolated, but these everyday activities are often activities known to bolster confidence, increase health and well-being, and/or teach hands-on social skills. Therefore, it is a direct infringement of these children’s rights and an infringement on their freedom to utilize and expand their abilities and capabilities or rather as Alderson (2000) suggests above, the ability to move around in their own space and environment.

Because of the social nature of social exclusion it has been difficult to quantify, but in the EU, as stated in the earlier section, social exclusion has been on the agenda where a goal has been set for 2020 to reduce poverty “by aiming to lift at least 20 million people out of the risk of poverty or exclusion” (EUROSTAT, 2011c).

In this section child poverty rhetoric was introduced and child poverty measurements were examined for Iceland, Norway and the UK; showing Norway and Iceland with the lowest child poverty rates and the UK with the highest. This is similar to the findings of child well-being scores, where Iceland and Norway ranked high in the states studied and UK ranked towards the bottom. In order to round out the examination of the three states, the evolution of children’s rights in the states’ policies is presented next.

Children’s Rights in Iceland, Norway and the UK

The study of children’s rights in child poverty has just begun to gain momentum and have, “not been fully explored” (Vranken, et al., 2010, p. 1). Furthermore, there has been little comparative research on children’s rights in policy. However, one study has stood out as being most pertinent to this analysis. As stated in chapter two, Therborn (1993) offers a comparative analysis of children’s rights that will later help to define the framework created for this study (see chapter four). Here, it is the results of his study that help round out our understanding of the three states selected from a
historical perspective. Table 3-7 shows Therborn’s (1993) categorisation of Western states according to their development of children’s rights which he defines briefly as child-centred family rights, equality rights and integrity rights.

For the purpose of this thesis only the results of his study for Norway and England are examined. Iceland, Northern Ireland and Wales were not included in Therborn’s original study, thus Iceland has been added based on the results of this study’s analysis.

Table 3-7 The development of children’s rights in Iceland, Norway and England

<table>
<thead>
<tr>
<th>Year</th>
<th>Child-Centred Family</th>
<th>Equality</th>
<th>Integrity</th>
</tr>
</thead>
<tbody>
<tr>
<td>By end of WWI</td>
<td>Norway</td>
<td>Norway</td>
<td></td>
</tr>
<tr>
<td>By WWII</td>
<td>England</td>
<td></td>
<td></td>
</tr>
<tr>
<td>By 1970</td>
<td>[Iceland]</td>
<td>England</td>
<td></td>
</tr>
<tr>
<td>By 1980</td>
<td>[Iceland]</td>
<td>(Norway)</td>
<td></td>
</tr>
<tr>
<td>By 1990</td>
<td>Norway</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Therborn, (1993, p. 256). (*) Parentheses refer to limitations. ["] Brackets are author’s analysis. Data for Wales and Northern Ireland was missing from the original study, therefore only England is shown here.

Here, a general evolution of children’s rights is depicted from child-centred family rights to equality rights then to full autonomy defined as integrity rights (left to right). Yet, there seems to be a stagnation of this evolution in England by the 1970s and Iceland in the 1980s. This could be a temporary plateau, as the UN CRC was inducted following this study and as it gained ground it has created an increase in more child-focused policies in most states (see chapters five-seven).

Here, Therborn’s examination looked at child and family policy in general; whereas in this study, specific policies known to alleviate child poverty have been selected. In the next section, exactly how these policies were selected is presented.

Selecting Policies to Study

In this section the theoretical reasoning for choosing the three policies is introduced based on two criteria; 1) the definition of economic well-being as
depicted in the UN CRC, and 2) that the policy is assumed to alleviate child poverty.\footnote{Bradbury & Jäntt, 2001; Bradbury, et al., 2001; 2001a; Bradshaw, 2003; 2006; 2007; Bradshaw & Finch, 2002; Bradshaw & Mayhew, 2006; Brewer, et al., 2006; Cordon, 1999; Danziger & Waldfogel, 2000; Duncan & Brooks-Gunn, 2000; Eydal, 2005; Eydal & Røstgaard, 2011; Eydal & Ólafsson, 2013; Forssén, 2000; Gregg, 2008; Harker, 2006; Harkorvirta, 2010; Micklewright, 2003; OECD; 2011; Vlemenickx & Smeeding, 2001}

The UN CRC as a Definition of Poverty

If we look at the UN CRC from a poverty perspective some argue that it does not specifically define poverty (Vandenhole, 2010). However, when examining article 27 of the UN CRC it does refer to a child’s standard of living, “States Parties recognize the right of every child to a standard of living adequate for the child’s mental spiritual, moral and social development” (p. 1 Art. 27). This indicates, in essence, three approaches to think about poverty beyond the basic needs of food clothing and housing; i.e. economic welfare, capabilities and social exclusion (Redmond, 2008; Sen, 1999).

Article 26 could also be added to this discussion\footnote{States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law (Art. 26, UN CRC). For a complete copy of the UN CRC see Appendix II.ii on page 330} which defines the right of the child to social security and social assistance; an important issue when discussing comparative policy research for children. Attention has to be brought to Article 18 where states are committed to recognise the obligation of the parents to support the child, but also bear the responsibility to help the parents fulfil this duty\footnote{States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible (Art. 18, UN CRC). For a complete copy of the UN CRC see Appendix II.ii on page 330}; another issue that is important to keep in mind especially when discussing later the role and obligation of non resident parents.
Policies Assumed to Alleviate Child Poverty

Danziger and Waldfogel (2000) suggest five main policy areas that improve children’s quality of life:

1. Programmes to improve the health of women of child bearing age
2. Early childhood interventions, targeted to the most disadvantaged children
3. Measures to raise the quality of childcare and pre-school education
4. After-school and mentoring programmes
5. Programmes to raise the level of college attendance by high-ability youth from low-income families (Danziger & Waldfogel, 2000, pp. 16-18).

Table 3-8 on the next page gives a brief overview of the possible ways the three states in this study are fulfilling their objectives to reduce child poverty according to these assumptions laid down by Danziger and Waldfogel (2000).
### Table 3-8 Policies of the three states in 2011 in reflection of the five areas of policy assumed to reduce child poverty according to Danziger and Waldfogel (2001)

<table>
<thead>
<tr>
<th>Programmes to improve the health of women of Child bearing age</th>
<th>Early childhood interventions, targeted to the most disadvantaged children</th>
<th>Measures to raise the quality of childcare and pre-school education</th>
<th>Programmes to raise the level of college attendance by high-ability youth from low-income families</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strong pre-natal care scheme máðraskóðun and universal healthcare</td>
<td>Children of lone mothers, children with disabilities and children of foreign parents gain earlier access to childcare in most districts</td>
<td>In Reykjavik, pre-school placements are guaranteed for children two years old and older</td>
<td>Higher education is lower in cost than most neighbouring countries, most tertiary institutions are covered by a state regulated student loan program (LÍN)</td>
</tr>
<tr>
<td>Universal healthcare</td>
<td>Focus on giving the options to have children at home or in daycare the first 3 years, while daycare is state subsidised and regulated</td>
<td>State subsidised after-school programmes</td>
<td>Low tuition fees and state regulated student loans and grants available for secondary and tertiary education (Lånekassen)</td>
</tr>
<tr>
<td>Sure Start programme targeted at the lowest-income children.</td>
<td>15 hours per week free ECEC for 3-4 year olds</td>
<td>Extended schools, out-of-school clubs and holiday schemes, unsubsidised Vouchers (tax schemes) Dependent on schools</td>
<td>Highest tuition fees of the three states. State regulated loans available: Tuition fee loan Maintenance loan Maintenance grant (e.g. EMAs)</td>
</tr>
</tbody>
</table>

Sources: Björnberg (2006); Björnberg & Bradshaw (2006b); Björnberg et al (2008a); Bjørnson (2001); Bradshaw (2007); Bradshaw & Finch (2006); Bradshaw & Mayhew (2006); Cordon (1999); Eydal (2004; 2005); Eydal et al. (2003); Eydal & Ölafsson (2003a; 2003b; 2006; 2008a); Finch (2004; 2006; 2006a; 2008); Gov.UK (2013); Lånekassen (2011); Lög um námsstykk [Act regarding student loans] nr. 79/2003, Iceland; Ministry of Education, Iceland (2011); Ölafsson, (1999); Reykjavík City (2011); Skevik (2004; 2006a); Skevik & Hatland (2008); Unicef (2000).

This is just a quick overview and although it may seem at first glance that each country is fulfilling these five basic areas in family and child policy to

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some extent, at closer scrutiny some variances appear in, for instance, the type of childcare provided, as shown later in chapter seven.

Selecting the Three Policies

The policies that have been selected for examination forms the underpinning of this study, connecting the theoretical with the practical. According to other scholars, although this field of study is rapidly growing, there still remain gaps in our knowledge (Danziger & Waldfogel, 2000; Forssén, 2000; Kammerman, et al., 2003; Vranken, et al., 2010).

So, which policies are best suited to discuss child poverty from a comparative perspective? It is easy to make an argument for almost any policy regarding children, social security or social assistance to be examined when looking into child poverty and children’s rights. Furthermore, many areas of policy have been shown to reduce child poverty or increase child well-being; e.g. access to education, childcare and health care (Danziger & Waldfogel, 2000). However, in order to examine policies in-depth across three states it is important to reduce the number of policies examined and thus sharpen the focus of the study. Therefore, when choosing policies to analyse care was taken to consider policies that protect specific family types such as lone parents, large families and young families as they have been shown to be more vulnerable to poverty (Bradbury, et al., 2001a; Bradshaw, 2006a; Brewer, et al., 2006; Danziger & Waldfogel, 2000). In no way does this choice diminish the significant impact the above mentioned policies have on children and child poverty.
Child Poverty and Social Policy

Table 3-9 An overview of the various approaches in selecting the policies to study

<table>
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<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Provides a basic definition of poverty to work from and a specific point in time from state ratification as well as analysis from the three P’s: protection, provision and participation</td>
<td>Three methods to examine poverty as it is defined by the UN CRC</td>
<td>Policy approaches specific to alleviating child poverty: child support, child benefit and early childhood education and care</td>
</tr>
</tbody>
</table>

As explained earlier, this study will look at policies that represent the UN CRC’s definition of an adequate standard of living, “States Parties recognize the right of every child to a standard of living adequate for the child’s mental, spiritual, moral and social development” (p. 1 Art. 27). Redmond (2008) suggests this includes three approaches to think about poverty beyond the basic needs of food, clothing and housing; i.e. economic welfare, capabilities and social exclusion.

However, in addition to Redmond’s theory, Article 26 could be added, which states that,

States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child (Art 26, UN CRC).

This is a very important area when discussing child poverty; i.e. basic social security in comparative policy research; i.e. forming the basis for the moral
obligation of states to provide social security to children and families in need.

Table 3-10 Three areas of social policy to examine from the children’s rights perspective

| Policies selected | Child support | Child benefit | ECEC
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>UN CRC definition of poverty*</td>
<td>Economic Welfare</td>
<td>Social Security</td>
<td>Capabilities</td>
</tr>
<tr>
<td>UN CRC Article</td>
<td>Article 27</td>
<td>Article 26</td>
<td>Article 27</td>
</tr>
</tbody>
</table>

Key: * Redmond (2008); Sen (1999); Ø-Early childhood education and care

Table 3-10, shows the areas of policy examined in this study and how they fulfil the parameters set. Thus, by looking at one policy from each area covered by the UN CRC’s definition of poverty a wider understanding of the three states approaches to child poverty will be gained from a children’s rights perspective.

Social Security

The definition of social security varies from state to state in so far as which policies are governed under what social security institutes and/or legislation. In the UK social security benefits paid by the Department of Work and Pensions (DWP) include disability benefits, pensions, unemployment benefits and carer’s allowance while, child benefits and child tax credits are regulated by HM Revenue and Customs (HMRC) and universal healthcare is regulated by the National Health Services (NHS) (Department of Work and Pensions, 2012; HMRC, 2012; NHS, 2012). In Iceland social security normally is characterised by the domain of the Iceland Social Security Institute (SSI); covering universal healthcare, worker’s compensation, disability, widow(er)’s benefits, parental leave and child maintenance. In 1975 family benefits where moved from the jurisdiction of the SSI to the Inland Revenue and social assistance is currently under the jurisdiction of local authorities (Eydal & Ólafsson, 2006; Ólafsson, 1999). The Norwegian Welfare and Labour Administration (NAV) includes social assistance including; disability, health insurance, child allowances, family benefits, parental benefits, maintenance support, housing allowances, old-age pensions and unemployment (NAV, 2012). In
this study child/family benefits, more specifically cash benefits paid specifically to families with children or tax credits are examined.

Child benefits not only acknowledge the cost of raising a child or the fulfilment of the state’s obligation to support parents, but depending on how the policy is implemented might tell us how public funding moves vertically from those with more money to families with less or laterally from those individuals without children to those with children (Ridge & Wright, 2008; 2008a; Sainsbury, 1999). In some cases this will protect larger families at risk of poverty. Whether child benefits are universal or means-tested might also tell us more about society’s attitudes towards children and their entitlement.

Child benefits are also chosen because of the current emphasis on these policies to alleviate child poverty in the UK and Nordic states and thus, essential to examine from a children’s rights perspective. This study will examine how children’s rights are portrayed in those child policies assumed to alleviate child poverty.

Economic Welfare

According to scholars (Kammerman, et al., 2003; Vranken, et al., 2010) there remain gaps in our knowledge of policies that reduce child poverty regarding, “the impact of guaranteed minimum child maintenance benefits on child wellbeing” (Kammerman, et al., 2003, p. 37). Thus, it is important to take an in-depth look at child support policies in the three states both because its potential implications in reducing child poverty and the implications in regards to basic children’s rights; i.e. the right of children to be provided for by both parents. Furthermore, an examination of child support will place the obligation of the parents (as defined in the UN CRC Art. 18) firmly within our discourse on children’s rights and child poverty. It will shed light on the importance of child maintenance for low-income, lone-parent households and therefore the importance of the states’ role in supporting parents in fulfilling this obligation. This will be purely a legislative comparison, based on whether or how the right of the child to be provided for is depicted.
Capabilities

The capabilities approach goes beyond the basic economic definition of poverty. Sen (1999) believes that currently there are only three main areas of research that are capable of measuring and defining capabilities; infant and child mortality, nutrition and participation in education. Here, the study will simply look at whether children have access to schemes such as Sure Start Children’s Centres or the equivalent; i.e. playschools in Iceland (Ice. leikskóli) or kindergartens in Norway (Nor. barnehage), based on important research that shows; young families are at higher risk of poverty, children in low-income households benefit from early access to education and the implications discussed in the second chapter that access to affordable, reliable child care reduces child poverty (discussed in more depth in chapter seven).

Social Exclusion

Here, the study will acknowledge the indirect effects these three policies can have on social exclusion; e.g. as shown in chapter five policies that define the child’s right to have access to both parents has been shown to also increase access to extended family members on both sides of the family (Júlíusdóttir, et al., 2008). Arguably, the greater number of family
members the child is in contact with increases the child’s social net, social bonds and cultural environment, thus decreasing indirectly social exclusion. Figure 3-8 Relationship between the policies selected

In order to better understand how an examination of these varying policies can connect to give us a better understanding of children’s right in policies, the previous figure shows how these areas interlock to provide basic protection for children at risk-of-poverty and social exclusion not to be confused with the triangular relationship between the state, child and parent discussed previously.\textsuperscript{15}

Here, the parents are shown at the top of the triangle, since according to the UN CRC it is first and foremost the parent’s responsibility to provide for their children and it is the state’s obligation to step in and support the parents in this role when appropriate; creating in an ideal world a safety net for all children (Art. 18 UN CRC). Thus, two sectors of the welfare state are represented at the bottom, social security and social assistance; i.e. state and local governments. Finally, children’s rights are placed in the centre with the rays outward bound reminding us that children’s rights reach further beyond the scope of this study.

\textit{In closing}, this chapter introduced the three states, Iceland, Norway and the UK, as well as the reasoning for chosen these particular three based on their historical connection with Beveridge and their current diverse approaches to child policy; Norway and the Scandinavian model, the UK and Beveridge and Iceland somewhere between the two.

Child poverty was briefly explained along with examples of child poverty and child well-being rates for the three states. The results show the two Nordic states with comparable child poverty and well-being scores,\textsuperscript{15} Vranken et al. (2010) suggested that it is necessary to keep in mind the triangular relationship between child, parent and state when conducting child poverty and especially child policy research, whereas this figure depicts the possible interplay between these three policies and shows how they could potentially create a strong net for children and protect them from child poverty based on a children’s rights approach.
whereas the UK has the highest poverty rate and lowest well-being score of the three.

Finally, the three policies analysed in this study were presented (child support, child benefit and early childhood education and care) chosen based on two main criteria; i.e. the UN CRC definition of poverty and policies assumed to alleviate child poverty. In the next chapter the methodology and creation of the framework are discussed.
Chapter 4. Methodology and Theoretical Framework

It quickly became apparent when examining current research in this field that the analysis of children’s rights in policies assumed to alleviate child poverty could not be conducted without creating a new framework first. In this chapter, this new framework is presented along with the methodology used in analysis. However, before examining the creation of the framework it is helpful to review the aim of the study and research question.

Aim of Study

When choosing a topic to study it is mainly accepted that a researcher will either examine those areas where research is lacking or add evidence to other established research. Along with the appropriate scientific reasoning for choosing a research topic Geddes (2003) insists that “curiosity, fascination and indignation should guide the choice of research topic. Emotion has been banned from most of the research enterprise, and properly so. But one place it should remain is in the choosing of research topics” (Geddes, 2003, p. 28). This underlying interest in the topic is important and is probably only fully appreciated when embarking on a PhD thesis. In my MA thesis I examined child poverty in Iceland from the child’s perspective where I created and sent a survey to two primary schools in Reykjavik. While writing up my findings I became interested in how children were defined in social policy. Therefore, it was a natural leap to ask myself: In what form do children’s rights emerge or are they even evident in policies assumed to reduce child poverty? The theory being that the theory being

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16 Saks (1996, p. 1263)
that the use of children’s rights discourse has become more visible in child poverty policies, but may vary between policies and states.

I knew that most policy regarding children in recent years at one point or another refers to the UN CRC as the premise for the particular article or the policy itself. Therefore, I wanted to understand how the UN CRC could be utilised in research other than just as a reference or premise.

The UN CRC as a Research Tool

At first, the assumption was made that the UN CRC would make a good research tool. Two years after the adoption of the UN CRC Martensen (1992) claims, “That Convention, unique because it protects the broadest scope of fundamental human rights ever brought together within one treaty – economic, social and cultural, and civil and political – is destined to ensure the basic dignity survival and development of over half the population of the globe” (Martensen, 1992, p. ix). A grand ideal often resonating throughout literature at the time (Detrik, et al., 1992; Martensen, 1992; Wilcox & Neimark, 1991) and thus, the UN CRC is commonly used as a theoretical premise for child research in various fields from childhood studies, law, pedagogy, psychology, social policy, social work, sociology, to name just a few, and is widely cited in child or family based research (Alderson & Morrow, 2004; Backe-Hansen, 2006; Eydal & Jeans, 2006; Pilnik, 2006; Ridge, 2002). Furthermore, Vranken et al. (2010) argue, “simply referring to human rights, and human rights instruments, in poverty research does not mean using a human rights approach” (Vranken, et al., 2010, p. 1).

So, is it possible to use the UN CRC as a basis for social policy research? Saks (1996) claimed that social research would be the basis for implementing the UN CRC yet, Murphy-Berman and Weisz (1996) argue, “constructing an effective monitoring system is not as easy as some may think and is fraught with methodological and technical difficulties” (Murphy-Berman & Weisz, 1996, p. 1233). Vranken et al. (2010) agree, but suggest that this just reflects the difficulties of poverty research in general.

Until recently, outside of UNICEF and its affiliated NGO’s very little research has been done in social policy using the UN CRC as a research
template or as a comparative basis. This could be, as Pilnik (2006) and others found, that implementation of the UN CRC varies greatly between states and cultures. As Saks (1996) points out, “sometimes constructive ambiguity is helpful in drafting conventions, treaties and other laws, but ambiguity certainly makes research harder to do” (Saks, 1996, p. 1263). However, researchers are beginning to look specifically at the UN CRC in regards to children’s issues; e.g. childcare research in which one study by Davis and Powell (2003) found that the adoption of the UN CRC was a ‘catalyst’ towards more comprehensive and innovative childcare in the states studied.

So, why could this research approach not be transferred over to the idea of child poverty? Has the UN CRC similarly been a catalyst towards new family and child policy that protects children from poverty and social exclusion?

However, a theoretical premise and the implementation of the UN CRC as a research instrument are basically two different things; content v. template. In other words, instead of stating that a particular study is conducted based on Article 12 of the UN CRC, the children’s right to voice their own opinion (content), this study would utilise the UN CRC as a definition of poverty in child or family policies (template).

Two factors emerged from studying the UN CRC that became helpful in creating a framework to analyse children’s rights in child policy. First, as shown in chapter three, the definition of child poverty according to the UN CRC (economic welfare, capabilities and social exclusion) helps to identify the policies that will be selected for analysis. Second, the three P’s: provision, protection, participation can be used to define a policy’s approach or aim.17 Furthermore, it is by utilising a concrete definition of the aim of a

17 Provision: Policies that outline the obligation of states and parents to provide for the child; including policies that increase the resources of households with dependent children
policy that helps make a comparative analysis between states possible. However, it is not enough to identify the aim of a policy. How children’s rights emerge also needs to be identified.

Other Studies on Children’s Rights

Although the UN CRC and the three P’s helped create a good basis for the framework it was lacking a deeper approach in classifying children’s rights for analysis. Therefore, Fox-Harding’s (1997) study of children’s rights in care policy was examined along with Therborn’s (1993) analysis of the evolution of children’s rights in policy.¹⁸ The way Therborn (1993) breaks social policy and children rights down varies somewhat to Fox-Harding’s (1997) construct presented in chapter two. On the one hand, Therborn is taking a more generalised approach in order to look at states comparatively, while as stated earlier, Fox-Harding has a more specified policy field and in depth approach. On the other hand, although both are looking at policies from a historical perspective, Fox-Harding is looking at a more encompassing spectrum of policy definitions, while Therborn is looking specifically at where and when child rights based policies emerge.

Here, Therborn’s categorisation seems the more viable approach for this study being that it is primarily a comparative analysis, while Fox-Harding, although very detailed, might be difficult to map onto other states. In review, Therborn defines and classifies children’s rights into three main categories: (1) child-centred family rights, where the family is seen as a unit and rhetoric is framed around ‘the best interest of the child’, (2) equality rights, where there is equality between children regardless of the status of their parents and, (3) integrity rights, where focus is on the autonomy of the

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Protection: Policies that protect the child’s well-being and foster child development; including policies that support social inclusion

Participation: Policies that empower children’s rights; including their rights to voice their opinions and be heard

¹⁸ For an in depth discussion of both studies see chapter two p 54
child as a separate individual deserving of rights in their own accord (Therborn, 1993).

It is by having a concrete definition of children’s rights that a more robust comparative analysis can take place and a more encompassing view emerges beyond the aims of the policy as defined by the three P’s. Therefore, Therborn’s definition of children’s rights was added to the framework in order to define and track the evolution as well as the current status of children’s rights within the child policies selected.

The Theoretical Framework

Once a definition of policy aims and children’s rights were in place the theoretical framework began to take shape (see Figure 4-1). In fact these two factors make up the core analytical aspect of the framework. Another feature of the framework was discussed in detail earlier in chapter three; i.e. identifying the policies for analysis based on two criteria; 1) the UN CRC’s definition of poverty, and 2) policies assumed to alleviate child poverty.

Once the policies were chosen it was necessary to choose a time frame to analyse. For this analysis the two decades following the induction of the UN CRC, 1991-2011 was selected not only because it gave time for the UN CRC to permeate state policies, but also due to the increasing emphasis on children and child poverty in Europe and the UK at the beginning of the 21st century.

Next, it is the definition of the policy’s aims and identification of children’s rights within a specific policy that will allow the classification necessary for comparative analysis. First, the framework is applied individually to each policy within each state. Therefore, the evolution of children’s rights emerges over the period in question; in this case 1991-2011. Secondly, by having concrete definitions these results can then be compared between states.
The theoretical framework itself (highlighted) consists of looking at the aims of policies using the UN CRC’s three P’s and how or where children’s rights emerge in the policies and in what form (child-centred family, equality or integrity). In the figure it is easier to see how the study takes shape and how the children’s rights elements within the study affect the choice of policies and the child-centred approach in analysing them. This defines the approach created for this study, all the factors (described in this section) are combined in order to take a deeper look at child policy and child poverty from a children’s rights perspective; by combining these assumptions, concepts and theories with the ideals of the UN CRC I believe it is possible to look at child policies assumed to reduce child poverty from a new perspective and to look beyond ‘the best interest of the child’ and to look for...
Framework and Methodology

evidence of citizenship, participation and autonomy as well. Now that the framework has been described the methods used to analyse the policies themselves is presented next.

Methodology

This is a comparative social policy study based on child–centred and children’s rights theories. So far the practicality of using tools such as Therborn’s (1993) categorisation of children’s rights in social policy, and the UN CRC’s three P’s; provision, protection and participation have been presented in this chapter. In addition, Danziger and Waldfogel’s (2001) premise on which social policies best reduce child poverty, and Redmond’s (2008) use of the UN CRC to define poverty were described in chapter three as well as how they were applied to help identify the policies to examine in this study. Therefore, in this section, the methods used to analyse these policies are presented.

Comparative Policy Analysis

As with any social abstract it is difficult to define terms such as social policy, society or welfare state, yet, “issues of definition are central to understanding and exploring social phenomenon and in the construction of an integrated social policy framework. Thus, a particular concern of comparative, cross-national analysis is the construction and implementation of robust and appropriate concepts...the concept of society should be utilized not in the sense of an isolated, impermeable ‘bounded unit’, but as constituted overlapping networks of interaction” (Kennett, 2001, pp. 3-4). Therefore, as suggested by Kennett, terms such as society or welfare state cannot be viewed as concrete but rather as fluid, changing concept not only between societies but within society itself. Furthermore, Alcock (2008) sees the field of social policy as being fluid, “the boundaries between social policy and other social science subjects are porous, and shifting; and students and practitioners of social policy may also be working within or alongside these other areas or cooperating closely with others who do” (Alcock, 2008, p. 3). This makes the area of social policy research exciting, innovating and seductive to new researchers such as myself and is not necessarily a 105
weakness, but can be seen as a strength, where outcomes from other disciplines are not disregarded before contemplating their merits to the subject at hand; opening new avenues of discovery and contemplation.

Yet, as Kennett (2001) suggests the terms used need to be robust and by admitting that terms such as welfare state or society are fluid helps the researcher begin by examining how each state defines these concepts. However, first it is helpful to define social policy and comparative social policy. Sometimes it is best to begin simply, therefore we will examine the definition Becker (2008) offers in *the Student’s Companion to Social Policy*:

Social policy is to a large extent the study of policy practice in order to contribute to policy reform. It combines both descriptive and prescriptive elements. For social policy analysis and practice to be robust and trustworthy there is a need –as in all academic subjects and areas of practice – for knowledge and action to be based on a foundation of reliable research evidence generated through the appropriate application of research designs and methods of data collection and analysis, collected within an ethical framework (Becker, 2008, p. 13).

This definition explains what social policy analysis does methodologically and based on this premise we could conclude that comparative analysis is the ‘study of policy practice’ across nations or between groups within society ‘in order to contribute to policy reform’. However this does not give us the full picture. The ICSP web site states more succinctly:

Although there is a long tradition of scholarship focused on the development of welfare states in comparative perspective, Comparative Social Policy analysis has rapidly increased its importance within the discipline since the late 1980s. Differentiation and explanation of types of welfare regime continues to be a significant element of comparative study, but comparative analysis also takes a more focused approach to the investigation of Social Policy. This approach emphasises the particularity of different welfare activities rather than the more general shape of welfare states and has become a core area of study due to the development of closer relationships between countries (ICSP, 2003).
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Thus, comparative analysis can look at the bigger picture (macro) and explain types of welfare regimes or, as in this particular case, look at policies (micro) rather than an overall characteristic or generalisation.

This section will examine comparative social policy in more detail by looking at the history of comparative policy analysis and concordantly social policy analysis including; regime theory, evaluative approaches and the focus on globalisation. This includes a discussion of the levels of comparative policy analysis from macro to micro. And, we will revisit the discourse on varying definitions between states and within states when we examine the limitations of comparative policy analysis. However, it will be helpful to examine the reasons for conducting comparative policy analysis and more specifically comparative child policy analysis first.

Why CPA?

The most obvious reason for comparing states is to look at their differences and similarities, while Heideinheimer et al. (1990) explore the reasoning for comparative policy analysis deeper and offer three rationales:

1. To learn lessons, a natural experiment in what works best or worst in the policy arena.

2. To understand how government institutes and political processes operate as they deal with concrete issues.

3. Globalism and growing interdependence; e.g. economic and environmental issues (Heidenheimer, et al., 1990, pp. 1-2).

Here, all three aspects are important to this study, yet number three is arguably the most pertinent in face of the current financial crisis. As stated earlier in this chapter and the previous, it is through growing interdependence and supranational organizations such as the United Nations that governments have agreed to simple basic human rights and the rights of children.
Why CPA and children?

Therefore, it is only a natural evolution to examine these rights from a comparative policy approach. Yet, that is not all. Over the last decade the importance of child centred approaches to research has increased. Therborn (1993) himself states, “the rights and conditions of children and their pattern of change in the 20th century do not, then, offer themselves as a ‘dependent variable’ to be picked up and submitted to statistical software packages and/or to other explanatory treatment. As a first step a basic analytical framework has to be constructed” (Therborn, 1993, p. 244).

Wintersberger et al. (2007) find that generational analysis, or in other words the study of children in welfare analysis, is the third tier in social and policy analysis.

Generational analysis in the sense of confronting the condition of children at large with the condition of adults is one of the most recent developments in structure oriented childhood research, adding a third structural level to the existing ones of class and gender in particular…to some extent the process of introducing the generational perspective has similarities with the difficult journey of the feminist movement towards establishing gender (besides social class) as a recognized level in welfare analysis (Wintersberger, et al., 2007, p. 13).

Furthermore, CPA conducted from a child-centred perspective will expand our knowledge of child policy. As stated earlier, this approach has been missing in CPA. Before explaining how this study will achieve this it is helpful to understand the history of CPA and how it has evolved.

History

Although comparative social policy may have solidified into a coherent field of study in the 1980’s it has long roots reaching back into policy research and other disciplines. Kennett (2001) suggests, “Cross national research has a long history across social science disciplines and has increasingly become an important feature of contemporary social policy analysis” (Kennett, 2001, p. 40).
The post-war era saw an increase in expenditures in welfare states. “Historically, the starting point for comparative analysis was the observation that in the post-war era many countries, especially those of the industrialized West, experienced a massive expansion in publicly financed and delivered welfare” (Alcock, et al., 2008, p. 421). Researchers in Canada, the Netherlands, France and the UK observed this expansion (Marsh, Van Rhijn, Laroque and Beveridge, respectively). Alcock et al (2008) continue, “one stimulus to comparative analysis, then, was that charting and explaining common trends and accounting for these differences” (Alcock, et al., 2008, p. 421).

Mostly, this centred on categorising states according to welfare regimes, called regime theory; based on the categorisation of welfare states according to benefits provided, how they are provided and statistical outputs of benefit amounts and/or % of GNP invested in the welfare state. This includes ground-breaking work by Titmuss (1958), Esping Andersen (1990), Gough et al. (1997) and Korpi and Palme (1998). However, there has been a recent move away from analysing strictly along regime theory approaches. “In cross-national social policy research, the emphasis has moved from ranking countries according to their welfare effort to a recognition that there are different types of welfare states that formal social policies are only one element in the arrangements of welfare and that social policy is not just about ameliorating the impact of social inequality or about altruism.” (Kennett, 2001, p. 71). Furthermore, with increasing complexity scholars began to examine other areas of social division beyond class, beginning with the status of women’s welfare (May, 2008).

It has also added to research into the welfare experience of other groups. Though bedevilled by the lack of reliable, compatible national data, there has been a surge of enquiries into the dynamics and impart of different welfare systems on ethnic minority and religious groups and provisions for economic migrants and asylum-seekers. More recently, partly prompted by concerns over demographic ageing, controversy has spilt over into cross-national-assessment of provisions for the elderly, people with disabilities and children (May, 2008, p. 428).
Other areas of policy and structure came under the scrutiny of comparative policy analysts, especially in the area of globalisation:

Interest in cross-national analysis was also fuelled by other factors. One was awareness of the extent to which social policy was being shaped not only by the operation of global markets but the expanding remit of supranational entities such as the European Union, the World Bank, and International Monetary Fund. Their interventions constituted a new focus for analysis, not least because they relied heavily on cross-national data (Alcock, et al., 2008, p. 422).

Therefore, it is only a natural evolution for this study to examine policy believed to alleviate poverty using a comparative policy approach from a child-centred perspective; in other words (1) to examine the situation of children that has evolved from studies on women’s welfare, and (2) base the definition of poverty on the UN CRC a treaty created by a supranational entity. Next, we will briefly examine the various levels of analysis in comparative policy approaches and examine which level this particular study falls under.

Levels of Analysis

The level of analysis will often vary within a social science discipline. Normally this can be categorised along the continuum from micro to macro or vice versa. In the following table we can see the different levels of comparative policy analysis and the areas within the discipline this covers.

This particular study takes a micro approach, and as shown in the Table4-1 on the next page, this study is looking at the aims of programmes, services and benefits such as child benefits, early childhood education, child support and out-of-school programmes looking at the relationship between child-centred polices and child poverty.
### Framework and Methodology

Table 4.1 The micro and macro approaches to comparative policy analysis

<table>
<thead>
<tr>
<th>Micro</th>
<th>Macro</th>
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<tbody>
<tr>
<td>The extent and nature of the ‘need’/‘problem’</td>
<td>The general welfare milieu</td>
</tr>
<tr>
<td>The range of provision</td>
<td>Policy-making styles</td>
</tr>
<tr>
<td>The overall welfare context</td>
<td>Key forms of welfare ‘input’ or ‘effort’</td>
</tr>
<tr>
<td>Policy-making processes</td>
<td>Predominant patterns of welfare production</td>
</tr>
<tr>
<td>The aims of a particular programme(s)/service(s)/benefit(s)</td>
<td>Predominant processes of welfare allocation</td>
</tr>
<tr>
<td>Their origins and development over time</td>
<td>The main welfare output(s)</td>
</tr>
<tr>
<td>Entitlement criteria</td>
<td>The major welfare outcome(s)</td>
</tr>
<tr>
<td>The provider structure (statutory/non-statutory)</td>
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<td>The resource structure</td>
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<td>The administrative structure</td>
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<tr>
<td>Delivery/allocation processes</td>
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<td>The regulatory structure</td>
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<tr>
<td>The ‘efficacy’ of current provision</td>
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<td>Pressures for change</td>
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<tr>
<td>Policy proposals</td>
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Source: (May, 2008, pp. 423-424)

### Overall limitations

Every scientific enquiry has its limitations whatever the field of study. When it comes to comparative policy these limitations centre on low sample numbers and variances between concepts, values and the interpretation of policies and international agreements such as the UN CRC. Comparative research also demands knowledge of more than one political system this study being in-depth in design, will help to offset this limitation by looking at the various policies and their systems in each state, defining them before comparing.

The ‘same’ phenomenon can also have different meanings in different countries it is quite clear throughout this thesis that social concepts...
Framework and Methodology

vary in meaning across space and time, therefore it is quite important to acknowledge that not only do values and concepts vary between countries, but their interpretation might also vary greatly. “Not only might issues which are held to be important in one national context not be of significance in another, but also values and interpretations of phenomena differ from society to society” (Kennett, 2008, p. 45).

In the UK alone the term child support has gone through three progressions since the 1970’s from child maintenance to child support and back to child maintenance. Therefore, it is very important in this study for the researcher to remain fully aware of the variation in meaning of terms both time and space. Furthermore, an evaluation of these differences might offer a deeper understanding of the policies that are formed around these concepts.

This issue is also common when examining the implementation of the UN CRC. Pilnik (2006) found when she compared Japan and Sweden:

Both countries ratified the Convention...over a decade ago and yet major variations in the status of children’s rights still exist. Children in both Japan and Sweden are certainly better off than children in many other places, but it is interesting how many factors – differing interpretations of the Convention’s provisions, extension of rights beyond even what the Convention discusses, blatant failure to comply with elements of the Convention, and reservations to it, as well as government policies which help or hinder enforcement of rights which exist legally – lead to such an unequal legal position of children in these countries (Pilnik, 2006, pp. 25-26).

Thus, large variances in the implementation of the UNCRC exist and sometimes there is a, “blatant failure to comply” (Pilnik, 2006, p. 26). However, one could argue that the UN CRC is still a beneficial place to start in a comparative analysis of children’s rights. Regardless of the obvious variations in interpretation one will have to be constantly aware of as a researcher, it still remains that all states but one signed and all but two ratified this treaty, therefore, there is some underlying consensus. To what
degree in the three states examined here will only become obvious as the study progresses.

Furthermore, there is the question of depth of analysis and that by choosing three states in which to compare three areas of policy there will be a lack of relative depth than if looking at; e.g. one state, one policy or one policy area. This broad overview is necessary at this time for testing the framework’s ability to categorise comparatively as well as the results here indicating areas where more in-depth studies could examine at a later date.

Finally, relationships between countries means they cannot be regarded as independent although, it is important to acknowledge that this study is actually depending somewhat on this interdependence between countries; e.g. agreeing on the basic premise of the UN CRC. A comparative study will give us a deeper understanding of the different policy approaches towards family/child policy in the three countries selected for comparison (Iceland, Norway and UK).

Figure 4-2 Interpretive policy analysis

Before this section is completed the use of some facets of Interpretive Policy Analysis (IPA) in this study should be discussed briefly. IPA takes into
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account the subjectivity of the researcher, and is flexible; offering the opportunity to revisit key questions as new data emerges (see Figure 4-2). IPA is focused on language (i.e. *symbolic language*; metaphor and category analysis). While this study is mainly CPA in scope, IPA’s approach to analysing the ‘language of policy meanings’ will prove useful (Yanow, 2000). However, as stated earlier, this study remains comparative using the comparative policy methods described above.

**Application**

Earlier in this chapter, when discussing the framework, parts of the application were briefly discussed. Now that the methodology has been described both the framework and methodology can be brought together to describe the steps taken in the analysis of the three states’ policies. Table 4-2 gives a quick overview of all the various factors that have gone into the creation of the framework paired with the methods used for analysis.

Table 4-2 The tools utilized in this study and their proposed function

<table>
<thead>
<tr>
<th>Tool</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>UN CRC &amp; Redmond (2008)</td>
<td>Provides a basic template, a parameter of twenty years from ratification, a definition of poverty</td>
</tr>
<tr>
<td>Therborn (1993)</td>
<td>Defines three specific types of children’s rights in child policy</td>
</tr>
<tr>
<td>Danziger &amp; Waldfogel (2000)</td>
<td>Defines policy approaches specific to alleviating child poverty</td>
</tr>
<tr>
<td>Interpretive policy analysis</td>
<td>Analytic process of individual policies</td>
</tr>
<tr>
<td>Comparative policy analysis</td>
<td>Analytic process of comparison between states</td>
</tr>
</tbody>
</table>

But how will this be done? Even if the tools are good they would remain useless if not used correctly. For instance, you wouldn’t use a shovel to spoon sugar into a tea cup. Therefore, to begin with, it will be helpful to have a quick overview of the study in its entirety.

First, a literature review was conducted to examine the field of children, child policy and child poverty looking for a way to analyse children’s rights in child policy. It quickly became apparent that a framework
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would have to be created therefore a good deal of time was spent specifically looking for research as similar to this study as possible. This included gaining an in-depth understanding of the UN CRC; its history and creation.

A framework was created based on the UN CRC and theories described earlier in this chapter. Based on this framework the policies for analysis could be identified. The states had already been selected based on an interest in Iceland’s approach to welfare, as it straddled the divide between a Beveridge (UK) and Nordic (Norway) models. Demographics, including social expenditures and child poverty rates of Iceland, Norway and the UK were calculated using Eurostat and OECD online data bases. Analytical tools were examined and chosen. This included a detailed examination of comparative policy analysis.

The framework was tested on three areas of policy; child support, child benefits and early childhood education. The history of the policies were examined and each policy was analysed within each state using interpretive policy analysis in order to define the type of children’s rights and policy aims as set forth in the framework. The results of this analysis was then analysed comparatively between the three states.

The results were recorded and are discussed here in chapters five-seven.
1. Literature Review:
   - Childhood
   - Children in Social Policy
   - Children's Rights

2. Select the three states for analysis
   - Iceland, Norway and the UK
   - Examine classical classification of welfare state regime
   - Examine demographics
   - Examine child poverty and child-well being scores

3. Select the three policies for analysis
   - Define poverty
   - Identify policies assumed to reduce poverty
     - Child support, child benefits and ECEC

4. Create a framework for analysis that
   - Defines policy aims
   - Defines children's rights

5. Select methodology
   - Comparative policy analysis
   - Interpretive policy analysis

6. Analysis
   - Analyse the policies individually
   - Categorise the policies according to theoretical framework:
     - Provision, Protection and/or Participation
     - Child centred family, equality or integrity rights based

7. Examine and discuss results
In more detail, the analysis of the policies included an internet search of parliamentary documents pertaining to the policies was conducted. Google Chrome, Mozilla and Internet Explorer software was used to do word searches within the pertinent internet documents. This enabled the researcher to quickly examine documents and reduce the numbers of documents closely reviewed. The list of words searched for in each document can be found in the appendix at the end of the thesis.

Both singular and plural forms were searched for within the legal documents. Most viable searches gave a hit for the root or abbreviated forms of the word without having to type in the whole search word (e.g. fjölsky for fjölskylda or fam for family).

Once the pertinent documents were collected a deeper analysis was conducted. A system of questions was formed for each policy area to help analyse the results. This not only helped the researcher to remain focused, but offered a system of double checking emerging findings. As you will see, some of the questions overlap between policy areas.

Classifying Child Support Policies

In order to review each state’s policy in the same way, a set of parameters help to identify key areas that, in due course, will lead to classification. This includes questions such as:

- Is this support applicable regardless if the parents have been married or not?
- Is the child support guaranteed by the state?
- Is the system automatic?
- Does the child’s status within the family matter?

The following figures, while overly simplified, show how answers to these questions will lead to classification.
First, Figure 4-4 examines the role parental marital status plays in children’s rights. According to Therborn (1993) equality rights indicate the lack of discrimination towards a child based on whether his or her parents are married.

Second, Figure 4-5 examines how state obligation plays a role in implementation variations between states. Here, state guaranteed support is seen as child-centred rights (Bradshaw, 2007; Cordon, 1999), Cordon concluded, “that the most effective child support regimes were ones that were guaranteed by the state. That is the state paid some or all of the child support automatically to the caring parent and through the tax system or in other ways recouped the (non) payments from the non-resident parent” (Bradshaw, 2006, p. 7). Currently, Austria, Denmark, Finland, Germany, Iceland, Israel, Luxembourg, Norway and Sweden have such policies (Bradshaw & Finch, 2002; Eydal & Ólafsson, 2008a).
Figure 4-6 shows how (similar to child benefits) the implementation of support can indicate policy emphasis either towards or away from children’s rights. When systems are either automatic or both well-known and easy to apply for one can assume that uptake is high, and therefore, children are not being discriminated against because of parents lack of knowledge, fear, or shame of applying for support. Arguably, state guaranteed systems should also show high uptake rates. However, even if the policy seems child friendly on paper, but is difficult to apply for, stigmatised, not guaranteed by the state or not well implemented then benefit uptake is low; discriminating against those children who are eligible for economic support from both parents.

Is the system equal between siblings?

Finally,

Figure 4-7 shows if the child’s status within the family effects child support payments (first born, second born, first family, second family etc.).
A study conducted by Meyer et al. (2011) looked at how and if child support systems were equal between siblings and half-siblings. When it came to two siblings living under the same roof if the non-resident parent pays one amount for the first child and a reduced amount for the second child there is a reduction for the second child, which is called the ‘economies of scale principal’. Here the argument is that the state acknowledges that there is a certain cost with bringing up one child, but that with each additional child this cost is divided amongst the children. It is assumed that the resident parent will share the income with both children equally. One argument is that it keeps payments affordable for the non-resident parent. The theory being that this will underscore willingness-to-pay. However, Meyer et al. (2011) state that this becomes complicated when non-resident children live in two differing households. If we find that payments to children are equal between children regardless of status within the family and the rights of the
first child are protected, then the policy shows integrity rights; i.e. the autonomy of the child.

Classifying Child Benefits

In the section analysing family and child benefits five main questions emerged that helped to focus the research on the main research question:

- Is the family seen as a unit or as a group of related individuals
- Is the benefit system automatic
- Does parental marital status effect benefit outcomes
- Does income or whether the child lives in a work-less household affect benefit outcomes
- Is the benefit paid to the primary caregiver or the breadwinner

These questions are examined more closely in the following figures.

Figure 4-8 Process for examining parental marital status, child benefits and children's rights

Figure 4-8 examines the role parental marital status plays in children’s rights. According to Therborn (1993) equality rights indicate the lack of discrimination towards a child based on whether his or her parents are married. In particular, this study examines whether children of lone parents receive less, similar or greater benefits than children of two parent households. This could be taken even further by examing benefits for both single and dual breadwinner households with children.

Figure 4-9 Process for examining parental income, child benefits and children's rights
Second, Figure 4-9 examines how income and employment play a role in benefit variations between states. Here, a line is drawn between universal benefits seen as child-centred rights (Daniel & Ivatts, 1998; Lister, 1997), means-tested benefits and its emphasis on the economic welfare of children in low-income families (Ridge, 2008; Ridge & Wright, 2008) and benefits paid only to working households and its emphasis on welfare-to-work and social investment (Levitas, 2004).

Thirdly, Figure 4-10 examines that social researchers have found that when a child benefit is paid to the primary caregiver (mostly the mother) the money goes directly to the child (Goode, et al., 1998).
Finally, Figure 4-11 shows how the implementation of benefits can indicate policy emphasis either towards or away from children’s rights. When systems are either automatic or both well-known and easy to apply for one can assume that benefit uptake is high, and therefore, children are not being discriminated against because of parents lack of knowledge, fear, or shame of applying for benefits. However, even if benefits seem child friendly on paper, but are difficult to apply for, stigmatised or not well known in the wider community then benefit uptake is low discriminating against those children who are eligible for that particular benefit, most often in the form of means-tested benefits for low-income families.

Next, the same approach to classifying the child support policies examined in this study is presented.

Classifying Early Childhood Education Policies

Again, in order to review each state’s policy in the same way, a set of parameters help to identify key areas that, in due course, will lead to the classification shown in table 7.4 above. This includes questions such as:

- Is ECE universal, is it offered to all children?
- Is it state subsidised? If so, to what extent?
- Is ECE offered in a safe and secure environment with staff educated in early childhood educational methods or other early childhood studies?
- Do parents utilise these services?
The following figures, again while overly simplified, shows how answers to these questions will lead to classification.

**Figure 4-12 Process for examining access to ECE and children's rights**

![Diagram showing process for examining access to ECE and children's rights]

**Figure 4-12** examines the importance of children’s access to services. In this study, if policies offer all children within a certain age range access to consistent ECE programs, then the policy is considered child-centred based. It will not be considered children’s rights based unless access to it is subsidised or free to parents.

**Figure 4-13 Process for examining state-subsidized ECE and children's rights**

![Diagram showing process for examining state-subsidized ECE and children's rights]

Second, **Figure 4-13** examines whether ECEC programmes are state subsidised and to what extent. It is also possible to acknowledge the role played by charities in some ECEC schemes, however, in most cases charity based programmes are often centred geographically in a small location, therefore the same standardised service may not be offered throughout.
Finally, Figure 4-14 examines the importance of well-educated staff in a safe, secure environment in which the children can explore their capabilities. This includes the argument for well qualified ECE teachers, creative environments and adherence to a particular pedagogy or theory.

Figure 4-15 explores uptake rates of ECEC services in the three states, therefore examining whether policies that might seem child-friendly on paper are being implemented and meeting the real needs of children and families. Children could be discriminated against for various reasons: due to geographical location (e.g. rural areas); household socio-economic level (e.g. unsubsidised schemes, or no assistance for low-income, lone parent or large families); generational cohort (e.g. children born in years of unexpectedly high birth rates) etc. Low uptake rates may also reflect difficult
application processes, lack of public support or funding etc. This would have to be examined closer if low uptake rates become evident.

In closing, the framework created for the analysis of children’s rights in policies assumed to reduce child poverty was presented. It is a synthesis of the UN CRC’s three P’s (provision, protection and participation) and Therborn’s categorisation of children’s rights in social policy. The former examines the aim of the policies and the latter how and in what form children’s rights emerges in the documents.

This study sets out to examine children’s rights in policies known to alleviate child poverty in the two decades following the inception of the UN CRC, 1991-2011. The research question being: **To what extent has the discourse on children’s rights permeated policies on child poverty?**

The analytic tool used to conduct this study is mainly comparative policy analysis borrowing some support from interpretive policy analysis theories. Comparative policy analysis allows lessons to be learnt from varying policy approaches and to examine global trends or interconnections (Heidenheimer, et al., 1990). Interpretive policy analysis is utilised to systematically look at each individual policy and understand the policy’s’ meanings (Yanow, 2000).

Over the next three chapters the results of this study is presented followed by a discussion of these results.
Child Support and Children’s Rights

“There can be no keener revelation of a society’s soul than the way in which it treats its children.”


Child support policies are probably the most difficult group of policies to examine and compare in this thesis. On the one hand, child support is not always a public transfer nor is the agreement between parents transparent. On the other, this area of policy is highly sensitive in nature, where the state can be seen as intruding into the personal matters of the family. However, this view is not entirely correct. Historically, governments have interfered with family matters long before the dawn of the welfare state, sometimes quite harshly, from as far back as Grágás from the middle ages until the 19th Century in Iceland individuals in need were forcibly returned to the parish of their birth where circumstances were often dire; in many cases splitting families far apart and in some instances each family member was sent to a different parish (Ólafsson, 1999). The difference here, when it comes to child support policies, of course is that it is dealing with the family’s finances and how money is divided within the family, which could arguably be the last domain of the patriarchal family in 21st century Northern Europe and Anglo-Saxon countries. As Hatland and Mayhew (2006) conclude, “traditionally the family is a private area of life where the law should intervene as little as possible” (Hatland & Mayhew, 2006, p. 79).

This is the area of child policy that gets to the heart of the struggle between parents and the state; i.e. where the line is drawn in regards to their mutual obligation towards children and is central to this study because

19 Nelson Rolihlahla Mandela, anti-apartheid activist and former president of South Africa, 1994-1999
20 Grágás [eng. Grey Goose] Medieval Icelandic legal code
of the implications in regards to basic children’s rights; e.g. the right of children to be provided for by both parents. As Skevik (2003) asks:

Who should provide for children whose parents are not living together? With rates of divorce and births outside marriage increasing across the industrialised world, this question is of growing importance in welfare state debates. Moreover, the question brings together some of core questions in those debates, such as the division of labour between states and families, between men and women. Changing assumptions about breadwinning and caring for children living with one parent is thus an important aspect of welfare state change (Skevik, 2003, p. 11).

This chapter will examine how some states intervene further into family matters than e.g. the UK (Bennett, 2006) and also show that when state guaranteed child support is implemented it reduces child poverty rates (Hakorvirta, 2010).

The acknowledged aim of child support policies are ensuring parental obligation to provide financially for their children and protect children in lone parent households (Clearinghouse on International Developments in Child, Youth and Family Policies, 2004, s 1.10).

Chapter Outline

In this chapter, child support in Iceland, Norway and the UK is examined from a children’s rights approach, defining implementation and uptake rates as well. At the end of this chapter a comparative analysis is presented, exploring whether or how the right of the child to be provided for is defined in these three states.

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21 As we will see later in this chapter, child support is now known as child maintenance in the UK.
Table 5-1 Three areas of social policy to examine from the children's rights perspective

<table>
<thead>
<tr>
<th>Policies selected</th>
<th>Family Benefits (child maintenance)</th>
<th>Child Maintenance/Support (meðlag)</th>
<th>Early Childhood Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children’s Rights*</td>
<td>Social Security</td>
<td>Economic Welfare</td>
<td>Capabilities</td>
</tr>
<tr>
<td></td>
<td>Social Exclusion</td>
<td>Social Exclusion</td>
<td>Social Exclusion</td>
</tr>
<tr>
<td>UN CRC</td>
<td>Article 26</td>
<td>Article 27</td>
<td>Article 27</td>
</tr>
<tr>
<td>Categorisation of policies**</td>
<td>Child-Family Centred</td>
<td>Equality</td>
<td>Child-family Centred</td>
</tr>
</tbody>
</table>

Key: * Redmond, 2008; Sen, 1999; **Therborn, 1993

Table 5-1 revisits the areas of policy examined in this study and how they fulfil the parameters set and their possible categorisation of these policies according to Therborn (1993) and Redmond (2008). In this section, focus will be on the possible economic stability afforded children when applying this policy and the obligation of the parents to provide to the child gaining a wider understanding of the three state’s approaches from a children’s rights perspective.

Classifying Child Support Policies

In order to examine this policy area from the children’s rights perspective it is helpful to keep in mind the theories in regards to children’s rights of both Redmond (2008); e.g. Economic Welfare, Capabilities and Social Exclusion, and Therborn (1993); e.g. Child Centred Rights, Equality Rights and Integrity Rights. As stated in earlier chapters, the idea of Social Investment is included to establish when a policy’s aim is not focused on the child of today, but the child of tomorrow.

Again, as we have seen in the discussion above and earlier chapters, the aim of child support is economic welfare for children in lone parent households. However, one could also argue that a secondary outcome of child support is social inclusion via access to services, recreational goods, and other material goods consumed by peers living in two-parent households and the social support of non-resident parents and their extended families (Júlíusdóttir, 2009; Ridge, 2002).
In order to clarify the various child support policies and to dig for implications of children’s rights the following four questions will be asked. How do each state’s policies depict the following conditions of the UN CRC:

- The right of the child to paternity;
- The obligation of both parents to provide;
- The right of the child to have access to both parents;
- The right of the child to be heard (arts 7-31 UN CRC, 1991).

Studies in this area are few and far between, but one comparative study did look at equality between siblings in 2004 based on the principals of the UN CRC (Meyer, et al., 2011). “Equality is an important social policy goal across a wide range of contexts and in a variety of countries, but we are not aware of any research that examines the equality of obligations to children in different family forms” (Meyer, et al., 2011, p. 1804). This study will be discussed more in depth in the comparative chapter, but for now it is important to realise the lack of data in this particular area of study.

Furthermore, although the UN CRC is a good place to start when analysing policies in this area, on its own, it cannot really give a full and in-depth depiction. In chapter two the struggle between the family and state were outlined, especially in regards to finances. Here, researchers are examining what Archard (2004) coins as the ‘proper’ relations between state, family and children (Archard, 2004, p. 154). This includes three main emphases in this area:

1. The best interest of the child
2. Parental autonomy

Briefly, when looking at financial resources or rather financial provision, it becomes apparent that the tension between the roles of the family and state in children’s lives places its mark on child policy, where on the one hand the emphasis is on parental autonomy and on the other on the best interest of the child. Furthermore, examining the threshold of state intervention allows for comparative analysis; where no state intervention (e.g. tax credits, family...
Child Support and Children’s Rights

benefits, subsidised services for families) would indicate that the sole obligation to provide for the child is set squarely on the parent’s shoulders, in other words this equates to a very small safety net for families. While greater state intervention means that benefit amounts increase and thus a wider safety net for those same families (as seen in Figure 5-1).

Figure 5-1 The tension between state and parental obligations towards children

It is how this balance is struck within each of the three states that seems significant to analyse (Ridge, 2008). If state intervention becomes too weak (i.e. less state intervention) parents have more liberty and can make their own arrangements. However the ‘best interest of the child’ is not protected nor children’s rights. Too rigid and emphasis becomes state centred and could squash the rights and obligations of parents and would arguably need to be well organized and have a very good administrative arm.

Figure 5-2 The duality between legal definitions of the adult-child relationship

When recognizing the struggle between the state and parents it is also necessary to acknowledge the struggle between parent and child (as shown in Figure5-2 above). This is similar to the argument set forth by Archard (2004) that when only adult rights are central in policy there is an overall emphasis on the liberty of the parent. When there is an emphasis on the combination of both adult and children’s rights welfare develops; what Therborn (1993) considered Child-centred family rights. When emphasis is solely on children’s rights the child is seen as ‘in trust’ (see Figure5-2 above)
there is an emphasis on child development, or rather capabilities, and an
emphasis may also be placed on the child as an investment or future citizen
worker at this stage (Archard, 2004). This is the area in which you would
most likely find what Therborn (1993) considered Equality and Integrity
rights.

If we look again at the two figures Figure 5-1 and Figure5-2 and
recognize their worth combined as a basis with which to examine child
support policy, then arguably, it would be possible to obtain a more
encompassing view and create a better tool to define and/or categorise
these policies or rather the three states’ approaches to child support.

The figure on the next page (Figure 5-3) shows that by combining all
three areas a clearer picture is formed; e.g. (1) the emphasis of the UN CRC
on parent and state obligations, (2) actual state intervention, and (3)
emphasis on the child parent relationship to define and categorise the
states’ policies. Table 5-2 explains further the extremes of each position in
Figure 5-3 and, thus, lays out the argument of how important it is to strike a
balance between the three agents; the state, parents and child in order to
ensure the best possible outcome for children.
## Child Support and Children’s Rights

### Table 5-2: The various approaches to child policy and influence on rights

<table>
<thead>
<tr>
<th>Emphasis of policy</th>
<th>Rights-based</th>
<th>Contrary to rights</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Weak</strong></td>
<td>Parental liberties</td>
<td>Rights/interest of child unprotected</td>
</tr>
<tr>
<td>e.g. Laissez faire**</td>
<td>Autonomy to arrange family finances</td>
<td>Gender issues</td>
</tr>
<tr>
<td></td>
<td>Owner of (by parent)</td>
<td>No safety net for families with children</td>
</tr>
<tr>
<td><strong>Rigid</strong></td>
<td>Wider safety net</td>
<td>Rights of both parents and children are quashed</td>
</tr>
<tr>
<td>e.g. State paternalism**</td>
<td>Parental liberties</td>
<td>Ownership (by the state)</td>
</tr>
<tr>
<td><strong>Adult-centred</strong></td>
<td>Focus on the child can be lost</td>
<td>Child seen as ‘savage’ or ‘vulnerable’</td>
</tr>
<tr>
<td></td>
<td>Child autonomy</td>
<td>It is argued that full autonomy may not be the best code of practice</td>
</tr>
<tr>
<td><strong>Child-centred</strong></td>
<td>Child is seen as ‘in trust’</td>
<td>Parental rights can be disregarded</td>
</tr>
<tr>
<td></td>
<td>Focus on capabilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Child seen as a future investment</td>
<td></td>
</tr>
</tbody>
</table>

Sources: *Archard (2004); **Fox-Harding (1997); Ridge (2006); Therborn (1993); White (2002)
Figure 5-3 Tool to define child support policy

- State Policy
- ‘In trust’
- ‘Liberty’
- Weak or Rigid
- ‘In trust’
- ‘Liberty’
- Weak or Rigid
- Child Centred
- Adult Centred
- Child Centred
- Adult Centred
- Child
- Parents
- Autonomy
- Ownership
Child Support and Children’s Rights

As stated earlier in chapter two, Nordic nations have made attempts to more equally distribute the responsibility between the state and family and move towards a more idealistic child-centred approach (Eydal, 2004; Ólafsson, 1999; Satka & Eydal, 2004; Skevik, 2003; Therborn, 1993). These child-friendly policies in Nordic States are created to ensure to some degree that the fundamental economic, social and cultural needs are met and the state is there to help the parents in their role. Later in this chapter we will see how Iceland, Norway and the UK relate to these assumptions.

Defining key concepts

In order to fully understand child support policies it is important to understand three main concepts; custody, legal residence and access/visitation, especially as these terms can be easily confused. Furthermore, to confuse matters more, these are also legally defined concepts, so as we will see later in this chapter each state’s definition of these three concepts varies slightly. However, it is beneficial to examine each concept both generally and from a rights approach.

Custody is now referred to as shared parental responsibility and is often misunderstood to mean dual residency or clouds the idea of access or visitation. Here, shared parental responsibility refers to the responsibility of one or both parents to cooperatively provide the child with the best environment possible to ensure the child’s development and nurture the child’s capabilities. In this study shared responsibility implies that the child lives at one legal residence, but however that both parents are responsible for the child’s upbringing and well-being. In Norway there is also the option of shared residency; however that will be discussed later in this chapter.

22 For a more in depth discussion of these three concepts and the rights of children to speak on their own behalf see e.g. The Child’s Act Bill 328-290/2011, Iceland; Alderson (2008a); Arnarsson & Bjarnason (2008); Barnett & Wilson (2004); Cashmore (2005); Flekkøy & Kaufmann (1995); Hallet & Prout (2003); Juliusdottir et al. (2008); Juliusdottir & Sigurðardottir (2000); Kaltenborn (2001); Roose et al. (2010).
The main emphasis here is on shared responsibility and obligation not residency or access.

In Norway, *shared parental responsibility* is where both parents share authority over the child and both have a say in important decisions regarding the child, but *shared residency* (delt bosted) defines those cases where the child spends equal amounts of time in both households.

In the UK and Iceland (at the writing of this chapter) legal residence or residency refers to the main residence of the child although the child may spend some time at the non-resident parent’s home. In most cases where there is shared responsibility, the resident parent does not have sole authority over the child, but has some autonomy over day to day matters. The main emphasis here is on the best interest of the child; that the child lives in one stable environment where the child has strong social bonds; i.e. close to friends, family, education, afterschool programmes etc. From a rights based approach this of course means listening to the child’s views on where they would like to live and why (see e.g. Iceland Law in Respect of Children no. 76/2003, Child Support Act no. 142/1991, UK).

In the states studied, these agreements on visitation or access are created in varying social venues; the legal, the regulatory or personal. They can be determined by a magistrate, judge, local authority or more commonly agreed between both parents. However, in the latter in some states an authoritative body is required to validate a personal agreement.

According to the UN CRC all children have the right of access to both parents (arts. 7, 9-10, UN CRC). As stated before, shared responsibility is not equivalent to joint access, or shared residency as in the case of Norway, (e.g. the child’s time being shared 50/50). Again, from a rights perspective it is important to listen to the views of the child about how they would like to spend their free time, with whom and why (Alderson, 1995; Alderson, 2000; Alderson & Morrow, 2004). Furthermore, as the child grows visitation patterns can change as they form stronger bonds with their peers (Júlíusdóttir, et al., 2008; 2009). Recently, the concept of access has been expanding and, as we will see later in this chapter, policies are starting to
Child Support and Children’s Rights

acknowledge the importance of extended family ties and the rights of step parents.

In the case where parents are neither married or co-habiting when the child is born, these terms can take on new meaning. For instance, it is rare for shared responsibility to be the rule, as it is often the case that one parent may not want children, be unable to provide for a child or the biological father is deceased. In fact, in the three states studied here it varies, where the biological father could apply either solely or through the mother to establish paternity (as seen later in this chapter). From a rights perspective, these are the most difficult cases for policy to enforce a child’s right to paternity, right to access and the parent’s rights and obligations towards the child. However, as we will see each state takes different approaches to try and ensure the rights of the child in this respect.

This concludes a basic overview of the approaches utilised in the examination of the child support policies discussed in this chapter. The benefits of examining child support from a children’s rights perspective has been explained, and important concepts were defined from a children’s rights perspective; e.g. custody, residency and access.

In this chapter, each state’s child support/maintenance policies will be examined historically then comparatively utilising the parameters set forth here (for an even more in depth discussion of these methods please see chapter three). Regarding poverty, it is shown that various scholars see child support as a key component in helping improve the standard of living for children in lone parent households (Bradshaw & Hatland, 2006; Cordon, 1999; Danziger & Waldfogel, 2000; Hakovirta, 2010; Ritakallio & Bradshaw, 2006). First, in order to understand the environment that these policies are generated from it is helpful to examine the demographics, social circumstances and attitudes of each state; for instance by examining the changing trends in family dynamics, public attitudes to child policy and then finally examining why scholars believe that child support lifts children out of poverty.
Demographic and Social Environment

In this section, the demographic and social environment is explored, within which this field of child policy is embedded, in order to be better prepared to examine the nature of these polices within each state and then analyse these results comparatively. Barnes, Day and Cronin (1998) suggest three factors to consider when examining child support policies; 1) the composition of the lone parent population, 2) the characteristics of non-resident parents, and 3) values; e.g. attitudes towards gender issues and obligations for care (Barnes, et al., 1998, p. 39). In this section an examination of the three state’s demographics and family trends in accordance with Barnes et al. (1998) are discussed.

Furthermore, it is necessary to understand the fast pace in which changes in social relations have occurred and the difficult challenges this has created for policies and policy makers. This includes examining the composition of the lone parent population as suggested by Barnes et al. (1998) as it is one of the fastest growing demographics in the West following WWII. This is followed by an examination of the general views and attitudes, or values as described by Barnes et al. (1998), towards child support by state including a discussion of the characteristics of non-resident parents by examining how and why support goes unpaid and how relationships seem to underpin whether a child receives support and access to non-resident parents.

Also included in this section is a brief discussion on the historical evolution of statutory rights within families regarding the custody of children showing how far legislation has come, from defining children as property, to that as a ‘vulnerable being’ in need of care to that of an ‘autonomous agent’ with his or her own rights in regards to care and access. Finally, and most importantly, this section looks at child support and the role it can play in lifting children out of poverty.

Changing Family Trends

In order to understand the society in which policies emerge it is helpful to look at the demographics that pertain most closely to the policy field
examined. In the West, post-war welfare states were built on the ideology of the male-breadwinner model and a high regard for the nuclear family (Björnberg, 2006; Glennerster, 2007; Millar, 1994). However, this ‘ideal’ was short-lived. Changing family dynamics over the last fifty years has caused vast changes in society, traditions, gender roles and social rights permeating almost all areas of policy. These changes are particularly visible in the examination of policies and discourse surrounding child support. In this section we will look at how changing family forms can influence policy making and how those policies in turn influence family lives including the trend of seeing children as the vulnerable child in need of attachment, which then evolves into the ‘the best interest of the child’ and to that of the rights and obligations of parents towards their children.

Divorce

Divorce rates increased in post war Western states. Table 5-3 highlights the changing family form from the 1960s onward, shown as the increase in divorce rates in the three countries studied and the average for the 27 European Union states over a span of forty years.

<table>
<thead>
<tr>
<th>Year</th>
<th>Iceland</th>
<th>Norway</th>
<th>UK</th>
<th>EU27</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960</td>
<td>0.7</td>
<td>0.7</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1970</td>
<td>1.2</td>
<td>0.9</td>
<td>1.0</td>
<td>-</td>
</tr>
<tr>
<td>1980</td>
<td>1.9</td>
<td>1.6</td>
<td>2.6</td>
<td>1.5</td>
</tr>
<tr>
<td>1990</td>
<td>1.9</td>
<td>2.4</td>
<td>2.7</td>
<td>1.6</td>
</tr>
<tr>
<td>2000</td>
<td>1.9</td>
<td>2.2</td>
<td>2.6</td>
<td>1.8</td>
</tr>
</tbody>
</table>

Source: EUROSTAT, 2009. Crude divorce rate is calculated by the ratio of the number of divorces during the year to the average population in that year. The value is expressed per 1000 inhabitants. EU27 is calculated with data collected from the Individual Member States of the EU-27. – data not available.

23 Individual Member States of the EU-27: Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, United Kingdom
Child Support and Children’s Rights

The table shows how divorce rates doubled in Iceland over this period, nearly tripled in the UK and tripling in Norway by the 1990s. The table also shows the slight downward trend observed by many scholars at the turn of the century. Unfortunately, there is insufficient data for the earlier years to calculate the EU divorce rate, and since the main increase in divorce rates for most Western states is observed from 1970-1980 it is difficult to deduce much other than a slight increase in the remaining three decades observed.

However, it is added here as a guideline for comparison of the three states; all three well above the EU rate, which almost catches up with Iceland by 2000. However, as marriage rates decrease and divorce rates increase cohabitation becomes a widely accepted substitute for marriage, whether it is to test the waters before marriage, as a complete alternative to marriage or possibly a by-product of our evolution with the practice of serial monogamy being a common practice worldwide; “probably the remnant of an ancestral breeding season” (Fisher, 2000, p. 102)24.

Lone-Parent Households

In this section, lone-parent households will be examined where over 10 million children lived in lone parent households in the UK in 1991 with less than 1% living in lone father households (see Table 5-4 below).

Table 5-4 Number of children living in lone-parent households

<table>
<thead>
<tr>
<th></th>
<th>Children in lone mother households</th>
<th>Children in lone father households</th>
<th>Total number of children</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK</td>
<td>10,726,762</td>
<td>86,397</td>
<td>10,813,159</td>
</tr>
<tr>
<td>Norway</td>
<td>799,760</td>
<td>8,750</td>
<td>808,510</td>
</tr>
</tbody>
</table>

Source: EUROSTAT (2009). Data for Iceland was unavailable at this time

---

24 See also (Beck & Beck-Gernsheim, 1995; Smart, 2007; Fisher, 1992; Fisher, 2006)
As we have seen, this trend is repeated in all three states. If we take Iceland as a case study, although households headed by lone-mothers seem to be on the rise over the last 12 years, lone father families remain barely 2% of the total lone-parent families as seen in Figure 5-4.

The steep rise in lone parent households between 1998 and 1999 is of course due to the legal change of the definition of a child from 16 years to 18 in Iceland, but even when taking this into account there remains a visible overall increase over the long-term.
According to Statistics Iceland (2005) by 2004 a little over a third of children were born to married mothers and roughly half to cohabiting mothers, which leaves roughly 16% of children born to single mothers.\textsuperscript{25} “Over the last decades the number of children that have been born out of wedlock has proportionately increased” (Statistics Iceland, 2005, p. 1). In fact, the report claims that the rate of children born out of wedlock (to cohabiting and single mothers) is the highest in Iceland out of all of Europe (67.3%), Norway is third highest with 50% of children born outside of marriage in 2003 (Sweden is second highest at 56%) (Statistics Iceland, 2005, p. 7). Similar to the data on cohabiting this is a typical trend for Nordic countries and less common in other European countries, especially the southern Catholic states (Statistics Iceland, 2005, p. 7). If we look at the most recent data available from EUROSTAT (2011c; EUROSTAT, 2011) it is possible to see this trend amongst the three states studied here in comparison with the EU 25.

Table 5-5 Live births by mother's legal marital status in Iceland, Norway and UK, 2009

<table>
<thead>
<tr>
<th></th>
<th>Married</th>
<th>Unmarried</th>
<th>Live births</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Percentage</td>
<td>Total</td>
</tr>
<tr>
<td>EU 25</td>
<td>3,150,861</td>
<td>62.2</td>
<td>1,897,955</td>
</tr>
<tr>
<td>UK</td>
<td>424,413</td>
<td>53.7</td>
<td>365,791</td>
</tr>
<tr>
<td>Iceland</td>
<td>1,790</td>
<td>35.6</td>
<td>3,236</td>
</tr>
<tr>
<td>Norway</td>
<td>27,769</td>
<td>44.9</td>
<td>34,038</td>
</tr>
</tbody>
</table>

Source: EUROSTAT (2011). Based on the data set Live births by mother's age at last birthday and legal marital status

However, as seen in Table 5-5, the UK rate of children born out of wedlock is not entirely dissimilar from the two Nordic countries in so far as it has a larger ratio of children born to unwed mothers in 2009 than the European average.

\textsuperscript{25} Calculations based on the data set forth in the report; i.e. if 36.3% of children were born to wed parents and 47.2% of children were born to parents cohabiting that would indicate that ca. 16.2% of children born to single parents.
In the late 1980s and early 1990s governments needed to respond to these changes in family dynamics, while at the same time facing rising unemployment rates. The welfare state needed to be revised to adapt to these social changes in order to help those in need, even if reigning moral views did not necessarily follow. As for instance in the UK, child support policies in the 1990s were seen politically as a way to reduce the burden on the welfare state and (morally) to act as a financial deterrent by defining in policy the personal responsibility of fathers; i.e. implying that fathers should have only as many children as they can financially support (McLaughlin, 1999).

Public Views

Therefore, it is not enough for policymakers to create legislation defining how and if non-resident parents should look after their children. The attitudes of the general public need to be taken into consideration when an area of policy is as controversial as this one. Looking at evidence from the British Social Attitudes Survey (BSA) 1991-1992 (Kiernan, 1992) results indicate that both men and women agree overall that fathers should support their children regardless of marital status (90% men and 95% women). Yet, when it comes to step-families and re-partnering this view becomes more ambiguous signifying that the role of the father is not considered to be automatically a lifetime role; especially where some view that the role of the stepfather may be equally important (Kiernan, 1992). Fast forward to the BSA 2007-2008 where Park et al. (2008) found that 78% of respondents felt a stepfather would ‘definitely’ or ‘probably’ raise a child just as well as a biological father and that 63% would give the new family (mother/stepfather) primacy over the biological father (Park, et al., 2008, pp. 12-14). This would imply that Kiernan’s (1992) conclusion that the British public do not see the role of the father as lifelong and the role of the stepfather to be as important had not been just a contemporary view, but rather indicates that it might be an enduring view.

This could be somewhat dissimilar to the views of Nordic men and women. Although somewhat different in nature, a study conducted by
Júlíusdóttir (2009) in Iceland showed that 96% of recently divorced parents surveyed felt that a parent should seek legal assistance if the other parent is inhibiting the child from seeing the non-resident parent. As a side note, recent studies have been showing that contact with extended family and especially grandparents is beneficial for the well-being of the child particularly regarding socialisation and therefore I would argue that it is not only a child’s right to have regular contact with the non-resident parent and but also contact with their extended family as it would increase the child’s social inclusion on many levels (Júlíusdóttir, 2009).

Views towards lone parenting from a gender perspective also varies between the three countries, where on the one hand in the UK the lone-mother is the one seen in a negative light, while on the other the man who gets a woman pregnant (and does not live with her) is seen as silly and irresponsible in Norway (Barnes, et al., 1998). This is indicative of the importance placed on the role fathers play in children’s lives in Norway and the rhetoric ‘fathers matter’ is high on the agenda of Norwegian policymakers (Skevik, 2003; 2006). Of course, this is not the only gender divide seen when it comes to changing family dynamics and ultimately child support policies.

Gender Division

The current gender divide in households can be explained by many factors such as traditional gender roles and the male breadwinner model; i.e. women are seen as carers and men as providers. Historically and from a rights based perspective, emphasis has been more patriarchal, hence the argument that child support and family finance is the last stance of the European patriarchal family. For ease of understanding this historical evolution within the family the table below sets out the rights of fathers, mothers and children in a simplified manner historically, in the 1990s and in recent policies.
In the early 20th century, due to the influence of child psychology and child development research, the mother was increasingly seen as the natural caregiver in Western society and therefore, she was almost always given custody of her children in divorce (except in extreme cases). By the 21st century this idea was being challenged.

The UN CRC defined the obligation of both parents to the child and the right of the child to access to both parents. By the end of the first decade of the 21st century this is being defined in policy through shared
responsibility measures (e.g. Iceland) and joint birth registrations (e.g. the UK). This, of course, coincides with pressure from governments to reduce the welfare state, thus finding fathers financially responsible for their non-resident children, yet corresponds somewhat to children’s rights and the ideal that both parents should care for the child regardless of marital status. This is a good example of how a policy originally written for the benefit of the state or adults has then inadvertently begun the process of recognising the rights of the child (the right to care from and access to both parents).

Implementing Child Support Policy

The implementation of child support policy is often defined by how the payment of non-resident parents is received and the decision as to the amount (Cordon, 1999), as “history, culture and socio-economic institutions all influence how and why countries organize child support” (Meyer, et al., 2011, p. 1806).

First, there are three avenues of implementing the decision-making process; the courts, a state agency or a combination of both. This has greater implications than just where parents access child support decisions, since state agencies are more likely to have a standardised regulation on minimum payments, for instance, while the court system operates generally via guidelines that are much more discretionary than the standardised regulation of the state agencies (Cordon, 1999; Meyer, et al., 2011).

Second, is the status of non-resident parents and how much influence it has on child support payments; e.g. the non-resident parent’s income, cost of living, new family responsibilities etc. (Meyer, et al., 2011).

Third, is whether the payment is state guaranteed and if so if it can be paid in advance (Cordon, 1999). Studies have shown that advance-guaranteed child support payments have the greatest benefit for low-income lone-parent households, as payments are reliable and the state takes on the obligation of recouping the funds (Bradshaw, 2006).

Non-payment is a big issue whether in the Nordic states or the UK. In Norway there is a big push to recuperate funds even from those fathers living abroad through a specifically appointed unit the National Office for
Social Insurance Abroad Child Support Unit; with a third of fathers living in one of the other Nordic countries.

In Iceland, only 78.4% of child support was recovered in 2008. In 2009 71% of child support was recouped, while 2006 had been the best year for the Child Support Collection Centre, when 83.6% was recouped from non-resident parents (Bernharðsson, 2010).

In order to understand the issues of non-payment of child support various social dynamics need to be considered (Bradshaw, et al., 1999; Maclean & Eekelaar, 1997). Such as the relationships between capacity and willingness to pay, attitudes towards obligation and the complex relationships between those involved (Bradshaw, et al., 1999).

In a survey of 600 non-resident fathers in the UK (1995-1996) Bradshaw et al. (1999) found that payment of child support was contingent upon two main factors parental relations and relations with the child;

1. **Parental relations post-separation** based on reciprocal behaviour, a reached shared understanding, shared parental responsibilities and the level of blame or guilt,

2. **The father’s relationship with the child post-separation** based on the child wanting and seeking contact, having active contact, the father’s guilt over his reduced/unsatisfactory fatherhood role and legal expectations or the threat of enforcement (Bradshaw, et al., 1999).

Bradshaw et al. (1999) also looked at why some absent fathers paid child support and others did not and saw two main issues emerged regarding both capacity and willingness to pay.

Capacity to pay is clearly an important issue in policy making. Scholars such as Bradshaw et al. (1999) found that in the UK non-resident parents were more likely to be unemployed or more likely to be low wage earners. Therefore, this group were more likely to be dependent on social security benefits and be poor. Other scholars that have looked at this issue have found a divergence over cultures and states regarding factors contingent upon willingness to pay (see Table 5-7).
As Bradshaw et al. (1999) found willingness to pay is based also on the father’s relationship with the non-resident child, Table 5-7 also includes Skevik’s (2006) findings on regular contact between non-resident parent and child.

Table 5-7 Factors relating to willingness to pay or continue regular contact

<table>
<thead>
<tr>
<th>Factors contingent upon willingness to pay support (Bradshaw et al., 1999)</th>
<th>Factors associated with contact and payment of support (Maclean and Eekelaar, 1997)</th>
<th>Factors contingent on regular contact (Skevik, 2006)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>History</strong></td>
<td>The relationship with mother and children</td>
<td>Formerly married or cohabiting</td>
</tr>
<tr>
<td></td>
<td>Length and quality of paternal relationship</td>
<td></td>
</tr>
<tr>
<td><strong>Paternity</strong></td>
<td>How the child was conceived</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Confidence over paternity</td>
<td></td>
</tr>
<tr>
<td><strong>Relationship with child</strong></td>
<td>Length and quality of their relationship with child</td>
<td>Contact with child and payment of child support related</td>
</tr>
<tr>
<td><strong>Arrangements</strong></td>
<td>Parents had a formal agreement</td>
<td></td>
</tr>
<tr>
<td><strong>Geographical location</strong></td>
<td></td>
<td>Parents live in geographical proximity</td>
</tr>
<tr>
<td><strong>Negative effects</strong></td>
<td>How the relationship ended; e.g. blame/guilt involved</td>
<td>Mother remarried</td>
</tr>
</tbody>
</table>

Sources: Bradshaw et al. (1999, pp. 144-147); Maclean and Eekelaar (1997), and Skevik (2006, p. 129).

This is such a complex issue, which holds the well-being of so many individuals at stake. Scholars have increasingly acknowledged this especially in relation to the well-being of children (Júlíusdóttir, 2009; Smart, 2007). It has been argued that how a family separates is more important than the divorce itself, and that it is best for the child if their life is disrupted as little as possible and that, as stated earlier, extended family relations remain intact (Júlíusdóttir, et al., 2008).

Child Support and Child Poverty

As this study looks at three policies assumed to reduce child poverty, it is helpful to examine how child support policies work to this effect. Scholars
have shown how lone parent households are over-represented in child poverty studies (Bradshaw, 2006; Bradshaw, et al., 1999; Brewer, et al., 2006; Danziger & Waldfogel, 2000; Duncan & Brooks-Gunn, 2000; Eydal & Jeans, 2008; Harker, 2006; Lister, 2004; Micklewright, 2003; Middleton, et al., 1997). Child support is often seen as one answer to this issue and there is some evidence that shows us that not only are the policies themselves important, but rather it is the implementation of these policies that is most crucial (Bradshaw, et al., 1999; Bradshaw, 2006; Bradshaw, 2007). For instance, some UK studies show that parents that receive regular maintenance are more likely to be employed (Barnes, et al., 1998; Bradshaw & Millar, 1991; Lister, 2012).

Jonathan Bradshaw has spent years studying both child support and child poverty and Bradshaw (2007) suggests that child support policy impacts child poverty “directly and immediately…altering the behaviour of those involved” (Bradshaw, 2007, pp. 2-3) Bradshaw argues that child support, on the one hand, when implemented properly, can help to lift children out of poverty by increasing income into the household. On the other hand, ‘bad’ policy would create an incentive for lone-parents to not work and/or alienate non-resident parents from participating in the child’s life. It is best when some form of equality is established, where the non-resident parent is not only providing financial support, but social as well. This of course does not included cases where there is a history of violence or abuse.

However, as we have seen briefly there is a complex mix of moral, social, emotional and relational factors that can impact whether child support is paid. This is very important, because as social policy researchers not only do we look at the policies created to support families, we look at how they are implemented and in spite of good intentions if a policy is not implemented or lacks administrative support, it becomes at best confusing for the beneficiary or at worst stagnant as seen in the mountain of problems faced by the Child Support Agency in the UK as shown in regards to the 1991 Child Support Act later in this chapter.
Another side effect of poverty as seen in the previous section is the effect it has on contact and visitation of non-resident parents and their children. As Skevik (Skevik, 2006) found poverty “is a challenge to continued fathering” (Skevik, 2006, p. 130) even, it seems, in light of family-friendly or even father-friendly policies.

Siblings

As stated earlier, states vary according to how much the status of the non-resident parent influences the amount of child support paid. In the comparative analysis section whether payments between siblings will be examined based on the work of Meyer et al. (2011) who identified four main child support policy strategies for siblings broken down in two main separate dichotomies:

1. *Equal*, the same payment for each child regardless of birth order or,
2. *Unequal* or rather *economies of scale* each subsequent child within a household costs less therefore the child support payment is less
3. Protecting the first non-resident child’s standard of living regardless of future half-siblings or
4. Reducing the first child’s payment when children are born to the non-resident parent in another household (Meyer, et al., 2011, pp. 1806-1807).

Therefore, there are four possible categorisations of states' policies: equal-no reduction (to the first-born’s support); equal-reduction; unequal-no reduction; or unequal-reduction.

From a children’s rights stand point this is a very important issue to examine in this study. Even if payments are kept equal between children, but to do so, the first child’s payment needed to be reduced would in fact be revoking a child’s right based on the actions of the non-resident parent. “This approach raises a new concern, as many would consider this as unfair to the first child, who now receives less child support” (Meyer, et al., 2011, p. 1807). Furthermore, the cost of the first child in the first household did not decrease as in the *economies of scale* argument. Therefore, this approach
would be appraising the affordability of the non-resident parent over the right of the child.

*This section* examined the demographic and social environment in which child support policy is embedded. General demographics and family trends showed how marriage rates rapidly decreased and divorce, cohabitation and lone parenting rapidly increased over the last fifty years, placing an increasing burden on the welfare state in the 1980-90s.

Views and attitudes towards child support were examined and it became apparent that the majority of respondents (both men and women) felt that men were responsible for the financial care of their children whether residing with them or not. Most importantly in regards to this study, this section looked at how child support lifts children out of poverty not only financially, but by allowing resident parents the opportunity to work. Next, each state’s child support policy is explained followed by a comparative analysis of the three current approaches.
Iceland has often been categorised alongside the other four Nordic states when it comes to family policy, although this is not always the case, as seen in the previous chapter on child benefits. From the outside looking in policies may seem ‘Nordic’ because the focus is on the family, services for families or on children as well as based on the tradition of cooperation between Nordic states and their policymakers. Lately, this Nordic interconnection seems to have gone through a transformation, especially over the last decade and following the global financial crisis, and some argue there still remains evidence of a coherent Nordic model (Earles, 2011; Greve, 2004; Kvist & Greve, 2011). However, this chapter indicates that each state studied has its own discernible system of child support including Iceland and Norway.

This section also presents the growing emphasis on the social aspect of parenting in Icelandic policy. Icelandic parents are overall in agreement that the non-resident parent should contribute in some way to the financial needs of the child and policy has been expanding to encompass not just the financial, but also the social aspects of parenting (Júlíusdóttir, 2009). For instance, Iceland was the first Nordic state to adopt into legislation a paternal leave for fathers equal to three months and an additional three months to divide between both parents as they saw fit (Eydal & Rostgaard, 2011). Although parental leave schemes are not examined specifically in this thesis it is helpful to mention this policy here in order to understand the recent emphasis in Iceland on equality; i.e. parenting and fatherhood in particular.

This will give some insight into state and public attitudes towards child support and the obligation of both parents to care for the child. Equality is the key aim in Icelandic policies dealing with care issues, including issues of financial responsibility. With this in mind, this section examines the current child support policy in Iceland and how it came to fruition in order to understand where and if children’s rights play a role when gender equality is the aim.
Policy History

As stated in the introduction, the medieval book of laws \textit{Grágas} and later legislation stipulated that fathers should support any offspring (Snævarr, 1993). In more recent history, Iceland promoted equal rights for children regardless of marital status 1921-1923 (Therborn, 1993). However, this is somewhat misleading as the term \textit{illegitimate} was still visible in \textit{Erfðalög} \textit{[Inheritance Act]} nr. 8/1962, \textit{Lög um innheimtustofnun sveitarfélagu} \textit{[Child Support Collection Centre Act]} nr. 54/1971, and finally completely withdrawn with the adoption of the \textit{Barnalög} \textit{[Act in Respect of Children]} nr. 20/1992 (Eydal, 2004; Therborn, 1993).

In the early years of the 20th century lone/single parenting and in essence children’s rights in Iceland were seen as a threat to the status quo; i.e. the patriarchal family, the nuclear family and the male breadwinner model, as well as there being a fear of the social burden that was associated with lone parenthood. It also threatened adult authority as seen on the adult-child power continuum discussed earlier in this chapter and in chapter two (Eydal, 2004; Fox-Harding, 1997; Therborn, 1993).

Sympathies began to change as post war Iceland saw a need to address the issue of lone parent families, but benefits were negligible. The 1946 Social security Act provided single mothers with some money; a child pension, but they remained ineligible for a family benefit as discussed in the previous chapter. Yet, “one of the main goals of the act was to ensure that all children enjoyed a minimum standard of living regardless of their parents’ status” (Eydal, 2004, p. 90). So, the emphasis was there, but the implementation had its own faults. In 1946, child support was also paid to lone mothers by the Social Security Institute (SSI), but the amount received could be calculated as an income and therefore could have a negative effect on other benefits or entitlements.

A benefit scheme called a mother’s wage (mæðralaun) was created in 1952, which provided lone mothers with two or more dependent children a small income in lieu of child benefits, but in addition to the child pension above (extended to lone fathers in 1971) (lög um almannatryggingu [Social
Child Support: Iceland

Security Act nr. 73/1952; lög um almannatryggingar [Social Security Act nr. 67/1971). In theory this was supposed to replace the ‘breadwinner’s’ wage thought to be missing in a single mother’s household, but this was not as successful as hoped since the pension at the time was only equal to approximately 13% of the average male’s salary (Eydal, 2004). Emphasis at this time in Iceland is clearly on the nuclear family and male breadwinner model as was in many other Western and Nordic states.

In 1962 the mother’s wage was extended to lone mothers with one or more dependent children in hopes that it would make payments to lone mothers more equal to a two parent household on benefits (Act no. 40/1963). This shows an increased effort towards equality rights, but it is clearly a struggle as there remains a legal distinction between ‘legitimate’ and ‘illegitimate’ children at this time.

It is important at this junction to examine a clause that is a basic factor that later supports child support legislation in Iceland. From 1946, lone parents that remarried lost their entitlements to a child pension and mother’s wage after a period of 3 years. By then it was expected that the step-parent take on the financial obligations toward the child as if the child were his own. “However, all lone mothers, except widows, could demand child support from the actual father, though the state did not provide any guarantees for such payments” (Eydal, 2004, p. 113).

Furthermore, there is an ongoing debate in Iceland at this time as to whom is responsible for the financial support of lone mothers; state, local government and/or absent father, and in 1954 it was, “pointed out that it was often difficult for mothers to claim child support from the absent fathers on their own and that it was much easier if the Social Security Institute did it for them” (Eydal, 2004, p. 113).

The three year rule was abolished in 1955 and all lone mothers became entitled to a state child pension/child support payment until the child

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26 384. Frumvarp laga um almannatryggingar, 83. Lögjafarþing 1962-1963
154
reached 16 years regardless if they were to marry or cohabit (Act no. 129/1995). It was at this time that it is first suggested that the financial responsibility for lone mothers be moved from the state to the local level as the SSI has difficulty in recouping child support payments from fathers, but the proposal was rejected at this time (Eydal, 2004). Over time, as child support increased the mother’s wage decreased proportionately. As stated earlier, by 1971 both fathers and mothers were awarded equal rights to what was renamed a parent’s wage (Act no. 67/1971).

The struggle for children’s equality rights continues at this time as many children were still being discriminated against based on the status of their parents. The benefits described here were not universal payments; e.g. they were not paid if the father abandoned the family or was imprisoned (Eydal, 2004). Furthermore, mothers returning from being married to a foreign national abroad were not paid child support or a child pension at first. This is significant when viewed from the social context of Iceland at the time. From the offset of WWII Iceland was occupied by a foreign army; first the British and then the American until early in the 21st Century. During the war years and post-war years many women married foreign soldiers, moved abroad; some only to face abuse and/or poverty. Numerous ‘war brides’ fled back home to their extended families in Iceland with their children, but were ineligible for a child pension or child support from the state, while facing discrimination from society as well.

Yet, as is common in family policy, things were more complex than at first glance, since as far back as the 1946 Social Security Act (no. 50/1946) a SSI employee was authorised to rule in favour of a child receiving state funded support if the foreign father had left the country or died (Eydal, 2004). This in essence contradicts the rule of abandonment described above.

By 1952, sympathies towards these women and their children began to change and, “the new rule was that as long as the mother lived in Iceland, the entitlement to a child pension should be the same as the entitlement of widows. The child pension in such cases should be reimbursed to the SSI from the state fund [Act no. 73/1952],” (Eydal, 2004, p. 115).
This era in Icelandic policy shows the struggle in child support policy; (1) to find a balance between parental obligation and state support, and (2) to ensure the equality rights of children. These struggles lay the groundwork for future legislation with an increasing focus on children rather than adults and more emphasis on creating and encoding concrete children’s rights in policy as detailed in the new and encompassing Law in Respect of Children.

The first act adopted in Iceland to solidify child policy was the Barnalög (Law in Respect of Children) nr. 9/1981. Over the next 30 years, this act would go on to define the view of children and children’s rights in Icelandic policy on parental obligations, custody and access.

First, in 1981, it seems almost insignificant to discuss with only one parent as custodian in the case of separation/divorce being common practice in Iceland as well as the majority of Nordic States and beyond. Yet this collection of legislation is significant in its infancy, because although it could have been easily called the Family Act, the name chosen reflected the beginning of a new emphasis on children that would grow and expand over the next three decades.

Since 1981, the concept and issues of children have undergone a complete change within both Icelandic society and the world at large; i.e. how children are seen, their needs, but especially their rights and the changing roles of family members. This evolution is most evident by how many times the act is revised over the next three decades.

The act was revised in 11 years in 1992 and although it remained mostly intact and unchanged, the main innovation was that it allowed what was then termed joint custody (now shared responsibility) for the first time if both parents were in agreement. Stepparents living with the biological parent in a registered cohabitation or marriage also gained custody, but only

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27 See also the explanations attached to the newest Frumvarp um breytingar á barnalöginn [Revisions to the Law in Respect of Children Bill] 328-290/2011 (pp. 10-13)
at the time/length of the union. The UN CRC is still new at this time, but the best interest of the child is just starting to emerge (Act no. 20/1992).

Eleven more years pass by and the act is revised again in 2003 (Act no. 76/2003). Now, the emphasis is on two main areas (1) shared responsibility and (2) the best interest of the child; e.g. how best to legally uphold the best interest of the child while protecting the relationship a child has with both parents and at the same time define the obligations of those parents. This includes, for the first time in Iceland, the legal obligation of the mother to establish the child’s paternity.

The mother’s obligation to establish paternity. In the 2003 Act, there is no clause to specifically mandate a mother to establish paternity. “In spite of the obvious relevance for the child to have paternity established, it has not seemed appropriate to obligate the mother to establish paternity through legal directives until now as the Family Law Committee feels it is time to take that important step” (Alþt. 2002-2003 128. lögþ A: 181).

In the second paragraph it continues along these same lines, by proposing to simplify the process of establishing paternity. The difference from the previous act is only a slight simplification, where paternity is established for cohabiting couples registered with the National Registrar. In the fifth paragraph, children’s rights are mentioned in regards to the 7th article of the UN CRC defining why and how a child should be registered at birth (see appendix III.i.b on page 386).

These proposals were accepted into law as well as the recommendation that parents should listen to their children regarding issues that pertain to them and that these wishes gain weight as the child ages and matures (art. 28 p. 7 Act no. 76/2003). Stepparents continue to have custody of their non-biological children when in a marriage or registered

28 Author’s translation
cohabitation with a parent that has sole custody, again only while the union lasts (art. 29 Act no. 76/2003).

The act is partly revised only three years later in 2006. It was felt that the act needed more emphasis on ensuring the rights of the child to know and have access to both parents and to define more distinctly the obligations of the parents (Breyting á ýmsum lögum á sviði sífnaréttar (sameiginleg forsjá barns ofl.) [The Revision of Various Family Laws (Joint Custody etc)] nr. 69/2006). Here, shared responsibility has become the common agreement reached between parents where, after separation or divorce the parents automatically have shared responsibility unless otherwise stated. The parents then inform the magistrate which household shall be regarded as the child's legal residence (art. 1, Act no. 69/2006). 29

Views towards custody and access have been well researched in Iceland. In one study 58% of separated parents asked felt that their relationship was more positive and equal because they shared custody. They reported feeling less animosity or suspicion and the study indicated that bonds between extended family members were less likely to break under this scheme (Júlíusdóttir & Sigurðardóttir, 2000). The aim of the 2006 revision was to solidify this arrangement in policy. By 2008, Júlíusdóttir (2009) showed 77% of recently divorced parents felt it would be appropriate for a court to declare shared custody of the children.

Child Support Policy up to 2011

According to the Act (76/2003) child support can be determined either through parental agreement or by a local authority as long as the amount agreed upon meets a particular threshold.

In Iceland, child support is established by either an agreement between the parents or a resolution from the magistrate as long as an agreement for the basic rate of child support is met...In those cases where parents come to an

29 279. 1456 breyting á ýmsum lögum á sviði sífnaréttar (sameiginleg forsjá barns ofl.), 132. Löggjafarþing 2005-2006

158
agreement concerning support payments for a child, it is only valid if confirmed by a magistrate (Child Support Collection Centre, 2007) (See appendix III.i.a p. 386).

Therefore, when a couple ends a marriage or registered partnership/cohabitation they can declare to the magistrate how they want to share the financial responsibility for their child. If the parents cannot come to an agreement, the parent with custody can claim the state minimum child maintenance allowance (through the magistrate); in both cases paid monthly in advance by the Social Security Institute (SSI) (Eydal and Ólafsson, 2006; Ólafsson, 1999). To be absolutely clear, the custodial parent makes a claim to the local magistrate, but receives payment from the SSI. Thus, the point-of-claim and point-of-reimbursement are not one and the same with two different institutes creating the child support system in Iceland; one institute legal (local level) the other welfare (state level). The SSI is considered an intermediary in this case and it is very obvious that the SSI do not want the public to mistake child support for a benefit. On the SSI website they specifically point out that this claim is not a benefit in the first line of the second paragraph on their webpage on child support.30 The Act (76/2003) defines minimum child support as equal to a child pension and is the minimum guaranteed by the state paid until the child reaches age 18 (20 if in full time education) (see appendix III.i.c p.386).

As discussed earlier, recent changes to the act in 2006 emphasised shared responsibility and placed increased weight on formal arrangements between parents.

In this section the most current child support policy has been examined. Focus over the last decade has been on shared responsibility. The Icelandic child support system is an advance payment system guaranteed by the state where payments are equal between siblings and

30 http://www.tr.is/barnafjolskyldur/medlag/
no reduction to the firstborn’s child support payments even if the non-resident parent starts a new family.

Children’s Rights

Icelandic family policy tends to focus on gender equality, however, in the case of child support; children’s rights can be seen in the legal obligation of the mother to establish paternity when she is neither married nor cohabiting. As well as the Barnalög [Law in Respect of Children] nr. 76/2003, where emphasis is placed on the right of the child to have their views heard in relation to their maturity.

However, concerns were raised by the CRC regarding the emphasis of parental rights over children’s rights in the act (76/2003), especially in cases where agreed visitations to the non-resident parent have been enforced by the police or other authorities.

The Committee recommends that the State party ensure that in all cases concerning parent’ access to the child, the best interest of the child is always given a priority (CRC/C/ISL/CO/3-4, s.IV, B, p. 27).

The fact that the Icelandic system offers an advance guaranteed payment helps children, and not only those in low-income households, to have access to a regular, reliable income from the non-resident parent. Furthermore, the fact that there is no discrimination between siblings regardless of residency or birth order (equal-no reduction) also implies children’s rights in practice.

In the next section an analysis of uptake is discussed as it is just as important to have a good sound policy as it is to be accessible.

Uptake

Roughly 80% of lone-parent families receive child support through the Social Security Institute. If we look at the practice of shared custody defined by the 2003 Act (Revision no. 279/2006) Júlíusdóttir (2009) showed that by 2008, 84.6% of recently divorced parents surveyed shared custody where residence was with the mother and 7.3% shared custody where the child
lived with the father (total 91.9%)\textsuperscript{31}. This would indicate that the theory and practice of shared custody has been well received, confirmed by Júlíusdóttir (2009) where 88.2% of parents surveyed were very/somewhat happy with their custody arrangements.

Equality is one of the main aims in Icelandic family policy and this is true when analysing child support policy in Iceland. In fact, the equality of the parents seems to encroach on the rights of the child according to the CRC. This makes categorising child support policy difficult. The mandated shared obligation of both parents in shared responsibility seems to benefit the child just as much, if not more than the parents. Therefore, a case where the father has not been seen or heard from in years has been decreasing. However, it is up to magistrates and other institutes to make sure the voice of the child is heard above those of the parents in such cases. This is guaranteed in legislation that a child’s views should be taken into consideration in proportion to their maturity (Act no. 76/2003). Furthermore, the fact that the children are paid the same support regardless of residency (in the case of second families) or birth order is also children’s rights based in practice. Social ties, social parenting and the rights of step-parents have been ignored post-union. Scholars such as Júlíusdóttir (2009) pointed out that the rights of grandparents have been sorely neglected as well. Studies show that children in close contact with an older generation receive the type of emotional and moral support that parents cannot provide due to their role as provider, disciplinarian and carer (Cunningham-Burley, 1985; Williams & Nussbaum, 2001).

\footnotesize{\textsuperscript{31} 1042 parents surveyed who divorced 2006-2008. 589 parents participated in the survey giving a 61\% response rate.}
Norway’s family policies have often been classified as family friendly with schemes aimed at ‘the best interest of the child’. How Norway tackles child support issues will help us understand the rights of children in a pro-equalitarian welfare state, where focus is on individualisation. Furthermore, cohabitation and births to unmarried women are more common in the Nordic countries than elsewhere in Europe (see e.g. Kiernan, 2005 earlier in this chapter). Norway, similar to the UK has a high rate of divorce, which has been increasing over the last two decades of the 20th Century (see Table 5-8 below) but this of course is only part of the picture. Norway’s marriage rate is high due to remarriages while 40% of births are registered in unmarried households of which, 17 in every 1000 births are to teenage mothers (Barnes, et al., 1998; Clearinghouse on International Developments in Child, Youth and Family Policies, 2004; EUROSTAT, 2007; EUROSTAT, 2010c).

Table 5-8 Divorce rates in Iceland, Norway, UK and EU27, 1960-2000

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Iceland</td>
<td>0.7</td>
<td>1.2</td>
<td>1.9</td>
<td>1.9</td>
<td>1.9</td>
</tr>
<tr>
<td>Norway</td>
<td>0.7</td>
<td>0.9</td>
<td>1.6</td>
<td>2.4</td>
<td>2.2</td>
</tr>
<tr>
<td>UK</td>
<td>-</td>
<td>1.0</td>
<td>2.6</td>
<td>2.7</td>
<td>2.6</td>
</tr>
<tr>
<td>EU27</td>
<td>-</td>
<td>-</td>
<td>1.5</td>
<td>1.6</td>
<td>1.8</td>
</tr>
</tbody>
</table>

Source: EUROSTAT, (2009). Crude divorce rate is calculated by the ratio of the number of divorces during the year to the average population in that year. The value is expressed per 1000 inhabitants. EU27 is calculated with data collected from the Individual Member States of the EU-27. – data not available.

Furthermore, emphasis on dual parenting and the role of fathers in children’s lives is apparent in policy. Paternal leave schemes similar to

32 Individual Member States of the EU-27: Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Finland, France, Estonia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom
Child Support: Norway

those in Iceland have been well received and used by a majority of fathers (Skevik, 2006).

Policy History

Norway has been a pioneer in family policies and this in not more true when it comes to child support policies. Norway has had child support policies in place relatively early compared to other Western states; e.g. early in the 20th century child support policy had already been adopted.

Norway has had a relatively strict child maintenance system in place in 1915, which means that the duty to pay maintenance is well ingrained in the general population. Paying maintenance is not really something to be negotiated, it is more like paying taxes – it’s an obligation, and you’re not getting away from it (SPRU, 2006).

By 1956, two systems of child support existed: one for children born to married parents, and one for children born out of wedlock. Child support for divorced parents could be decided by the court system, while unwed mothers were under the protection of the local authority. This continued through the 60’s and 70’s until the Barneloven [The Act in relation to Children and Parents] 7/1981 combined both avenues of child support under the jurisdiction of the local authority in order to obtain equality between children from previously married households and children from unwed households. The assessment for child support was painstakingly slow and in some cases could take up to one year to calculate (Clearinghouse on International Developments in Child, Youth and Family Policies, 2004). This was partly due to the fact that the support system had not been standardised with no rules or guidelines for calculating support. Furthermore, at this time divorcing parents could still opt to go to court and have a judge decide.

In 1989 a guideline was set, which scholars such as Barnes, Day and Cronin (1998) call an advance payment quota or percentage system similar to child support systems in Austria and Sweden. At this time, child support was calculated in ratio to the non-resident parent’s income and paid in advance to the parent with the child.
Parents were free to make their own arrangements as long as their agreed payment was not less than the basic support payment paid by the Maintenance Recovery Centre.

Child Support Policy up to 2011

In 2003, a reform to 'modernise' child support by taking into account the income of both resident and non-resident parents and linking maintenance and contact more explicitly was accepted into legislation (c. 8 s. 71. p. 1 Barneloven 7/1981; see appendix III.ii p. 388).

Before this reform child support did not take into account the income of the resident parent, but under the new reform an increase in income could decrease the child support paid to resident parents, as the incomes of both parents are now taken into consideration when calculating child support payments (SPRU, 2006).

In 2003, a new set of rules regulating child maintenance payments was introduced in Norway. The reform implies strong incentives for non-resident parents to spend much time with their children. According to the survey Contact arrangements and child maintenance 2004, 10 per cent of parents living apart have shared custody for their children. The child lives with the mother in 82 per cent of the cases and with the father in 8 per cent of the cases. Shared custody is far more common when the child is registered at the father's address than at the mother's address (Statistics Norway, 2005).

Therefore, now emphasis is on contact and the access the child has to both parents and less on the financial support.
Therefore, the Norwegian child support system is an advance payment system guaranteed by the state where the income of the resident parent will affect the amount paid. ‘Delt bosted’ and other visitation agreements will also affect whether or how much is paid to the household where the child mainly resides. However, there is no discrepancy between children; i.e. children are paid the same amount regardless of status within the family (first born, second born, first family, second family etc.) (Hakorvirta, 2010; Meyer, et al., 2011; OECD, 2011; Social Policy Research Unit, 2006; Statistics Norway, 2005; 2010).

Aim

Therefore, in Norway, the aim of child support policies has moved away from an emphasis on child poverty and towards the mutual obligation of parents to provide for the child; i.e. less on poverty more on relationships.

In the most recent debates, the emphasis on child poverty – or indeed on the duty to provide for children at all – was almost completely absent from the debate. Rather, the arguments focused on continuous care from both parents. The main concern was no longer to force fathers to take financial responsibility, but rather to encourage them to care for their children after the break-up (SPRU, 2006).

By linking both parents income and encouraging visitation through decreased support payments, as defined by the 2003 reforms, it is hoped that the non-resident parent will participate more in their child’s life. As seen earlier in the section on willingness and ability to pay child support, non-resident parents are more likely to willingly pay maintenance when they have continuous contact with their non-resident children.

Residency and Access

As seen earlier in the section on Iceland, there has been a complete revision of how courts or authorities define custody, residency and access throughout the Nordic States over the last decade. The main focus of these revisions revolves around the best interest of the child and the relationship between the child and the non-resident parent or rather which articles or
regulations best serve the child in this regard emphasizing cooperation, cohesion and the creation of pacts between parents. Many Nordic states have been grappling with the question of whether there is a need for court decisions or when the courts should intervene and how disagreements can be solved outside the courtroom, “Those who have parental responsibility are under obligation to bring up and maintain the child properly. They shall ensure that the child receives an education according to his or her ability and aptitude” (c.5 §. 30 Barneloven 7/1981; see also appendix III.ii 388).

It has been repeated throughout this thesis that there is a strong cooperation between Nordic states when it comes to policy making and is probably most evident in the case of family polices particularly those policies dealing with divorce; e.g. shared responsibility is automatic in the case of married couples, while co-habitating parents can apply for shared parental responsibility with the local authority that once granted is then honoured even in those cases where the couple decide to dissolve their relationship (c. 5 §. 35 Barnelove 7/1981, see appendix III.ii c p.390). Therefore, when one Nordic state finds a particularly good resolution in family matters the other states quickly follow and due to this long tradition of cooperation, parliamentary action can be swift where arguments in parliament for or against any particular avenue in this regard is arguably stronger when there is evidence of its effectiveness (or ineffectiveness) from one of its Nordic cousins.

When the 1981 act was adopted it became the jurisdiction of the judge to declare parental responsibility where it does not serve the best interest of the child. In 2007, a committee was formed to examine custody, residence and access. The committee wrote a report Med barnet i fokus: en gjennomgang av barnelovens regler om foreldreansvar, bosted og samvær (NOU 2008:9). Based on their findings a bill was drafted (ot.prp. no. 104 [2008-2009]).

As the bill is discussed there are two innovations that should be defined; joint residency (delt bosted) and defining ‘normal’ access. Norway has been a pioneer when it comes to taking shared responsibility vis a vie the judicial system and appropriate authorities a step further by allowing
parents to agree to joint residency as well. As examined in the beginning of this chapter there has increasingly evolved a clear distinction within family law between custody, residency and access. Norway has advanced this further by clearly defining the difference between parental responsibility and residence (c. 5 §. 36 Barneloven 7/1981, see appendix III.11.e p. 390). Here, shared residence does not connote that the child actually lives in two homes, but that the parents share decisions on day to day matters and is allocated if parents can fulfil the following conditions:

Parents must be able to work together within the family and with other institutions; e.g. School, Pre-school

Be flexible and able to change arrangements in step with the changing needs of the child

The child must also agree to this and feel good about this type of agreement

Parents need to live in close proximity to one another (ot.prp. no. 104 2008-2009) Bold and italic author’s).

From a children’s rights perspective, the condition that the child must also be in agreement pushes Norway closer towards an integrity rights based approach in this area of child policy.

As and when the child becomes able to form its own point of view on matters that concern it, the parents shall listen to the child’s opinion before making a decision on the child’s personal situation. Attention shall be paid to the opinion of the child, depending on the age and maturity of the child. The same applies to other persons with whom the child lives or who are involved with the child.

When the child reaches the age of 7, it shall be allowed to voice its view before any decisions are made about the child’s personal situation, including which of the parents it is to live with. When the child reaches the age of 12, the child’s opinion shall carry significant weight (c. 5 s. 31 Barneloven 7/1981 Bold and italics author’s).
The bill (ot.prp. no. 104 [2008-2009]) proposed that this not only be an area of agreement between parents, but that the courts can declare joint residency in specific cases.

The Norwegian policy differs from its Nordic cousins by defining specifically what ‘ordinary right of access’ is;

If “ordinary right of access” is agreed or determined, this entitles the parent to spend one afternoon a week with an overnight stay, every other weekend, a total of three weeks of the summer holiday and alternate autumn, Christmas, winter and Easter holidays with the child (c. 5 s. 43 p. 2 Barnaloven 7/1981).

Previously, parents could make their own arrangements and the courts could override this in the best interest of the child (c.6 s. 43 p. 2 & 5 Barneloven 7/1981, see appendix III.ii.f p. 390). The bill wanted to abolish the courts ability to declare access 7 out of 14 days based on the argument that more access is not always in the best interest of the child and the policymakers did not want to set precedence or give parents the idea that joint access is better however that the age and maturity of the child must always be considered in these matters (ot.prp. no. 104 [2008-2009]). The bill suggested that when it comes to infants the best interest of the child is served when the child resides at one residence with one parent with regular visits by the non-resident parent, but not for prolonged periods. This of course pertains to all levels of development as teenagers, for instance, have other social needs outside the family (ot.prp. no. 104 [2008-2009]).

The act also places emphasis on mediation (see c. 7 s. 51-55 Barnelova 7/1981) when making decisions on custody, residency and access. In the event when a disagreement cannot be resolved or parents cannot come to an agreement the case is sent before a judge to decide in the best interest of the child (see c. 7 s.56-64 Barneloven 7/1981).

Children’s Rights

Throughout the wording of the Act (7/1981) there is no doubt of the emphasis placed on the best interest of the child, the right of the child to be heard, the right of the child to know both parents, and the obligation of
parents to care for their child. The influence of the UN CRC is carried within these ideals and impacts the way in which the act defines these concepts.

Table 5-10 Comparison of Wording between the UN CRC and Barneloven

<table>
<thead>
<tr>
<th>UN CRC art. 18</th>
<th>Barneloven 7/1981</th>
</tr>
</thead>
<tbody>
<tr>
<td>States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.</td>
<td>The child is entitled to care and consideration from those who have parental responsibility. These persons have the right and the duty to make decisions for the child in personal matters within the limits set by sections 31 and 33. Parental responsibility shall be exercised on the basis of the child’s interests and needs. Those who have parental responsibility are under obligation to bring up and maintain the child properly. They shall ensure that the child receives an education according to his or her ability and aptitude.</td>
</tr>
</tbody>
</table>

The most recent report to the Committee on the Rights of the Child concluded that Norway has been working hard “to bring legislation in full harmony with the Convention” (p. 8 CRC/C/NOR/CO/4). Norway has been called a pioneer and vanguard when it comes to children’s rights (Therborn, 1993) therefore; it is interesting to see that although the Committee recognizes the work that has already been accomplished, there remain some areas still in need of improvement. In the area of family law and particularly in the area of divorce and separation:

The Committee is concerned, however, at information that, in cases of separation and conflict, judges and experts may not be sufficiently qualified, that children do not receive assistance to ensure contact, if it is in their best interests, with both parents in the case of separation and conflict and that the right of a child to live with his or her parents is not adequately considered when the deportation of a parent is impending (pp. 32-33 CRC/C/NOR/CO/4; See also appendix III.ii.c p. 389).
Child Support: Norway

This shows that although a policy may contain a rights based vernacular the most important step in the policy process is implementation as seen in the next section examining the uptake of child maintenance in Norway.

Uptake

From 1989-2003 one in nine parents utilised the services offered by the Maintenance Recovery Centre. Furthermore, maintenance had been recouped from non-resident parents through the municipalities from 1989-2003. The Maintenance Recovery Centre, established in 1995, recoups money from the non-resident parent. It is considered unpopular but effective as roughly 80% of advance payments are recovered (Clearinghouse on International Developments in Child, Youth and Family Policies, 2004).

Hakorvita (2010) found in her study of LIS data that only 56% of non-widowed lone parent families received child maintenance in Norway. This is quite a low figure as Cordon (1999) found that 90% of lone parents were in the advance system paired with the statistics and the OECD found 76% of sole parent households received child support in 2000 (OECD, 2011). As well as in her own data Hakorvita has for Denmark (94%) the OECD had (90.5%) for the same year and Sweden (100%) in both reports for the same year, therefore a need to stop here for a moment and try to grasp this change in uptake. It is possible that the two reforms in 2003 has had an effect on these outcomes; 1) the practise of ‘delt bosted’ and the linking of payments to visitation in an attempt to increase contact between child and non-resident parent and 2) the reforms in 2003 where the income of both the resident parent and non-resident parent is now taken into account when calculating child support payments.

As Norway has surpassed the idea of child poverty alleviation to focus on social aspects such as the right of the child to access it is important to examine access statistically. According to Statistics Norway (2005) the majority of non-resident parents have some or a lot of contact with their children and are fairly satisfied with their contact arrangements. This is divided by gender with non-resident mothers having more contact with their children than non-resident fathers (Statistics Norway, 2005).
Table 5-11 Various types of contact agreements between parents in Norway shown in percentage of respondents

<table>
<thead>
<tr>
<th>Type of Agreement</th>
<th>Percentage having a contact agreement</th>
<th>Number of contact days according to agreement. Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Written agreement</td>
<td>43</td>
<td>8,9</td>
</tr>
<tr>
<td>Oral agreement</td>
<td>35</td>
<td>7,7</td>
</tr>
<tr>
<td>Publicly established agreement</td>
<td>3</td>
<td>6,2</td>
</tr>
<tr>
<td>All types of agreements</td>
<td>80</td>
<td>8,3</td>
</tr>
</tbody>
</table>

Source: Statistics Norway (2005)

Similarly, Skevik (2006) found in her survey that cohabiting fathers were just as committed as married fathers to nurture their relationships with their children post-breakup regardless if they committed themselves to a new relationship/family. Based on the answers of both resident and non-resident parents in the Statistics Norway (2005) survey found that non-resident parents had spent on average 6.9 days with their child in the previous month regardless if they had had a contact agreement (written or oral). The study also found that parents disagree about contact in general; e.g. lone mothers were more likely to report less contact with non-resident fathers than the non-resident fathers would. It would have been interesting to ask the children as well and see if their answers were similar to either parent indicating whether the child saw enough of their non-resident parent from their perspective.

However, changes to the child support policy in 2003 did not seem to affect contact between families already separated or divorced. Only 19% of parents asked reported seeing their child more often following the change in legislation. “Very few parents reported that the new rules for child maintenance was the main reason for the change” (Statistics Norway, 2005).

So far, two egalitarian approaches to child support have been examined, here with the case of Norway and previously in the case of Iceland. The wording of the act examined here mirrors the articles of the UN CRC where
Emphasis is on the best interest of the child throughout. The fact that the views of a child must be taken into account when allocating the innovative joint residency (delt bosted) shows the steps in which the Norwegian policy is taking towards integrity rights. In comparison, the examination of a non-interventionist Anglo-Saxon approach towards child support is presented next.
Child Support: UK

In the UK, child support is a private transfer that has somewhat been mediated by the state; the scheme undergoing various changes wavering back and forth between the terms child support and child maintenance. Under the most current scheme it is referred to as child maintenance.

Policy History

As in most Western states, the British post-war welfare state was based on the model of the male-breadwinner in full employment and the assumption that families remained stable (Millar, 1994). Therefore, when family dynamics began radically changing in the 1960s and 70s with increasing divorce rates, lone parent families, and cohabitation the welfare state and its policies lagged and the 80s saw an increase in welfare recipients that were lone mothers. “In addition to being less likely to have labour market income, lone parents at the end of the 1980s were also unlikely to be able to rely on maintenance as a source of income” (Barnes, et al., 1998, p. 9).

Child support polices created in the early 1990s were seen as a way to reduce public spending and as a financial deterrent to the break-up of the nuclear family (Glennester, 2000; Glennerster, 2007; McLaughlin, 1999; Millar, 1994). Although there is a long history in the UK regarding the legal obligation of a man to care for his (legitimate) offspring, how money was distributed within the family was seen as a private matter. In some cases, a court would accept that a man had fulfilled his obligation to his children through a one-off payment or transfer of the family home to the mother, called a clean-break. Therefore, unemployment, clean-break settlements and the inefficiency of maintenance collection culminated in the poverty of millions of children in lone-parent households (Barnes, et al., 1998). Cordon (1999) explains, “The body of English family law derived from common law is complex, and while there is general agreement that fathers and mothers

33 The use of defining children as legitimate and illegitimate was not abandoned in the UK until 1969 and even then in a simplified manner (Therborn, 1993).
have a duty to support their children, obligations are not set out plainly in this way.” (Cordon, 1999, p. 13).

The 1991 Child Support Act introduced major changes in the way in which that UK government intervened in the financial support of children. The new approach expected much greater obligation from non-resident parents and enforced that obligation more rigorously than it had in the past. It defined the legal obligation of the birth parent to make income payments for their children; applicable regardless of marital status. The state’s aim was to recoup unpaid support from fathers, but, in practice it did so only in those cases where the mother received a benefit.

The Child Support Act had cross-party support and was seen as a necessity and an extension of the 1989 Children’s Act (Barnes, et al., 1998). Yet, it was not so well received by the public; e.g. mothers on benefits were compelled to tell details of their former partners or risk benefit penalties and the issue of domestic violence was often argued (Craig, et al., 1996; Mullender & Morely, 1994). Furthermore, it did not help the issue that mothers on benefits did not receive any of the maintenance, since all the funds went towards reducing public spending (Barnes, et al., 1998; Bradshaw, 2006; 2007; Bradshaw & Millar, 1991; Cordon, 1999).

The Child Support Agency (CSA) was created to implement this legislation, which was left without sufficient authority, funding and was badly administered according to both scholars and the government review (Bradshaw, 2006). As it turned out thousands of children went without child support being paid into the household, or payments were delayed by months or even years (Bradshaw, 2007).

Changes were implemented in 2000 with The Child Support, Pensions and Social Security Act. Where the emphasis in 1991 was to reduce the welfare state, the main aim of this new policy was to reduce child poverty. Children have now entered the debate more firmly than in previous UK policies. “Children in lone parent families represented 42 per cent of all poor children in 2003/4. Therefore child support might play an important part in reducing child poverty. Although this was not an aspiration of the 1991
Child Support Act it was certainly the main aspiration of the Child Support, Pensions and Social Security Act 2000" (Bradshaw, 2006, p. 3).

In regards to children’s rights, the 2000 Act acknowledges the right of the child to the support of both parents (as did the 1991 Act to some extent), but here, more emphasis is placed on the child and the child’s well-being than previously. Where the state had been previously pre-occupied with reducing public spending, in this 2000 Act focus on children and child poverty is evident (Bradshaw, 2006). However, the changes implemented were not sufficient to stabilise the failing CSA and in 2008 the whole system was scratched with the new Child Maintenance and Other Payments Act.

Child Support Policies up to 2011

The White paper to the 2008 act, *A new system of child maintenance* (Department of Work and Pensions, 2006) outlines the framework of the act and states that the goal with this act is to tackle child poverty, ensure parental responsibility through access to professional advice and utilise “a tough and effective enforcement regime to enforce payment where necessary” (Department of Work and Pensions, 2006, p. 5)(See also appendix III.iii p. 392).

Built on the strides taken in 2000 to focus more on children, this act brings together a third notion, the right of the child to paternity through joint birth registrations. Although it falls short of mandating paternity in all cases, it has taken a step forward by allowing non-resident fathers the right to request paternity, where previously non-married/cohabiting mothers would have full custody or give written permission to acknowledge the father on the child’s birth certificate.

The UK child support system is built on private arrangements between parents, but resident parents can seek advice and help in obtaining support from non-resident parents through CMEC. However, if the resident parent is on Income Support then the resident parent keeps £10 per week of the money from CMEC. The UK utilises the *economies of scale* argument. Payments to children are equal but there is a reduction to the first-born’s
payments with the arrival of a new sibling, whether the children live in the same household or not (Meyer, et al., 2011)

Residency and Access

As the Nordic countries are increasingly looking at how to increase contact with non-resident parents and as scholars have shown that increased contact and access increase willingness to pay child support, it is important to review these aspects of the current and proposed policies here (Bradshaw, 2007; Skevik, 2006).

Research has been conducted on the amount of contact non-resident fathers have with their children. 42% of British fathers said they had seen their child during the last week, while 28% said it had been more than a week, but less than a month. This gives a total of 70% who had seen their child in the last months. 17% had not seen the child in a year or more, including those who had never seen the child (Bradshaw, et al., 1999).

More recently, Wikeley et al. (2008) conducted a survey of parents for the Department of Work and Pensions on the relationships between non-resident parents and their children including parents outside the Child Support Agency (CSA). The results provided here are the answers of all parents surveyed (1670 total).

Table 5-12 DWP Survey: Parents answer to question about whether the non-resident parents have contact with their children by parent in percentages

<table>
<thead>
<tr>
<th>Contact of some type</th>
<th>Non-CSA Resident parents</th>
<th>CSA Non-resident parents</th>
<th>CSA Resident parents</th>
</tr>
</thead>
<tbody>
<tr>
<td>No contact</td>
<td>30</td>
<td>29</td>
<td>34</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>


Here, we can see that a large majority of non-resident parents have some type of contact with their children. In the next table, the frequency of this contact is examined where there is face-to-face contact with the child (1063 of the 1670 parents surveyed).
Table 5-13 DWP Survey: Parents’ reply to frequency of contact between non-resident parent and child by parent in percentages.

<table>
<thead>
<tr>
<th></th>
<th>Non-CSA Resident parents</th>
<th>CSA Non-resident parents</th>
<th>CSA Resident parents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Once a week or more</td>
<td>62</td>
<td>68</td>
<td>52</td>
</tr>
<tr>
<td>Less often</td>
<td>38</td>
<td>32</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Base: All parents where face-to-face arrangements are in place Source: Wikeley et al. (2008, p. 58).

As the table shows, the majority of parents report that the non-resident parent sees their child one a week or more. Wikeley et al. (2008) points out that the discrepancy between CSA parents could be the fear of having to pay more or receiving less support, therefore the non-resident parent may over-report where the resident parent may under-report. These numbers are higher than those reported in Bradshaw (1999) and could be indicative of non-resident parents taking a more active role in their child’s life.

Children’s Rights

The fact that child support in the UK is neither guaranteed nor an advance payment system for all children, except the most impoverished households, indicates that children’s rights to child support suffer in the UK before even taking into account the troubles the UK has faced with implementation of the former CSA. There is little children’s rights or child focused rhetoric shown directly in the legislation except for stating that children have the right to support from both parents. However, the joint registration for children of un-wed parents is a step towards children’s rights and an obligation of both parents to care for the child. Emphasis on child poverty was of great importance for the Labour Government at the time when these policies were implemented, therefore, the main focus was on lifting children out of poverty.

Uptake

As the whole system has been undergoing one over-haul after another, it is only possible to estimate the uptake rate of the CSA system and not the
newer CMEC. With private arrangements being endorsed by the scheme and with benefit recipients and low-income lone families the majority of participants in the CSA it is also difficult to calculate the uptake rate for all lone parents in the UK. However, in September 2006 the CSA handled 1.4 million cases of which only 750,000 non-resident parents were liable to pay and of these only 455,000 had a Maintenance Direct arrangement or paid support via the CSA (Department of Work and Pensions, 2006). Furthermore, Hakorvita (2010) concluded that roughly one fifth or 22% of those eligible received regular child support. Similarly, the OECD (2011) found that 21.9% of those eligible received child support in 2004. Therefore, not all children eligible for child support are receiving their entitlements; an infringement on their rights.

In this section the UK child support system has been examined. The system has been underfunded and troubled from the beginning and every attempt to rectify this has made the system heavy, expensive and difficult to manoeuvre, similar to the first decade of the Norwegian system. In regards to children’s rights the system made attempts to focus on the best interest of the child. As shown, the 2000 act acknowledged the right of the child to the support of both parents (as did the 1991 act to some extent), but more emphasis was being placed on the child and the child’s well-being than previously. Where the state had been previously pre-occupied with reducing public spending, in the 2000 act focus on children and child poverty is evident. The wording has changed more towards a child focused rather than an adult-focused discourse.
This area of child policy seems to be constantly influx. Norway recently changed its Children and Parent’s Act (No. 23/2010). As shown later in chapter 7, Iceland and the UK are currently in the middle of completely revising their systems. However, the comparative analysis conducted here examines those policies implemented up until 2011. As an overview, Table 5-14 (on the next page) shows the main characteristics of each state. This table is built on the work of Cordon (1999, p. 16), but has been updated to reflect the current policy measures as well as the emphasis and results of this thesis; adding shared responsibility, children’s rights to voice their opinion on matters that concern them, and uptake as well as adding Iceland, which was missing from Cordon’s original review of 11 European states. This is just an overview of where the three states stand, which gives us a starting point to begin our comparison from a rights based perspective.

The table shows that shared responsibility is now automatic in both the Nordic states, but based on parental agreement or court declaration in the UK. The residual role of the courts seems to be changing as there seems to be a struggle in some instances between a move towards mediation or court rulings.

Looking at uptake figures in the last column, at first glance, seems very odd that the uptake rates between Iceland (80%) and Norway (54%) would vary so greatly. However, as stated earlier in this chapter the likely explanation is the reforms conducted in Norway in 2003 where the income for both the non-resident and resident parent is taken into consideration when calculating child support.

34 These calculations are only a guideline. Caution needs to be taken when looking at data from varying data sets and point-in-time.
Table 5-14 Overview of the child support policies reviewed in this thesis in Iceland, Norway and the UK

<table>
<thead>
<tr>
<th></th>
<th>Determination of child support</th>
<th>Differences if parents are unwed and not cohabiting</th>
<th>Agency responsible for paying child support</th>
<th>Agency responsible for collecting or enforcing payments</th>
<th>Advance payment of child support</th>
<th>Right of the child to be heard</th>
<th>Uptake through state agency**</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Shared Responsibility</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iceland</td>
<td>automatic</td>
<td>yes, basic minimum required</td>
<td>residual role</td>
<td>yes local authority</td>
<td>no</td>
<td>Social Security Institute</td>
<td>yes, according to maturity</td>
</tr>
<tr>
<td>Norway</td>
<td>automatic</td>
<td>yes, basic minimum required</td>
<td>residual role</td>
<td>yes National Insurance Administrations</td>
<td>no</td>
<td>National Insurance Administration</td>
<td>yes</td>
</tr>
<tr>
<td>UK</td>
<td>by agreement or court order</td>
<td>yes, ratified by the courts</td>
<td>residual role</td>
<td>yes CMEC</td>
<td>less access to court procedures</td>
<td>CMEC</td>
<td>no</td>
</tr>
</tbody>
</table>

*Based on Hakovirta (2010) and assuming that this reduction in uptake is due to new reforms in 2003 where the income of both the resident and non-resident parent are taken into consideration

** These calculations are only a guideline. Caution needs to be taken when looking at data from varying data sets and/or point-in-time

Sources: OECD (2011); Hakovirta (2010); The Act in Respect of Children no 76/2003, Iceland; Children and Parent’s Act 7/1981, Norway; Child Maintenance and Other Payments Act 2008, UK

Based on Corden (1999, pp. 16 and 56) except the categories of shared responsibility, agency responsible for paying child support, right of the child to be heard are the author’s
As stated in the introduction, whether an agreement is verified by courts or state agency affects child support payments, where payments are more standardised in those cases where child support is decided by a state agency. As seen in Table 5-14 both Iceland and Norway rely on state agencies and parental agreements (minimum required). In the UK agreements between parents are ratified by the courts, but in some cases parents could utilise the state agency (usually low-income households). Furthermore, the Nordic states do not differentiate between wed and un-wed parents, whereas in the UK un-wed parents have less access to court decisions.

When it comes to the children’s rights to be heard, Norway shows the most rights oriented approach with both the child’s rights to be heard according to maturity and the necessity of listening to a child’s view in the case of delt bosted. In Iceland focus in on allowing children to be heard according to maturity, but in the UK there is a lack of this principal outlined.

If we examine the policies from a children’s rights approach more closely, as stated earlier in chapter 3, in order to review each state’s policy in the same way, a set of parameters are needed to help identify key areas that, in due course, will lead to classification, including three main questions; (1) Is this support applicable regardless if the parents have been married or not, (2) Is the child support guaranteed by the state, and (3) Is the system automatic? (4) Is the system equal between siblings?

Is this support applicable regardless if the parents have been married or not?

This includes the role parental marital status plays in children’s rights. As seen in chapter three, according to Therborn (1993) equality rights indicate the lack of discrimination towards a child based on whether his or her parents are married. As expected, there was not this type of discrimination in the current policies of all three states, but visible in some of the states’ policy history as shown earlier in this chapter. However, as shown in Table 5-14 in the UK un-wed parents have less access to court procedures.
Is the child support guaranteed by the state?

This examines how state obligation plays a role in implementation variations between states. As stated in chapter three, state guaranteed support is seen as child-centred rights (Bradshaw, 2006; Cordon, 1999); Cordon concluded, “that the most effective child support regimes were ones that were guaranteed by the state. That is the state paid some or all of the child support automatically to the caring parent and through the tax system or in other ways recouped the (non) payments from the non-resident parent” (as stated in Bradshaw, 2006, p. 7). Currently, Austria, Denmark, Finland, Germany, Iceland, Israel, Luxembourg, Norway and Sweden have such policies (Bradshaw & Finch, 2002; Eydal & Olafsson, 2003a; OECD, 2010d).

As shown in Table 5-14, these are similar to the findings here; i.e. Norway and Iceland guarantee minimum child support payments and the UK does not.

Is the system automatic?

This examines how (similar to child benefits) the implementation of support can indicate policy emphasis either towards or away from children’s rights. When systems are either automatic or both well-known and easy to apply for one can assume that uptake is high, and therefore, children are not being discriminated against because of parents lack of knowledge, fear, or shame of applying for support.

Arguably, state guaranteed systems should also show high uptake rates, and that is exactly what is seen here in this study. Norway and Iceland guarantee minimum child support, have advance payment systems and have high rates of uptake.

When the policy seems child friendly on paper as in the case of the UK, but is difficult to apply for, not guaranteed by the state or not well implemented then benefit uptake is low; discriminating against those children who are eligible for economic support from both parents.
Is the system equal between siblings?

In the section on the UN CRC earlier in this chapter, there was a reference to a study conducted by Meyer et al. (2011) that looked at how and if child support systems were equal between siblings and half-siblings. Norway and the UK were included in their analysis and they found that when it came to two siblings living under the same roof the NRP (non-resident parent) pays one amount for the first child and a reduced amount for the second child in the UK, but equal amounts in Norway (and Iceland according to the results of this study). When there is a reduction for the second child it is called the ‘economies of scale principal’, where the state acknowledges that there is a certain cost with bringing up one child, but that with each additional child this cost is divided amongst the children. It is assumed that the resident parent will share the income with both children equally. One argument is that it keeps payments affordable for the non-resident parent. The theory being that this will underscore willingness-to-pay (as we saw earlier in this chapter).

However, Meyer et al. (2011) state that this becomes complicated when non-resident children live in two different households. In the UK payments are paid equally for both children. However, the first child’s payments are reduced therefore their income is not protected by the law. In Norway the payments are equal for both children and payments are not reduced. According to Meyer et al. (2011) this makes it more difficult for the non-resident parent, but the payments are state guaranteed (Meyer, et al., 2011).
Child Support and Children’s Rights

Table 5-15 Child support policies categorised by equality of payment between half-siblings living at separate residences in Iceland, Norway and the UK

<table>
<thead>
<tr>
<th>Country</th>
<th>Policy Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iceland</td>
<td>Equal-no reduction to first-born’s child support payments</td>
</tr>
<tr>
<td>Norway</td>
<td>Equal-no reduction to first-born’s child support payments</td>
</tr>
<tr>
<td>UK</td>
<td>Equal-reduction to first-born’s child support payments</td>
</tr>
</tbody>
</table>

Sources: Meyer et al. (2011); Act in Respect of Children no 76/2003 (Alþingistíðindi, 2003); Sigurðardóttir (2012)

If we were to add Iceland (see Table 5-15) according to the Act in Respect of Children no. 76/2003 child support is always a specific amount for each child. Therefore, similar to Norway it is paid equally to each child and payments are not reduced. They are also state guaranteed and can be paid in advance if requested (Sigurðardóttir, 2012). Meyer et al. (2011) also found that changes to the non-resident parent’s circumstances were more easily addressed in those states in which a state agency oversaw child support payments rather than when courts were the main agency.

Although, all three states reviewed in this thesis have a state agency that oversees the implementation of child support, the UK’s system relies more heavily on court decisions. This study was important to review here, in so much it shows us one view of equality rights between siblings (or rather half-siblings) and helps us to start form a stronger picture of children’s rights in regards to child support in these three countries. It must be pointed out that although Meyer et al. (2011) refer to this as equality rights according to Therborn’s classification this would reveal integrity rights or rather the autonomy of the child, since the main focus here is on the right of the child regardless of their place within the family (first born, second born, first family or second family etc.). This gives evidence to full integrity rights in both

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35 Act in Respect of Children 76/2003, Iceland and a phone interview with Ásdis Sigurðardóttir advisor at the Social Security Institute Iceland on 29 Nov 2012 at 9.33 GMT was conducted to verify my findings.

36 To review, equality rights described children’s rights regardless of their parent’s status, where integrity rights dealt with the autonomy of the child.
Norway and Iceland, but partial integrity rights in the UK, since the first born does not retain their full right towards child support (or rather payment amounts are reduced) if additional children are added to the family.

Innovations

Innovations in this policy area include Norway’s joint residency clause (delt bosted) where parents share all day to day decisions concerning the child, but the child continues to reside in one household. The innovation here is that one particular stipulation of joint residency is that it is agreed by the child as well, so that the contract is no longer just between the adults in the equation, but takes into account that there are actually three agents or three individuals. This is indicative of Norway’s egalitarian and individualist approach to family policy.

Comparative Analysis from a Children’s Rights Perspective

All three states are interested in counselling and mediation in lieu of court judgements unless absolutely necessary as counselling and mediation has shown to strengthen the agreement between parents and thus ensuring the likelihood of the agreement being honoured.

In fact, the UK’s system has been riddled with trouble and controversy over the years, so focus has been primarily on fixing problems. Yet, in the period from 2000-2009 there was an attempt to use the child support system as one tool of many to eradicate child poverty and some effort was made to focus on the best interest of the child (e.g. joint registration).

Thus, let it suffice to say that while the UK was pushing towards a more child centred policy during the time in question, Norway continues to be egalitarian yet individualist in their approach and Iceland shows its Nordic heritage, but has been criticised by the UN CRC for claiming focus on ‘the best interest of the child,’ while in practice focusing more on the parents. If we look at the continuum in the struggle between state and family, this sheds a spotlight on individual state approaches to family. This is shown in the figure 5-6 on the next page.
The figure above shows that by combining the three areas discussed earlier in this chapter a clearer picture is formed; e.g. (1) the emphasis of the UN CRC on parent and state obligations, (2) actual state intervention, and (3) emphasis on the child parent relationship to define and categorise the states’ policies. It lays out the argument of how important it is to strike a balance between the three agents; the state, parents and child in order to ensure the best possible outcome for children in the case of child support.

As shown above, Norway is depicted as being closer to integrity rights and child autonomy and has a slightly stronger state policy than Iceland when it comes to child support (more state involvement, more reliance on judicial measures). Iceland's focus on the child is somewhat less, although much emphasis is placed on listening to the views of the child the system in some cases force a child to visit a parent through police or other authoritative measures. In both cases (Norway and Iceland) payments to children are not reliant upon the child’s status within the family. Thus, regardless of how many siblings a child has or where they are in the pecking order, the child receives the same right to a basic rate of child support guaranteed by the state. The UK has had less state involvement and although attempts are made to adopt child centred and children’s rights terms and concepts, the UK has been faced with troubles regarding implementation. Furthermore, although the UK pays equal amounts to half-siblings living in different households, the first-born’s payments are reduced in order to make child support payments more affordable for the non-resident parent. Unfortunately, as studies have shown, child poverty is only
reduced through child support policies if a majority of children headed by single parent households receive regular child support payments, which has not been the case in the UK (Hakorvirta, 2010; Ritakallio & Bradshaw, 2006).

This is a shift from where Iceland and the UK were when examining child benefits in the previous chapter, thus, it could be said that when it comes to child support policy the states fall into a more classical policy categorisation with Norway similar to ‘Nordic’ systems, the UK a more ‘Anglo-Saxon’ approach and Iceland somewhere near the middle.

Table 5-16 Three areas of social policy to examine from the children's rights perspective

<table>
<thead>
<tr>
<th>Children's Rights*</th>
<th>Economic welfare</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Social Exclusion</td>
</tr>
<tr>
<td>UN CRC Article</td>
<td>Article 27</td>
</tr>
<tr>
<td>UN CRC Three P's:</td>
<td>Provision,</td>
</tr>
<tr>
<td></td>
<td>protection</td>
</tr>
<tr>
<td></td>
<td>&amp; participation</td>
</tr>
<tr>
<td>Categorisation of polices**</td>
<td>Equality</td>
</tr>
</tbody>
</table>

Key: * Redmond(2008); Sen (1999); **Therborn(1993)

As focus increases on children’s rights in regards to access and care children’s rights can be seen to have gained ground in this area of child policy, albeit not quite as far as what Therborn (1993) would call integrity rights (i.e. full autonomy), since so much of child support policies are contingent upon the adults involved. However, if we accept the fact that there will always be three agents involved when a couple with children dissolves a relationship; i.e. each adult and child, then it is possible to deduce that the Nordic model (in this case Norway) comes closest to an integrity rights based approach; not only by defining a child’s right to be heard regarding issues that concern them, but by allocating them equal right to be considered during the mediation process as with joint residency (Nor.
Therefore, it also fulfils the aim of participation as defined by the three P's.

These findings also coincide with child poverty rates. Although this study is not looking for a direct correlation between these approaches and child poverty rates, it is still noteworthy to mention that the states with the least child poverty rates (Iceland and Norway) show greater emphasis on children’s rights.

The Future of Child Support

Since the global bank crisis in 2008 austerity measures have been adopted both by the UK and Icelandic governments, while policies have remained for the most part stable in Norway.

Recently in Iceland, the Law in Respect of Children 76/2003 was completely revised based on changes in other Nordic legislation, CRC reports and the suggestions of other NGO’s and professionals. Here, mediation and counselling are emphasised, offered free of charge (art. 11 no. 61/2012). These changes map onto the current state guaranteed system discussed earlier.

Children’s rights are consolidated with the whole first chapter of the law specifically outlining these rights (art. 1 no. 61/2012). Not only are the rights of the child held in high regard, but the rights of parents, fathers in particular, are emphasised. Social ties, social parenting and the rights of step-parents have often been ignored, but the new amendments rectify this with an innovative plan to allow step-parents similar rights and obligations as a biological non-resident parent has, in those cases where the parent

37 11. gr. lög um breytingu á barnalögum, nr. 76/2003, með síðari breytingum (forsjá og umgengni) [Amendments to The Act in Respect of Children 76/2003 (Custody and Access)] nr. 61/2012

38 1. gr. lög um breytingu á barnalögum, nr. 76/2003, með síðari breytingum (forsjá og umgengni) [Amendments to The Act in Respect of Children 76/2003 (Custody and Access)] nr. 61/2012
who resides with the child has sole custody (art. 7 no. 61/2012). This gives the step-parent incentive to keep in close contact with a non-biological child, giving the child stability as the child may have looked up to, spoken of or identified that person as ‘my father’ or ‘my mother’ for years. Could this be that the next step in solidifying the rights of children in lone parent families by focusing on the social relationships children have with adults other than their biological parents? Right now, in the case of Iceland, the child support scheme moves further towards what Therborn (1993) would call integrity rights.

In the UK, The Coalition Government presented a green paper in January 2011 discussing planned changes to the child maintenance system (DWP, 2011). The main change proposed is the emphasis on personal agreements, mediation and counselling, which must be paid for if a government mediator is needed. Those opposed to these changes are concerned that disadvantaged households will not be able to afford this.

As shown in this chapter, the child maintenance system in the UK has been riddled with difficulties over the last decades, but these proposed measures seem more like turning the clocks back rather than moving forward in regards to children’s rights and although children’s rights terms and concepts such as the best interest of the child are interspersed throughout the green paper those children in the least disadvantaged households seem to be excluded from these sentiments.

Discussion

In this chapter child support policies have been examined where it was shown that child support policies have evolved from being financial policies created to recoup ‘lost’ funds from the welfare state to becoming more child centred and taking into account the social implications for the child. Divorce does not happen in a vacuum and neither does support payments.

39 7. gr. lög um breytingu á barnalögum, nr. 76/2003, með síðari breytingum (forsjá og umgengni)[Amendments to The Act in Respect of Children 76/2003 (Custody and Access)] nr. 61/2012

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scholars have shown, support payments are widely contingent upon access and relationships. When legislation goes so far as to define terms such as *shared responsibility, residency* and *access* it is opening up more possibilities for children in lone parent households to be raised in a nurturing and more financially secure environment and thus arguably fostering social inclusion on many levels. When taking into account social exclusion, the child does benefit from having access to the non-resident parent on both a social and financial level as well as opening a gateway to extended family members.

While it has long been assumed that children growing up in two-parent households become more adjusted, well-rounded adults other research indicates it is not the divorce but rather how the separation occurs and that through encouraging close contact with family members and nurturing the bonds between family members and generations is key to this issue. This has been supported through legislation that encourages counselling and mediation and would therefore fulfil the aim of *protection* as defined by the three P’s.

Children’s rights to be heard and consulted on matter that concern them are an important part of child support policies. Iceland and Norway both have provisions for children to voice their opinion, but Norway goes a step further by mandating that a child must be consulted in regards to *delt bosted* or joint residency. This clearly fulfils the aim of participation as defined by the three P’s.

Children’s rights to paternity and the obligation of parents to provide for them have been growing in acceptance in child policy over the last two decades since the inception of the UN CRC. In all three states, these two ideas were paramount, popping up repeatedly in the proposals of current legislation, the difference being in how these terms were interpreted.

We cannot finish our discussion of child support without examining the changing views and attitudes society has towards fathers. Fatherhood is increasingly being defined through policy, breaking away from the traditional view of the father as only a provider and exploring the roles
fathers have in the care of their children. As fathers are seen less as the provider and more as a carer, mothers are being seen less as a carer and more as a provider (Skevik, 2006). This was evident in the findings here as all three states studied actively encourage lone mother’s employment and the two Nordic states’ policies promote equality when it comes to care issues.

As complicated as child support policies are and as controversial as they can be these results indicate that children’s rights are an integral part of child support policies especially when it comes to the social aspects of access to parents and rights and obligations to care.
Child Benefits and Children’s Rights

“A children’s right perspective would require all children to have an equal right to an adequate basic income whatever their parents’ circumstances. Child benefit is potentially the best way of ensuring this”

Chapter 6. Child Benefits and Children’s Rights

Child benefits are the area of child/family policy (e.g. child benefits and child tax credits) that attempts to address equality, therefore poverty, in families with children in the most direct manner of all the other policies reviewed in this study: tax credits; a vertical redistribution between the more and less affluent, cash transfers; a horizontal redistribution between families with children and those without (as in Iceland) or a combination of cash transfers and tax credits (as in Norway and the UK). Child benefits and child tax credits are an area well researched in Western states, statistically speaking, especially during recent years when an emphasis was on reducing child poverty. This chapter will look at child benefits and child tax credits in Iceland, Norway and the UK from a children’s rights approach.

As stated in chapter three, examining other areas of social security might also be beneficial in child poverty research, however child benefits were chosen not only because of the recent emphasis on these policies to alleviate child poverty in the UK and Nordic states, but also because, as Daniel and Ivatts (1998, p. 64) argue, “the significance of child benefit lies not in what it can and cannot do for adults, but rather, it should form the cornerstone of children’s rights, reflecting society’s obligations towards its children as individuals in their own right”. Lister (1997, p. 59) calls this a ‘badge of citizenship’. Here, universality and equality are key concepts, however, arguably the right to and implementation of a benefit, in and of itself, may not be sufficient enough to claim an emphasis on children’s rights.

40 Daniel and Ivatts (1998, p. 64)
In this respect the existing principals of universality and equality are important. They should be accompanied by the principle of ‘adequacy’. A children’s right perspective would require all children to have an equal right to an adequate basic income whatever their parents’ circumstances. Child benefit is potentially the best way of ensuring this (Daniel & Ivatts, 1998, p. 64)

Therefore, it seems increasingly relevant to this study to examine this particular area of social policy comparatively between these three nations. To give us an idea of how these three states compare statistically, Table 6-1 on the following page, shows an overview of child benefits and child tax credits from the OECD Family Database/Tax-Benefit Model. This table shows the complexity facing this study, where during the timeframe of this study (1) Iceland conducted stepwise means-testing (except for the supplement for children under age 7); (2) the UK had a universal child benefit as well as a gross income line, where any families above the income do not receive a Child Tax Credit and; and (3) the child benefit in Norway was universal.41

In other words, at the time in question, we can see that while Iceland offered means-tested benefits, the UK had a combination of both means-tested and non-means-tested benefits and Norway offered a universal child benefit.

41 At the time of writing the universal element of child benefit had been abolished.
## Table 6-1 Overview of child benefits and/or child tax credits by state, 2009

<table>
<thead>
<tr>
<th>Benefit</th>
<th>Maximum benefit for one child aged 3-12</th>
<th>Benefit amount per additional child varies with:</th>
<th>Upper age limit for children (student)</th>
<th>Income-tested</th>
<th>Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>National currency</td>
<td>€*</td>
<td>% of average wage</td>
<td>Age of child</td>
<td>Number of children</td>
</tr>
<tr>
<td>Iceland Barnabætur</td>
<td>253.716</td>
<td>1622.77</td>
<td>5</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td>Norway Barnetrygd</td>
<td>11,640</td>
<td>1523.33</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>United Kingdom Child Benefit</td>
<td>1040</td>
<td>1231.66</td>
<td>3</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Child Tax Credit</td>
<td>2670</td>
<td>3162.06</td>
<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

Most recent data available. Family benefits including non-wastable tax credits. All benefit amounts are shown on an annualised basis. In general family benefits are not taxable unless otherwise indicated. "+": increases, "-": decreases, "0": remains the same.

Benefit amount for the first child is calculated as the difference in benefit between a 3-member and a 2-member household.

* calculated 07 May 2013 www.xe.com

Source: (OECD, June, 2010 version)
Child Benefits and Children’s Rights

The table shows that the child benefit is means tested in Iceland, the child tax credit element is means tested in the UK, but that child benefit was universal in the UK and Norway. This is similar to the findings of Bradshaw and Finch (2002) when they examined child benefit packages comparatively and concluded, “non-income-related child benefit is still the most popular vehicle for delivering the child benefit package” (Bradshaw & Finch, 2002, p. 8). However, there has been a trend in some OECD countries towards means-tested child tax credits (e.g. France and UK), while others are returning to a universal child benefit (e.g. Finland and Norway).

Classifying Child Benefit and Child Tax Credit Policies

Besides classifying child benefit schemes as either child-centred, equality or integrity rights and defining the aim as protective, provision and/or participation it is necessary to keep in mind that when looking at the tension between the state, parent and child regarding child benefits, that according to the UN CRC, it is the state’s role to support the parent in their duty to provide for the child. Therefore, one could argue that children’s rights in child benefits would be depicted by the child at the top of the triangle supported by the state and parent (see Figure 6-1 below).

Here, the integrity rights of the child would be defined as an autonomous universal right. Focus on the parents would be defined as horizontal
Child Benefits and Children’s Rights

redistribution between those with children and those without and focus on the state would equate vertical redistribution with less welfare expenditure. However, social investment theory could in fact suggest a horizontal redistribution, a universal system or both. Therefore, any suggestion of social investment must be carefully noted.

Table 6-2 Examining child benefit policies

<table>
<thead>
<tr>
<th>Children’s Rights*</th>
<th>Child benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>UN CRC Article</td>
<td>Article 26</td>
</tr>
<tr>
<td>UN CRC Three P’s</td>
<td>Provision &amp; protection</td>
</tr>
<tr>
<td>Categorisation of polices**</td>
<td>Equality/Integrity</td>
</tr>
</tbody>
</table>

Key: * Redmond (2008); Sen (1999); **Therborn (1993);

Furthermore, shown in the discussion above and earlier in chapter three, the main aim of child benefits and child tax credits is the economic welfare of the child, which indicates which column these policies will most likely be categorised (Table 6-2). However, this is a very complex system, compounded by the multifaceted variation between the states. And therefore, in order to review each set of policies equally a set of parameters help to identify key areas. This includes questions such as:

- Is the family seen as a unit or as related individuals in a group?
- Does parental marital status affect benefits?
- Does household income or employment affect benefits?
- Is the benefit paid to the primary caregiver?
- Is the system automatic; i.e. do a family automatically receive benefits once a child is registered with the local authority? (see e.g. chapter three for in-depth discussion).

This concludes a basic overview of the child benefits and child tax credits that will be underscored as these policies are examined throughout this chapter. The advantages of examining child benefits from a children’s rights perspective has been explained, noting that various scholars look towards child benefits specifically in hopes it will further improve codified children’s
Child Benefits and Children’s Rights

rights; e.g. seeing benefits, as Lister (1997) coined, as ‘a badge of citizenship’. In this chapter, each state’s child benefit and/or child tax policies will be examined historically then utilising the parameters explained here briefly (for a more in depth discussion of these methods please see chapter four). Now, that the relevance and process of examining child benefit policy from a child’s rights perspective has been explained, it will be possible to look at each state individually beginning with Iceland.
Iceland has historical ties to both Norway and the UK when it comes to social security and family policies, as shown in earlier chapters. Similar to its Nordic cousins, emphasis is placed on child and family friendly policies that help families balance work and family responsibilities, however this is accompanied by the tendency in Icelandic policy to reduce welfare state expenditures relatively in comparison with its neighbours (Eydal, 2004; Eydal & Kröger, 2010; Eydal & Ólafsson, 2006; Eydal & Satka, 2006; Ólafsson, 1999; 2011; Satka & Eydal, 2004). In this section we will look at how the current child benefits came to fruition in order to understand where and if children’s rights play a role. First, however, it is helpful to examine the climate in which these policies are formed; in the arena of family policy.

Approach to Family Policy

Before we look closer at child benefits it is important to examine the history of family and child policy in Iceland. As seen in chapter three, the Nordic states (Denmark, Finland, Norway and Sweden) are seen as belonging to the Nordic welfare model (Esping-Andersen, 1990). However, Iceland’s historical connection with the Beveridge model (specifically New Zealand’s 1938 social policy act) creates a unique position for Iceland in that it can be seen as sitting somewhere between the two models. For instance, Olafsson (1999) found that the Icelandic welfare system deviates significantly from the Nordic model. In a report to the Welfare Policy and Employment in the Context of Family Change Project Eydal and Olafsson (2003b) state:

Iceland’s expenditure figures on welfare and health were comparable to those of the other Nordic countries in the 1940s and 1950s, but during the 1960s and 1970s, welfare expenditures did not grow as rapidly in Iceland as they did in the other Nordic countries. During the 1990’s, Iceland’s proportion of GNP spent on welfare and health has hovered around 18-19%, which is low, even by European standards (Olafsson, 1999)...It can be stated that the Icelandic health and education systems have been quite comparable with those of the other Nordic countries while social services and the system of income transference provides less support (Eydal & Ólafsson, 2003b, pp. 3-4).
In fact, Jónsson (2001) concluded that this divergence away from the Nordic model can be explained by the comparatively late modernisation of Icelandic society at the beginning of the 20th century followed by rapid economic expansion during the post-war era paired with a political leaning towards the right-of-centre. Furthermore, Jónsson (2001) found that, “social policy has played only a subordinate role in public policy and debate, a feature that Iceland seems to share with Finland” (Jónsson, 2001, p. 250).

Similar to the findings of Therborn (1993), Jónsson observed that it was the women’s movement early in the 20th century that pushed the idea of social policy forward in Iceland, “not only by pioneering efforts in the fields of child welfare, care for the elderly and healthcare, but also by redefining social politics and advocating active state involvement in this area” (Jónsson, 2001, p. 252). However, emphasis on social investment is as apparent here as it was in the UK and elsewhere at this time.

The 1946 Social Security Act greatly strengthened the position of women and children, with the introduction of child benefits, paid to orphans and widows, pensioners and invalids with children under the age of 16, family benefits paid to families with four children or more, maternity benefits and benefits for widows. These benefits were aimed at promoting equality of opportunity and ensuring minimum living standards, but the policy-makers also stressed their function as a social investment enhancing the productive capacity of the nation (Jónsson, 2001, pp. 260-261).

The deviation from the Nordic model is also apparent in the area of family policies, where again Iceland spends less on cash transfers to families than its Nordic cousins in spite the fact that Iceland has a higher fertility rate, larger families on average and a higher female participation in the labour market (see Table 6-3 on the next page).

Eydal (2004) looked at family policy development and asked if political theory can be applied to understand Iceland’s deviation from the Nordic model. As seen later in this chapter, family benefit policies emerged at differing periods throughout the Nordic states. It evolved more slowly in Iceland and overall public support for families was on a smaller scale in
comparison with its Nordic cousins, but not to the extent that Iceland would fall outside of the Nordic classification (Eydal, 2004). Eydal (2004) suggested that this deviation could be explained by the fact that the elected governments from 1944-1984 were centre or right-of-centre as opposed to the social democratic (left-of-centre) governments of Norway, Sweden and Denmark over the same period of time.
### Table 6-3 Family policy expenditure, fertility rate and female employment participation in the Nordic countries

<table>
<thead>
<tr>
<th></th>
<th>Expenditure on family policy by % of GDP, 2005**</th>
<th>Fertility rate, 2008</th>
<th>Percent of households, 2007</th>
<th>Female participation in labour market, 2008*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cash transfers</td>
<td>Services</td>
<td>Tax credits</td>
<td>Total</td>
</tr>
<tr>
<td><strong>Denmark</strong></td>
<td>1.55</td>
<td>1.65</td>
<td>3.2</td>
<td>1.89</td>
</tr>
<tr>
<td><strong>Finland</strong></td>
<td>1.6</td>
<td>1.37</td>
<td>2.97</td>
<td>1.85</td>
</tr>
<tr>
<td><strong>Iceland</strong></td>
<td>1.26</td>
<td>1.7</td>
<td>2.96</td>
<td>2.14</td>
</tr>
<tr>
<td><strong>Norway</strong></td>
<td>1.58</td>
<td>1.26</td>
<td>0.12</td>
<td>2.96</td>
</tr>
<tr>
<td><strong>Sweden</strong></td>
<td>1.52</td>
<td>1.65</td>
<td>3.17</td>
<td>1.91</td>
</tr>
</tbody>
</table>

**Number of 25-to-64-year-old females in employment as a percentage of the population aged 25 to 64.**

*Most recent data available in the database, public support accounted here only concerns public support that is exclusively for families (e.g. child payments and allowances, parental leave benefits and childcare support). Spending recorded in other social policy areas as health and housing support also assists families, but not exclusively, and is not included here.¥ All children included without any age restriction § children aged 18 and younger living within the household and still dependent • Indication only, calculated from household surveys. – information not available. Source: OECD Family Data Base, 2009 and with help from Steinn Steinsson Statistics Iceland, unpublished data from the Household Survey.

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42 Norway is the only Nordic state that has tax credits for families with children. This deviation will be discussed further in the section on Norwegian child policy later in this chapter.
However, Iceland spends less on cash transfers, as seen earlier in this chapter, as well as less expenditure on services for families. Eydal and Olafsson (2003b) argue that Iceland spends half of what other Nordic states spend on children under the age of 15 “This is also supported by the limited research available on Icelandic welfare. This body of research supports the conclusion that the Icelandic system does less when it comes to benefits and services for families with children than the other Nordic countries, despite both a high fertility rate and the high labour market rates of both men and women” (Eydal & Ólafsson, 2003b, pp. 3-4). Furthermore, this is compounded by the fact that Icelandic family policy was fragmented late until the 1990’s. In 1997, the Icelandic parliament Alþingi took action to unify family policy under an organized legislative framework through the Parliamentary Resolution 1230/1997 (see appendix III.i.d p.387).

At first glance, the main focus of the resolution seems to be on the family as a unit and on gender equality. However, in the last paragraph, “That family life provides individuals, especially children, with security and the opportunity to develop their qualities to the utmost” (italics author’s) is indicative of the capabilities approach found in UN CRC as discussed in chapter three (Redmond, 2008; Sen, 1999). Therefore, it is easy to argue that this resolution also includes some inference to children’s rights, albeit briefly.

This cohesive framework was also meant to penetrate regulations and legislation on the local level where, “municipalities are expected to form an explicit family policy (Eydal & Ólafsson, 2003b, p. 5).

Therefore, over the last decade family policy as an organized cohesive framework has been implemented throughout Icelandic legislation from the national to the local level that infers children’s rights at the level of capabilities, which well be helpful when examining the various child policies
in this study; i.e. family benefits, child support and early childhood education. The fact that a resolution exists to unify family policy and which has some inference to children’s rights would indicate the awareness of children’s rights in family and child policy-making, with capabilities and possibly other aspects of children’s rights being visible. Will this be the case for family benefits? Is there evidence of a children’s rights approach in family benefits? And if so, in what way is it present?

Policy History

Before we can answer these questions it will be helpful to take a brief look at how family benefits emerged in Icelandic family policy. The first family benefits implemented in 1946, acknowledged the fact that large families were more likely to be poor by paying a benefit to families with four or more children. “Family benefits were extended to the second and the third child as a measure to solve a labour dispute in 1953, but benefits for the third child in family were cut back in 1956”, (Jónsson, 2001, p. 258). After several changes to the legislation, universal family benefits where paid for all children for over a decade 1963-1975, regardless of parental status (Eydal, 2004; Eydal & Ólafsson, 2003b; 2006; Jónsson, 2001; Ólafsson, 1999). In 1975, family benefits were moved from the jurisdiction of the State Social Security Institute (SSI) to the Director of Internal Revenue, when emphasis changed towards means-testing and benefits paid out to families in the form of tax credits and renamed child benefits (icl. barnabætur). There is some debate as to the insistence of the Icelandic government that this policy be classified as a benefit and not a tax credit while:

> Child benefits are deductible from the amount the parent or parents pay in tax.
> If the benefit amount exceeds the tax, the family is entitled to a refund.
> Payments to lone parents were 40% higher than to cohabiting parents and the benefits were higher for children under age seven (Eydal & Ólafsson, 2003b, p. 16).

This means that originally the child benefit is utilised first to pay off any tax debt, therefore, leading one to question how this is beneficial to the child/children in question.
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Further changes were made to the policy in 1984 and there has been, "a gradual increase in the proportion of means-tested child benefits as a percentage of the total amount: from 23% in 1988 to 25% in 1990, 44% in 1995 and 45% in 1996" (Eydal & Ólafsson, 2003b, p. 16). In 1999, the child benefit became completely means-tested, and therefore, the child benefit could no longer be categorised as universal except for families with children under the age of 7 (Eydal & Ólafsson, 2006). Although universal payments were made for this particular age group it is arguably not a universal child benefit for all children if a child is defined by contemporary policy as all those individuals under the age of 18 (see e.g. Lögræðislög [the Act of Majority] 71/1997)

Other countries have utilised the tax system to implement child benefits, however, the child benefit in this case is not a clear cut cash transfer, especially if it can be utilised by the state to recover taxes owed by the parent well into 2010s. Compounded by the fact it is no-longer universal, but means-tested would indicate that although it is a child benefit (in word) the actual implementation can be viewed as a tax credit; a vertical redistribution system that ensures the survival of children in low-income families, which is of no benefit to other children. If, as Lister (1997) states, universal child benefits are a ‘badge of citizenship’ it is at this point that Icelandic children lost out.

The child benefit is paid through the Internal Revenue in Iceland, and is paid quarterly based on information from the previous year's tax report with adjustments being paid out or collected over the last quarter after a new tax report has been filed and the new tax credit calculated. Until 2007 the benefit was calculated for the parent residing with the child or divided equally between two resident parents. The system also takes into account the varying needs found across different family forms; e.g. low-income families, dual-earner families, single parents and cohabiting or married parents etc.:

Child benefits differ radically for different family forms and income groups. In 1996, lone parents received on average double the child benefits of couples, mainly based on their lower income. Almost all lone parents received some
Child Benefits: Iceland

means-tested child benefits (93%), compared to about half of the married or cohabiting couples. Because the benefits are highly income-related, they constitute a considerable proportion of the income of the lowest income groups, or 95% of the income of married or cohabiting couples with the lowest income and 74% of the income of lone parents with the lowest income, while being an insignificant proportion of the average or highest income groups (Eydal & Ólafsson, 2003b, pp. 15-18).

So far, we have examined the basic principles of the child benefit/tax credit in Iceland and have mainly relied on the research of other scholars (Eydal & Ólafsson, 2003b; 2006; Jónsson, 2001; Kristjánsson, 2010; Ólafsson, 1999). We have seen who is eligible, to what extent and when or how benefits are paid. It is difficult to read from these numbers and decipher from the wording of the regulations the purpose of the child benefit and whether there were any hints of children’s rights in creating this system. In order to examine that we must go back to 1975, when the child benefit system was changed and examine more closely other documents, such as parliamentary debates, committee reports, letters to parliament from child professionals, newspaper clippings etc.


When the Internal Revenue took over responsibility for implementing the child benefit in Iceland little can be discerned from the political debate in parliament as to children’s rights. Although there is no specific talk of children’s rights per se Svava Jakobsdóttir (MP for the Social Democratic Party) argued before parliament that the proposed tax on parents would penalise children of single parents where single parents with the same income as a married couple would pay a higher tax (Alþt. 1975, 96. lögþ B:3096). The Prime Minister later stated in his report to parliament that changes to the bill included amendments to that particular section so that children of single parents would not be penalized (Alþt 1975, 96. lögþ B:3222).

As stated in chapter 3, Therborn (1993) classified directives such as these as equality policies; i.e. equality between children regardless of their
Child Benefits: Iceland

parents income (Therborn, 1993, p. 255). Thus, it would then be categorized as the right to economic welfare from an equality perspective.

This emphasis continues 1975-1991, with the only noteworthy proposal that was left untouched; that the age of majority should be changed (from 16 to 20 in 1985 to coincide with child support policies mandating fathers to pay for their children if their children continue in school) (see e.g. Acts 9/1981; 20/1992) and one noteworthy change; an additional benefit for single parents of children under the age of 7, “to compensate for the higher tax deduction they had been previously entitled to (abolished in 1975)” (Eydal, 2004, p. 102).

During this time the family is viewed as a single unit and extra benefits are given to families with children under 7 even though one could argue that it is just as expensive to raise children at any age.

A lot of focus during this time is on both the reduction of the welfare state and on the economic equalising factor of this policy and on solidifying the status of the vulnerable groups; i.e. single individuals and lone parents. However, as in other Western states it was also seen as a way to decrease the welfare state budget. In fact, one parliamentary debate scheduled to be aired on radio was cancelled, because it became “painfully” obvious to the Prime Minister and the Minister of Finance after the first round of debates that the status of individuals and lone parents were badly represented (even penalised) in the proposed amendments (Morgunblaðið, 1980, p. 20).

It is important to mention that although the policies themselves are not particularly rights based beyond the emphasis on economic welfare and equality from the late 80’s onward there is a growing emphasis on children’s rights echoing in MP’s parliamentary debates. Again, this movement is spearheaded by the women’s movement and in this case the newly formed Women’s Party. Kristín Halldórsdóttir (MP of the Women’s Party) observed that the tax system must provide for children and be as neutral as possible when it comes to the various family forms found in society; both dual-earner and one earner households, that 20% of families with children live in economic hardship and that lone mother households make up the majority.

In 1991, Ingibjörg Sólrún Gísladóttir (MP of the Women’s Party44) proposed that all children be given a personal tax deduction in their own right (attached in ratio to their parent’s deduction) in order to keep child benefit changes in step with other overall changes to the tax system. She argued that only then would changes equally affect both adults and children (Alþt, 1991, 92. lögþ A: 0236-0372). She continues in her rebuttal to the Minister of Finance, that if children have an independent right to benefits then it does not matter if the tax system views the family as a whole or individually (Alþt, 1991, 92. lögþ A: 0236-0372). From a children’s rights perspective, had this suggestion been implemented it would have allowed Icelandic children the innovation to be calculated as their own viable economic unit; a clear step towards citizenship and a child’s rights based approach.

It is clear, that during this time, 1975-1991, the status of families with children was very important, especially large families or families with one parent or one breadwinner. During this time, benefits become increasingly means-tested and some argue that it only increased the tax burden of families with children (see e.g. Alþt, 1991, 92. lögþ B: 0236-0372). Yet, there remain indications that the status of families in Icelandic society is important to these policymakers and changes to the child benefit system was always being debated during this time by both minority and majority MPs. With this in mind, the period from 1975-1991, Icelandic policy on child benefits can be classified as an economic welfare policy focusing on only the most needy children and not all children within society.

44 The Women’s Party Kvennalistinn remained active as a political party from 1983-1998 when it merged with two other social democratic parties to form The Social Democratic Alliance Samfylking, The Women’s Party’s main emphasis was on gender, equality and family
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Child Benefit Policy up to 2011

Following the ratification of the UN CRC in 1992 there is little change to the system until 2000 when a proposal is laid before Alþingi to overhaul the child benefits section of the tax and revenue policy (Alþt. 2000-2001, 126. lögþ. A: 207). Here, arguments focus on the deterioration of the child benefit and child benefit supplement and the debate to create a separate tax deduction for children has all but disappeared. The overall focus has returned to the family as a unit.

The child benefit (barnabætur) remained fairly unchanged from 1975-2007, with focus on low-income families through means-testing and equality between children living in different family types, with a supplement being paid to lone parent families.

Following the global bank crisis small changes were made, increasing the child benefit amount targeting the lowest income families but most notably here was that amendments to the policy assured that it was no longer possible for the government to claim child benefits in lieu of owed tax or other public fees and a proposal to change the child benefit package in Iceland requested that this clause continue out 2012 (Act No. 164/2011). Therefore, acknowledging that although child benefits were administrated by the internal revenue they were not a tax credit, but a benefit to families with children.

Lög um tekjuskattur og eignarskattur (barnabætur) [Law in Regards to Income Tax and Revenue (child benefits)] 166/2000
46 Lög um ræðstafanir í rikisfjármálum (aðgerðir í skattamálum, verðlagsbreytingar o.fl.), [Law Regarding Inland Revenue (measures of taxation, inflation etc.)] 164/2011, ICE
See also Olafsson, 2011

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Children’s Rights

The child benefit system lacks overall in children’s rights rhetoric. If as Lister (1997) points out that benefits are a badge of citizenship, then means-testing of child benefit in Iceland (no matter how generous it is) still means that not all children are eligible. If, the proposal that all children be given a personal tax deduction in their own right (attached in ratio to their parent’s deduction) had been implemented in 1991 it would have allowed Icelandic children the innovation to be calculated as their own viable economic unit; a clear step towards citizenship and a child’s rights based approach. Unfortunately this was not the case. However, with the acceptance of Act No. 164/2011 and the step towards removing the stigma of tax credit from the issue when it became no longer possible for the government to claim child benefits in lieu of owed tax or other public fees is arguably an indirect form of children’s rights. As now, the benefit is for the child regardless of debt owed to the state by the parent. Overall, children’s rights are not overtly visible in the child benefit system in Iceland.

Focus here is on the family as a unit. From a poverty perspective, this system targets those families most in need, yet allows for some allocation of child benefits to also be paid to middle class families. Therefore, this acknowledgement of the extra cost of raising children from the analysis of the UN CRC and the three P’s shows that children are seen in this area of policy as in need of economic protection, but not universal provision; i.e. ‘badge of citizenship’ cannot be applied here.

Uptake

Although it is important to discuss the uptake of various benefits, especially in regards to children and child poverty the child benefit scheme in Iceland is fairly easy to apply for (it is automatically calculated when an individual submits a tax return). When an individual does not submit a tax return the tax is automatically calculated for the individual including any child benefit owed. It is also possible to apply to have the child benefit paid in advance, that is to say for the current year and not retrospectively as when waiting for a tax return. Considering that every adult is expected to submit a tax return
Child Benefits: Iceland

every year regardless of employment status the child benefit can be classified as an automatic benefit to all residents. Therefore, not much research has been conducted on child benefit uptake in Iceland.

*In this section* the results of this analysis show that the Icelandic child benefit scheme can be categorised as an economic protection policy. Children are calculated as part of the whole household and not as an individual. Some movement has been away from a family-centred perspective where payments are now paid to the breadwinner if that family member is working abroad rather than in the country of the child’s residence. The system is automatic and begins when a child is registered at birth or adoption, or when filing a tax return for families that recently moved to the country. In the next section the Norwegian scheme is examined.
Norway is characterised as a social democratic welfare state typical of the Scandinavian model (Esping-Andersen, 1990). Emphasis is on bolstering the economic market, while maintaining a strong welfare net for all individuals based on universal principles (Bjørnson, 2001; Andersen, 1990; Skevik, 2003; Lyngstad, 2008).

Yet, Bjørnson (2001) argues that Norwegian family policy is built not only on the ingenuity of the social democrats, but is the culmination of debates and compromises between the social democrats and their opposition. The farmers were the dominate political force in Norway during the incubation period of the modern welfare state and the farmers oddly enough were against extended state involvement preferring local government measures, but the key contribution that is relative to this analysis is the idea that when taxes were to be used for social measures then they believed it should be to the benefit of all classes (Bjørnson, 2001).

In the 1880s, although the emphasis was on self-help and family as the safety net, those receiving poor assistance were more often than not women and children (Bjørnson, 2001). As with most contemporary Western states the Norwegians feared idleness and placed blame on recipients of poor relief if they seemed able to work. Furthermore, there was an emphasis on grown children to care for their elderly parents as well, so the right and obligation to care at this point in time swung in both directions between parent and child, and the state was only there in cases of extreme impoverishment. Then, in 1937 an old-age pension act was passed, which stipulated that, “those with an occupation should use their income on their children rather than on their elderly parents. In order to stimulate such a development, the children’s income, from 1937, was no longer a factor in the appraisal of whether the over-seventies were entitled to their pensions or not” (Bjørnson, 2001, p. 205). This would mark the beginning emphasis on children in Norwegian social policy outside of inheritance and divorce law. There was a quiet period in Norwegian social policy between the two world wars when Norway, along with most Western states, suffered a great
Child Benefits: Norway

depression. At this time the Social Committee is set up and in 1935 was given the role to reform Norwegian social policy and mould it into the institution that is known today with influence from both other Nordic states and the UK.

The Nordic states Denmark, Norway and Sweden collaborated on legislation as far back as 1872, with Finland joining in 1918-19 and Iceland in 1944 (Therborn, 1993). Therborn (1993) goes so far as to describe the Nordic countries as the vanguard in egalitarian child-centred family policy early in the 20th century. Although the welfare state in Norway was not built on industrialisation as in the UK it still has a historic link to Beveridge, borrowing his theory as the government repatriated from London in the years following the Second World War. Emphasis in Norwegian post-war politics was on “economic growth first, then distribution” or redistribution (Bjørnson, 2001, p. 210).

Therefore, the analysis in this study begins in a time in Norway where emphasis is on the universal redistribution of taxes, but first and foremost on economic growth. In all honesty, it is difficult to write a section on child benefits in Norway for two main reasons; (1) child benefits are well documented and studied in Norway and therefore difficult to bring something new to light, and (2) child benefits in Norway have not changed much over the years and political debate on the subject is not as visible as it is in Iceland and the UK. However, in this section we will review child benefits in Norway from a children’s rights perspective hoping to bring a new perspective to this field. First, a brief history of family allowances and later child benefits is presented. This is followed by an examination of the policy and uptake levels.

Policy History

As with its Nordic neighbours, Norway’s child friendly family policies reach further back to the turn of the 20th century when family law offered a ‘no fault’ divorce following a separation period and declared custody in ‘the best interest’ of the child. However in the case of child benefits, it was in 1946 that a family allowance was introduced in Norway as a horizontal
redistribution of resources between those with children and individuals without children, acknowledging the costs of raising children, without parliamentary debate. Emphasis was on acknowledging the cost of raising a family that is not mirrored in wages, therefore, it was agreed it should be paid to the mother as recognition of her work. Emphasis at this time is on the male-breadwinner model and the ideal that children should be raised in the home even when the demand for labour was high in Norway during the post-war era (Bjørnson, 2001; Skevik, 2003). When the Folketrygdloven (National Insurance Act) 12/1966 was adopted and family allowance was paid starting with the second child for couples or with the first born for disabled individuals or single mothers. The reason for not paying a benefit with the first born child was due to the lack of funds available to the welfare state at the time. It strongly resembled the UK scheme except in two cases; (1) single mothers and, (2) the fact it was funded through taxation and not worker’s premiums (Ólafsson, 1999; Skevik, 2003; 2004).

Whereas other benefits for children have gone through changes, few changes are made to the child benefit in Norway outside benefit amounts and finally, reintroducing universal benefits with the firstborn.

These policies see the family as a group of related individuals rather than a family as a whole unit. In other words, Norway looks at families not as one unit, but as individuals in relationships, this offers a greater opportunity for the child to remain in clear view and therefore the state can offer the child a benefit the parent may not be entitled to (e.g. widow’s pension vs survivor’s allowance).

The 1980s and 1990s saw cutbacks to the welfare state during economic difficult times, where in 1991, “[a] panel set the conditions that public expenditure was to increase at a rate less than the gross national product of mainland Norway” (Bjørnson, 2001, p. 213). Changes to child benefits during this time included a child supplement that was introduced in 1993 for families with children aged 1-3, as a bridge for families and was discontinued in 2003 when a cash for childcare scheme was implemented.
Child Benefits: Norway

(Skevik, 2003). However, some scholars believe this was an attempt to retain the male-breadwinner model and encourage mothers to stay at home when their children were young. Bjørnson (2001) suggests, “this was a welfare decision oriented towards children; they would be better off at home with their mothers” (Bjørnson, 2001, p. 221). It may have been oriented towards children on the surface, but it had a political motive underlying it and was heavily opposed by women’s rights organisations and the Norwegian Labour Party (Bjørnson, 2001).

By 2000, there was a call to reform costly sections of the welfare state, including a moment where child benefits were briefly means-tested, as women were increasingly part of the work force, “The expansion of the public sector has been important to women’s entry into the labour market. It has been maintained that the increased number of women working, and the emergence of the double-income family has been the main source of changes in welfare policies during the past 25 years. This has influenced family politics in particular” (Bjørnson, 2001, p. 219). However, at the same time (as in all Western states) as the male-breadwinner model made way for the dual-earner model there was a rise in lone parent households. Even in Norway, one of the “vanguards” of child policy, the conservative right was increasingly pressuring for reducing the welfare state through privatisation based on neoliberal capitalist theories akin to Thatcherism in the UK (Lyngstad, 2008).

However, many scholars noted that the Norwegian welfare state (along with other Nordic states) seems to be somewhat resistant to major fluctuations in global and local economies remaining universal funded through taxation (Kautto, et al., 1999; Kosnonen, 2001; Lyngstad, 2008).

In 2005, a government was formed left-of–centre that supported the welfare state and was against privatisation (Lyngstad, 2008) while some sentiment remains that the welfare state needs some restructuring:

47 See e.g. Bjørnson (2001)

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Everybody agrees…that the welfare state is changing. Most political parties agree that there is a need to over-haul and restructure the welfare state. Neither is there disagreement about the influence of a neoliberal paradigm, in Norway as in most other Western countries. In the wake of this paradigm, new public management ideas dominate public debate. Economic rationalism, managerialism and faith in deregulation and market forces in welfare services are features of contemporary ideas of how to improve the public sector and the welfare state…Despite, or perhaps because of, the visibility of managerial and neoliberal discourses on welfare and social policy issues, political parties in Norway have emphasized the renewal of the welfare state, albeit in modified forms.(Lyngstad, 2008, pp. 75-76).

However, child benefits have not been specifically targeted since, at this time focus was in on willingness to work and child benefits in theory are based on the redistribution of funds to families with children in recognition of the cost of raising a child regardless of the employment status of the parent.

Child Benefit Policy up to 2011

The child benefit scheme (Barnetrygdloven 4/2002) is universal and is administered by the National Insurance system (NAV) and the child is automatically enrolled at birth. All residents (must have resided in Norway for 12 months) with children under the age of 18 are entitled to child benefit (s. 15, p. 4, Folketrygdloven 19/1997. See appendix III.ii.g p. 391). Furthermore, additional payments are made to lone parent families with children under the age of three (s. 15, p. 5, Folketrygdloven 19/1997. See appendix III.ii g. p. 391).

As stated, little changes have been made to this system over the last decade or so, which might leave little more to discuss.

A seemingly striking feature of the Norwegian welfare state since Wold War II is the wide agreement between the political parties. Many (scholars) have noted this, and explained it as being due partly to common experiences during the war and a common goal to rebuild the country after 1945, and partly to the politics of higher bidding from the mid-1950s onwards, when no party wished
to be seen as lagging behind in social politics. The struggle to gain votes helped erase the differences between the parties. And in some cases different views would be belied by vague and airy formulations. Disagreements on welfare solutions and values did occur, even though some principles never seem to have been discussed while others have had to be settled by compromise (Bjørnson, 2001, p. 212)

Yet, also implying that, in general, Norway has either found a child benefit system they can accept or they have no care for the idea of it and therefore have no will to debate the issue. I would argue for the former, and go as far as to say they may be even proud not only of their child benefit scheme, but their political approach to children overall. When reading articles such as by Prime Minister Jens Stoltenberg (2006) there is a national pride easily read between the lines and a longing to share their experiences with other countries albeit just as much from a social investment perspective as a child centred one.

Children are our best investment. What we do for our children, for the world’s children, more than anything else we leave behind, forms our legacy as political leaders in the world. For that reason, I, as the Prime Minister of Norway, call for courageous steps to protect our children, our common future…Protecting our children is a moral and political imperative. It is also essential to socio-economic development (Stoltenberg, 2006, p. 1042).

Although speaking about the health and well-being here it is provided here as an insight into the emphasis the Norwegian government places on children as well as an argument as to why they have not made any major changes to their child benefit package; as paying universal child benefits is accepted as the moral thing to do.

If it is true as Bradshaw and Mayhew (2006) concluded that universal child benefits show the extent to which states define their obligation to children then it must be argued that Norway continues to show a strong commitment to children and families with children through their universal child benefit scheme. Their history shows that they tried to go the route of means-testing, but revised that decision and continued with a universal
Child Benefits: Norway

scheme. However, they also show an awareness of the downfall of relying on one particular approach when helping those most in need.

Compared to many countries, Norway has a high proportion of universal benefit schemes, such as most of the national insurance benefits...the universal benefit schemes have been an important foundation of the welfare society and have helped to prevent poverty and ensure good levels of welfare for most of us. At the same time, there are some individuals who have major, complex needs that are not always picked up on or helped through these schemes.

It is therefore a challenge to target the benefit schemes so that they can to a greater extent be effective tools in the work of targeting the most underprivileged people out of the poverty trap (Report No. 6 to the Storting, Plan of action for combating poverty, 2002-2003).48

Overall, Norwegian legislative emphasis on child benefits could be categorised as a moralistic social investment; seeing the child as a separate unit in relation to their family and, as seen in chapter five, sympathetic to all family forms.

Although political emphasis on social investment may be one driving force behind universal child benefits in Norway, it is not easily depicted in the legislation. In fact the emphasis on the child as a separate unit related to other household members Norway hinges on the beginning of integrity rights for children with regard to child benefits. As stated in chapter 3, Therborn (1993) classified integrity rights as the legitimate right of the child to, “autonomy and personal integrity of the child, both inside and outside the family context” (Therborn, 1993, p. 255).

Child Tax Credits

There is probably little to discuss about child tax credits in Norway as well. Whereas in Iceland the whole child benefit system seemed for some time to be technically a child tax credit, Norway’s child tax credit isn’t really a

48 Abbreviated version. Unofficial translation from the Norwegian.

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‘child’ tax credit per se, but is necessary to understand, because it is often calculated in benefits for families by EU-SILC and OECD databases (as seen in earlier chapters).

Norway has a simple tax system that makes some attempt to help families with children, but under specific circumstances. It is based on the marital status of the parent and the employment of the parents. There are two tax groups:

Group II=spouses with joint taxation and lone parents with at least one dependent child

Group I=everyone else

However, incomes below a determined amount is non-taxable, therefore, helping all individuals in low-income households (although children are not specifically targeted, they obviously reap some benefit from this system).

Children’s Rights

Again, children’s rights are not the specific basis for child benefits in Norway, however, seeing the child as a separate unit in relation to their family as well as the universal factor categorises Norway more as a provision and integrity rights based system. Norway continues to show a strong commitment to children and families with children through their universal child benefit scheme. Their history shows that they tried to go the route of means-testing, but revised that decision and continued with a universal scheme.

Uptake

Again, although it is important to discuss the uptake of various benefits, especially in regards to children and child poverty the child benefit scheme in Norway, being universal begins immediately with the birth of the child.

Most people do not need to apply for child benefit. If the child was born in Norway, the mother is automatically granted entitlement to child benefit from NAV roughly two months after the child is born. You must inform your local NAV office if you want child benefit to be paid to the father.
Child Benefits: Norway

You have to apply for child benefit if:

The mother is not registered as living in Norway

The child is older than six months old when entitlement to child benefit starts

You may be entitled to extended child benefit

The parents have signed a written dual domicile agreement for the child and want to share the child benefit

Child benefit is to be assessed according to the rules of the EEA agreement of other national insurance agreements (Arbeids- og velferdstaten, 2011).

Therefore, lone parents need to apply separately for an extended child benefit. However, no data exists at Statistics Norway on the uptake of child benefits or extended child benefits and would need to be analysed in a future study.

In this section the results show that the Norwegian child benefit scheme is universal and can be classified as a provision and integrity rights based system due to its individualistic nature, where children are seen as separate units within the household. Payments are made to both parents or the parent whom the child resides with. The system is automatic and easy to apply for although no data exists on the uptake levels of lone parents who must apply separately for the extended child benefit. In the next section the UK child benefit and child tax credit scheme is examined.
Until most recently, focus has been on child and family benefits (in the form of Child Tax Credits, Working Tax Credits and Child Benefits) as a tool to eradicate child poverty in the UK. In this section, the Child Benefit and Child Tax Credit in the UK are examined from a children’s rights perspective starting with an examination of the history of family benefits in the UK.

Policy History

The first family benefit system (called a family allowance) was established in 1945 during the male-breadwinner era and was mainly seen as the government’s acknowledgement that salary does not expand in correlation with family size. In other words, one main focus of the system was to keep large families out of poverty, while still preserving work incentives for men. This first family allowance was universal and paid to families with 2 or more children. Although universal in nature, the benefits were kept relatively low and ignored the 1944 white paper to pay an amount equivalent to the subsistence level of a child (Gauthier, 1996). The Child Benefit was phased in 1977-1979 by Labour, replacing both the Family Allowance and Child Tax Allowances (the child tax allowance was first introduced in 1798, abolished in 1805 and reintroduced a century later in 1909).

This change included payment of allowances with the first child and then a percentage for each additional child. At this time, the One Parent Benefit was also created for lone parents (CPAG, 2006; Gauthier, 1996). The Child Benefit was implemented on the premises that it acknowledged the costs of raising children, where income did not expand or contract in congruence with family size. As stated earlier in this chapter, this is categorised as a horizontal redistribution of resources, “the distribution of resources from those without children to those with them” (Ridge, 2008, p. 156), and as we will see later, the UK at the turn of the 21st century implemented both a vertical and horizontal redistribution in an attempt to find the right approach when tackling child poverty.

However, this post-war generosity was only short lived and was followed by an era of conservatism and ‘unashamed economic liberalism’,
coined *Thatcherism* in name of the Conservative Party’s Prime Minister, which viewed poverty in a manner akin to the earlier ‘Victorian’ views from a moralistic perspective; e.g. laziness, addiction, social inferiority and so forth (Ridge & Wright, 2008; 2008a). During this era, overall social security benefits for families were reduced and taxes rose, greatly increasing both poverty and inequality in the UK (Glennerster, 2007; Ridge & Wright, 2008; 2008a).

When the New Labour Party came to power, these benefits and tax credits are separated between ‘working’ and ‘workless’ households. The system went through a comprehensive reorganisation at the turn of the 21st century in Labour’s attempt to fight child poverty. First, the One Parent Benefit was abolished in 1998 with the promise that all parents will receive the same benefits. Then, the Married Couple’s Tax Allowance was abolished in 2000 (paid to married couples regardless of children). There was a strong persuasion by activists to re-funnel the money saved into children’s benefits (CPAG, 2006) and a Children’s Tax Credit was introduced in its place; shown in Table 6-4 on the next page.
Child Benefits: UK

Table 6-4 Benefits for families with children in UK, 2000-2012

<table>
<thead>
<tr>
<th></th>
<th>Children in Working Households*</th>
<th>Children in Workless Households</th>
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<td></td>
<td>Prior to 2000</td>
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<tr>
<td>Entitlement</td>
<td>Family Credit</td>
<td>Married Couples Tax Allowance</td>
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<td>Universal Child Benefit</td>
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<td></td>
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<td>Income Support */Family Premium</td>
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<td>*/Child Premium®</td>
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<tr>
<td>Administrative Institution</td>
<td>Social Security System</td>
<td>Inland Revenue</td>
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<td>Transition period 2000-2003</td>
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<tr>
<td>Entitlement</td>
<td>Working Families Tax Credit (WFTC)°</td>
<td>The Children’s Tax Credit°</td>
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<td></td>
<td></td>
<td>Adult Income Support** */Family Premium</td>
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<td>Administrative Institution</td>
<td>Inland Revenue°°</td>
<td>Inland Revenue</td>
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<td>Social Security System</td>
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<td></td>
<td>2003-2010</td>
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<tr>
<td>Entitlement</td>
<td>Working Tax Credit (WTC)°</td>
<td>Child Tax Credit (CTC)°</td>
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<td>Universal Child Benefit</td>
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<td>Income Support*** Child Tax Credit (CTC)°</td>
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<td>Administrative Institution</td>
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<td>Social Security System</td>
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</tbody>
</table>

Key: *Working 16 hours or more per week **New claims only-old claims continued on old policy. *** All claims.
°Means-Tested °°Now HM Revenue and Customs ® Supplement benefit for children in workless households -one premium for the family and one for each child

Sources: Bradshaw & Mayhew (2006); CPAG (2006); Daniel & Ivatts (1998)
In 1999, the Working Families Tax Credit replaced the Family Credit (misleadingly named as it actually had been a benefit). In 2003, this evolved into the Working Tax Credit (increasing coverage to single individuals) and the Child Tax Credit. Throughout this period the Child Benefit remained universal, in spite discussions to tax it or introduce means-testing (CPAG, 2006).

In 2003, these benefits were handed over to Inland Revenue (now HM Revenue and Customs) and although like Income Support Benefits for workless households it is not included in this comparison, but is included in this table because it plays a significant role during this transition. Up until these changes, parents in workless households who received Income Support and/or Job Seekers Allowance had the difference of the Child Benefit deducted from other entitlements. It is important to note here, from a child’s perspective, this is no longer the case, therefore acknowledging the rights of children or, rather, the Child Benefit truly becomes ‘a badge of citizenship’ (Lister, 1997).

Many of the systems examined in this study are affected by this push by the Labour government to relieve/reduce child poverty by 2020. Coincidently, the most recent Child Poverty Bill 112/2009 define the measures of the UK strategy to End Child Poverty and define these strategies similar to the UN CRC definition of child poverty utilised in this study:

In preparing a UK strategy, The Secretary of State must consider what (if any) measures ought to be taken in each of the following areas:

(a) the promotion and facilitation of the employment of parents or of the development of the skills of parents,

(b) the provision of financial support for children and parents,

(c) health, education and social services,

(d) and housing, the built or natural environment and the promotion of social inclusion (s. 8, art. 5, Child Poverty Bill 112/2009).
The last three sub-articles (b-d) resonate with the definition utilised in this study; (b) examines economic welfare, (c) capabilities, (d) social exclusion/inclusion, whereas (a) could be categorised as having a social investment emphasis.

Up until now we have seen the social evolution of universal child benefits, working tax credits, income support and child tax credits in order to understand how this system interacts to create a welfare net for children in the UK. However, in this study we will be examining more closely the two systems created specifically with children in mind; the Child Benefit and the Child Tax Credit.

Child Benefit Policy up to 2011

As stated earlier, the trend in child benefits in OECD states has been towards means-testing well into the late 1990’s. "The UK child benefit has remained universal for all children 16 years and younger, or 16 to 19 years if the individual is in full time non-advanced education" (Finch, 2004, p. 12) during the time of analysis. Here, the benefit was paid to the mother unless the father is the lone-parent/main carer (Bradshaw & Finch, 2002).

Child Tax Credit

There has been a trend towards child tax credits in many OECD states (Australia, Germany, Austria, Italy, US, Spain, etc.) and the implementation of the Child Tax Credit in 2003 (as seen earlier), has been one of two policies at the heart of Labour’s effort to eradicate child poverty in the UK (the other being the Working Tax Credit). Although the Coalition government intend to ban child tax credit and working tax credit in 2013, it is important to review the system as it stands in 2011.

In 2003, a new integrated child tax credit and working tax credit were introduced. The child tax credit brings together different elements of support

49 This was still true at the time of writing, see chapter 7 for a discussion of new proposals for means-testing the child benefit in the UK

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for children previously paid via income support, jobseekers allowance, working families’ tax credit; disabled person’s tax credit and the children’s tax credit to create a seamless system of financial support for children, which will be paid to both working and non-working parents (Finch, 2004).

While, the Working Tax Credit is a supplemental income for low-income families and individuals, scholars have identified two ways that tax credits affect children’s lives:

- To maintain horizontal equity throughout the income distribution-tax allowances are usually chosen because their value increases with income.

- To aim tax benefits at the poorest children by introducing a larger tax benefit for the lowest incomes-this could be achieved by introducing a tax credit that is tapered as income rises but which can be refunded in cash by non-tax payers (Bradshaw & Finch, 2002, p. 37).

This is a vertical redistribution of resources, where resources are redistributed from higher income individuals to low-income families with children (Ridge, 2008; Sainsbury, 1999).

Both Finch (2004) and Ridge (2008) have proposed that the Child Tax Credit is significant in regards to children’s rights:

Creating separate support for children recognises children as individuals in their own right. Integrating work and non-work reduces some of the stigma attached to means-tested benefit receipt and recognises children’s rights to a secure level of support, which does not discriminate against them on the grounds of their parent’s employment status (Finch, 2004, pp. 13-14 citing Ridge, 2003).

If this is examined more closely from the perspective of the framework of this study, without question these policies deal specifically with children’s economic welfare and although there is some recognition of children as individuals, there is still a lack of full autonomy as suggested by Therborn (1993) since amongst others the family is still viewed as a single unit and not a group of individuals. It is possible that the Child Tax Credit, could be categorised as child centred since it is payable to the main caregiver (most often the mother) who, as shown earlier, is most likely to utilise the benefits
Child Benefits: UK

for the child. However, with a focus on welfare-to-work and the minimising of the Child Tax Credit in relation to the Working Tax Credit slightly negates emphasis on the child’s best interest. Furthermore, this tax does not calculate the extra costs accrued by lone parents, thus, although all households in the same tax bracket receive the same benefit the true outcome to the child in a lone parent household is less. This indicates that children in low-income households may be discriminated against based on their parent’s marital status. As stated above, the government has made some changes to its approach to child poverty, which included a social investment welfare-to-work emphasis that children are seen in a positive and negative light.

Ridge (2006) found on the one hand, that the children are happy to have more income in the household, but on the other, they see much less of their lone parent and children often picking up the slack at home, looking after younger siblings, cleaning and cooking. This to me indicates a more social investment approach to these children’s economic welfare.

Children’s Rights

Similar to the two Nordic states, children’s rights are not overtly discussed in this area of policy as the aim of the child benefit is to horizontally redistribute resources from individuals without children to individuals with children (Ridge, 2008; Sainsbury, 1999). However, the UK system during the time of analysis was universal (badge of citizenship) with a means-tested tax credit (economic protection). Therefore, the UK child benefit system at the time in question can be categorised as both a provision and protection rights based system.

Uptake

As stated in the introduction, if we examine benefit uptake, we can see how well a system is implemented and how good it is at reaching its target social group. When systems are either automatic or well-known and easy to apply for, one can assume that benefit uptake is high, and therefore, children are not being discriminated against because of parents’ lack of knowledge, fear, or shame of applying for benefits. However, even if benefits seem child
Child Benefits: UK

friendly on paper, but are difficult to apply for or not well known in the wider community then benefit uptake is low discriminating those children who are eligible for that particular benefit.

Table 6-5 Uptake of Child Benefit and Child Tax Credits 2007, UK

<table>
<thead>
<tr>
<th></th>
<th>Uptake**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Benefit</td>
<td>98</td>
</tr>
<tr>
<td>Child Tax Credits (2006-2007)</td>
<td>81*</td>
</tr>
</tbody>
</table>

*Central estimate of CTC take-up calculated by caseload
**Shown as a percentage

As shown in Table 6-5, the child benefit uptake in the UK in 2007 was 98% this underscores the assumption that this benefit is child-centred. In fact, “the statistics are primarily used as a detailed proxy for the location and ages of children in the UK,” (UK Statistics Authority, 2009).

In 2006-2007, the Child Tax Credit uptake is higher amongst the workless than working parents, which indicates that more information is made available to individuals with other income support than low-income working families. Obviously, when an individual applies for either job seekers allowance or income support, they are advised of other entitlements.

Figures indicate that combined Child Tax Credit and Working Tax Credit uptake is less amongst couples (74%) than lone parents (95%). One explanation for this large gap in uptake could be, since lone parents are overrepresented in income support and job seekers allowance, then arguably they again are receiving information on all their entitlements at point of service. However, this theory will most likely not explain why uptake amongst large families of three or more children (85%) was higher in 2006-50

50 Calculations are only available for both WTC and CTC, when individuals are entitled.

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Child Benefits: UK

2007 than single-child families (78%) in both working and workless families (HMRC, 2009).51

In this policy area, we can see that uptake could be much better in various family types. In a report on benefits, Save the Children have recommended that the government, “address the barriers to uptake of benefit and tax credits (by those families living in severe child poverty) by directing resources to promote uptake and knowledge of benefit and tax credit entitlement more efficiently,” (Sefton, 2009, p. 7).

In this section the results of the analysis show that the UK child benefit and child tax credit scheme is closer to the Norwegian provision and integrity policy, while focus is more on redistribution, thus classified as a provision and protection based policy. Uptake was around 98% and 81% respectively in 2007 indicating that the system is rather easy to apply.

This concludes the analysis of the three states. In the next section, a re-examination of the five main questions is discussed comparatively for all three states.

51 All percentages in this section are the central estimate of CTC take-up calculated by caseload by HM Revenue and Customs (2009).
Comparative Analysis

Each state has been examined and their varying systems to allocate children resources either vertical (income redistribution between the more affluent and the less affluent) and horizontally (income redistribution between individuals without children and those with) has been explored. Iceland shows a clear tendency towards vertical redistribution with a means-tested child benefit implemented through the tax system, whereas the UK had tried to utilise the best of both worlds through a universal child benefit and a means-tested child tax credit. Norway is the only state out of the three studied here to have not only universal child benefits but an emphasis on the individual child within the family. If, as Lister (1997) points out, that universal child benefits are a “badge of citizenship” and as Bradshaw (2006) suggested that universal child benefits connoted the commitment of the government to children’s well-being, then it seems from this analysis that children’s rights and citizenship is more protected and promoted in Norway than the UK or Iceland in regards to this area of child policy.

However, this is an over generalisation and must be defined in more depth. In the beginning of this chapter five questions were set out to analyse this policy and will be helpful in understanding varying factors between the three states when it comes to child benefit schemes.

Is the family seen as a unit or as related individuals in a group?

This is where the autonomy of the child is most visual in this area of child policy. Again, Norway comes closest to being integrity based according to Therborn’s (1993) classification. Although Norway does not give children full autonomy they are viewed as a separate unit related to other household members and great care has been taken to define this in policy. In Iceland, there had been some debate to offer children their own autonomy in the system under their parents, but this never came to fruition. Instead, children are not defined autonomously but as part of a household. This is even more evident in the UK, where children are not only defined as members of a household, but are penalised if being born into a large household.
Does parental marital status affect benefits?

The answer to this question is yes, but it is so for varying reasons. In Norway and Iceland, lone parents receive a supplement of some form in addition to the benefits they receive. The UK’s newest changes to the child benefit needed to be revised as it penalised lone parents as the threshold was originally based on each individual’s income and not the joint income of the household. The new universal credit will make some allowances for lone parents, but some fear not to the extent needed in low-income households (CPAG, 2011).

Does household income or employment affect benefits?

Again, Norway’s universal approach promotes children’s rights in that all children regardless of parental income receive the same benefit. In Iceland and more recently the UK child benefits (can child tax credits) are means-tested.

Is the benefit paid to the primary caregiver?

In Norway emphasis in being placed on dual custody, so benefits are paid to both parents with a few exceptions. In Iceland, although generally paid to the primary caregiver, the trend is towards paying out to the main breadwinner especially in cases where the main breadwinner lives abroad. In the UK child benefit is currently being paid to the primary caregiver, but proposals to the new welfare bill suggest that this may change in 2013 with the universal credit being paid the main breadwinner. Studies have shown that children benefit more when the primary caregiver (usually the mother) receives the benefit, therefore in theory children will be even further removed from the benefit, creating a more adult centred policy.

Is the system automatic; i.e. do a family automatically receive benefits once a child is registered with the local authority?

Little research has been conducted on the uptake rates of child benefits except in the UK. However, of the data that does exist indications are that there is no social stigma attached to this benefit in any of the three states studied here. The systems seem straightforward and can be applied for
online, but mostly they are automatic once the child has been registered with the local authority at birth or adoption. Lone parents need to apply for supplements separately in Norway and child benefits and child tax credits are applied for separately in the UK at two different institutes.

These five questions not only help us categorise these schemes from a children’s rights perspective, but clearly shows how much each system varies from one another depending on what question is asked regardless of historical ties or emphasis on poverty. Next, the schemes will be examined from the perspective of the UN CRC and Therborn’s (1993) theory of children’s rights defined in family policy.

Comparative Analysis from a Children’s Rights Perspective

Looking at these policies from the viewpoint of the UNCRC the two first factors of the three P’s: Provision, Protection and Participation are clearly the most pertinent here; i.e. the ideas of provision and protection. Arguably child benefits are the one area in child policy that most clearly defines the state’s attitude towards children and the government’s approach towards providing a basic benefit for all children to protect them from poverty, regardless of their parents’ marital status or income. Here, all three states offer basic protection for children through mean-testing (UK and Iceland) and provision for all children (UK and Norway).

<table>
<thead>
<tr>
<th>Policy</th>
<th>Integrity rights (autonomy)</th>
<th>Provision (universal)</th>
<th>Protection (means-tested)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iceland</td>
<td></td>
<td></td>
<td>Child benefit</td>
</tr>
<tr>
<td>Norway</td>
<td>Child benefit</td>
<td>Child benefit</td>
<td></td>
</tr>
<tr>
<td>UK</td>
<td>Child benefit</td>
<td>Child benefit</td>
<td>Child Tax Credit</td>
</tr>
</tbody>
</table>

Based on Therborn’s (1993) categorisation of family policy and UN CRC’s three P’s: Protection, Provision and Participation

If the policies are categorised according to Therborn’s (1993) theories of children’s rights and social policy (see Table 6-6 above) by the turn of the 20th century Norway can be categorised as integrity and provision based on the individual calculation of the child in Norway’s universal benefits, and
although the UK’s benefit scheme is universal it does not see the child as an autonomous unit inside the household. Therefore it is categorised as a provision and protection system. At the same time Iceland’s benefit scheme remains characterised by economic protection and focus remains on the family as a whole.

Figure 6-2 The triangular relationship in child benefits schemes in Iceland, Norway and the UK

Figure 6-2 shows a visual depiction of these results with Norway and the UK at the top with universal benefits (at the time in question) and Iceland’s mean’s testing has placed it towards the bottom. However, since reductions to the benefits are fairly generous and that the majority of families keep some child benefit (Eydal & Ólafsson, 2006) Iceland has been placed closer to the centre. Throughout the history of child benefits and family allowance some focus has also been on social investment and the child/adult of the future in both the UK and Norway, but this rhetoric does not seem to gain ground in Iceland until the turn of the century.

All three states refer to or include aspects of the UNCRC in their policies when speaking of the best interest of the child and the obligation of the state towards children. Therefore, the influence of the UNCRC on policies in this field in these three states is somewhat evident. The close collaboration between Iceland and Norway shows some similarities in wording, but the emphasis could not be more different. This is similar to the findings of other scholars (Eydal, 2004; Eydal & Ólafsson, 2008a) where
Iceland tends to be a hybrid of both Nordic and Anglo-Saxon influences when it comes to family/child policy.

Shown here the UK during the years where emphasis was on fighting child poverty the UK came system was focused on provision and protection. Overall, the Norwegian system remained steadfast and robust throughout the period in question.

The Future of Child Benefits

During the writing of this thesis some major changes have occurred in relation to benefits and services for children that may affect the results presented here. A recent move by the UK Coalition Government towards mean-testing child benefit that came into effect in 2012 means that it is now further away from Equality rights and has a more family-centred approach. A cap has also been placed on how much is paid out to large families in an attempt to encourage ‘responsible parenting’ or rather regulate the number of children an individual has. This action removes focus from the child to the parent. From a children’s rights perspective this means that in practice the children are less in focus while emphasis is placed on the actions of the adults.
If, as scholars have suggested, child benefits are the cornerstone of children’s rights, a badge of citizenship and confirm a state’s obligation towards children (Bradshaw & Mayhew, 2006; Daniel & Ivatts, 1998; Lister, 1997) then Norway and the UK are further along the path towards children’s rights and citizenship than Iceland. Iceland has a strong emphasis on families with children throughout their family policy, but fails to offer children autonomy and universality regardless of parental income.

From this perspective, the aim of provision would be almost synonymous with citizenship. However, if the overall aim of provision is the reduction of child poverty then first, the aim of the policy turns to protection and secondly, all three states would place relatively well, since in Iceland the threshold is fairly generous ensuring that the majority of families keep some child benefit and where child poverty rates are relatively low. Therefore, one could argue that when it comes to child poverty the rights to protection actually override the need for a ‘badge of citizenship’ and that the autonomy of the child (integrity rights) could still be guaranteed if the legislation and application of the scheme focused on the child as an individual within the family, as in the case of Norway.

Throughout the history of child benefits and family allowance some focus has also been on social investment and the child/adult of the future in both the UK and Norway, but this rhetoric does not seem to gain ground in Iceland until the turn of the century.

All three states refer to or include aspects of the UNCRC in their policies when speaking of the best interest of the child and the obligation of the state towards children. Therefore, the influence of the UNCRC on policies in this field in these three states is somewhat evident. The close collaboration between Iceland and Norway shows some similarities in wording, but the emphasis could not be more different. This is similar to the findings of other scholars (Eydal & Ólafsson, 2006; Eydal, 2004) where Iceland tends to be a hybrid of both Nordic and Anglo-Saxon influences when it comes to family/child policy.
Shown here the UK during the years where emphasis was on fighting child poverty the UK came system was focused on provision and protection. Overall, the Norwegian system remained steadfast and robust throughout the period in question.

In the next chapter the same principles are used to analyse child support schemes in the three states.
“There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace.”

Chapter 7. Early Childhood Education and Care and Children’s Rights

The field of early childhood education and care (ECEC) is interesting to investigate because of its complexity as it addresses two important factors in this study; capabilities and poverty. Capabilities through early education and poverty through childcare policies as well as the affects both have on later adult outcomes. ECEC is probably the one policy area examined in this thesis that delves most deeply into the interplay between child policy and social investment theory. From a rights perspective it is important to understand the effect ECEC has on child poverty in childhood and its implications into adulthood.

Research shows us that policies that support, subsidise and regulate childcare with an emphasis on women participating in the market place increase early childhood education and decrease poverty (Björnberg, 2006; Bradshaw, 2006a; Christopher, 2002; Danziger & Waldfogel, 2000; Eydal, 2005; Leira, 2002; Lister, 2012; Millar, 1994; Ritakallio & Bradshaw, 2006). Families with young children are at a higher risk of poverty (Bradshaw, 2006a; Danziger & Waldfogel, 2000; Wintersberger, et al., 2007). In fact, conventional wisdom states that child poverty in the early years has a greater affect on future-adult outcomes than poverty experienced at any other point in an individual’s lifespan, but these findings are being challenged where results of longitudinal studies show that poverty at

52 Kofi Annan Seventh Secretary General of the UN
53 called dual earner policies to be discussed in more detail later in the chapter
anytime in childhood has far reaching effects, not only on future-outcomes, but on future generations (Duncan, et al., 2012; Gregg & Machin, 2001).

Although ECEC exists throughout the EU and Nordic states; “their role, extent and forms are very varied, just like the philosophy and ideology that support them” (Herczog, 2012, p. 542). Herczog (2012) suggests that although there are statistics concerning reading levels, school readiness and such, there is a lack of research from a holistic approach. This study will hopefully fill a small section of that void, by analysing ECEC policy from a children’s rights perspective.

Increasing spending and emphasis on ECEC over the last decade throughout the West has been observed. EU directives on increasing access to ECEC and supporting parents in paying for childcare have reinforced this trend in EU states (Herczog, 2012). Gabel and Kamerman (2006) in a study of 21 industrialised states from 1980-2001 found an increase in public spending on children and see a trend of increased emphasis in ECEC.

Despite the shrinking child population in all countries and the slowed growth of the welfare state in most, the authors find that spending on children and families has increased in most countries. The authors conclude that the instruments and goals of the family benefit and service package have changed over time and that future public spending on children is increasingly likely to go toward helping families balance their responsibilities as workers and parents and toward enhancing the development of young children (Gabel & Kamerman, 2006, p. 239).

With this growth in childcare and early childhood education it is important to examine these policies from a children’s rights perspective to ascertain whether the main focus is on the parents’ ability to work or the child’s access to opportunities to discover his/her abilities.

This chapter will examine early childhood education and care policies in the three states and consider how or if children’s rights are visible; contemplating whether these rights encourage the capabilities of pre-school age children and whether a children’s rights focus helps children in poverty.
As in the previous chapters, ECEC policy will be examined within each state followed by a comparative analysis. Yet first, it is necessary to define ECEC and understand the demographics of each state. The concept of capabilities is defined, followed by an examination of the beings and becomings argument (known as social investment theory) along with a brief discussion of the importance of using a children’s rights approach when examining ECEC policies.

Early Childhood Education and Care

It is important to distinguish between two concepts; child care and childcare. The first term (child care) is more often found in the field of social work and defines children in care; e.g. fostering or institutionalised. The second term (childcare) defines children being cared for by parents, family, individuals or institutions (public or private) and is the type of care being analysed in this thesis (Moss & Brannen, 2003). More recently, this term has been widened in order to encompass the pedagogical (capabilities) side of childcare. Therefore, it is now more widely referred to as Early Childhood Education and Care (ECEC) in both academic literature and policy.

ECEC itself has a broad definition that includes any childcare from homecare to government subsidised and regulated pre-school schemes. For instance, the OECD defines ECEC as:

The term early childhood education and care (ECEC) includes all arrangements providing care and education for children under compulsory school age, regardless of setting, funding, opening hours, or programme content. (OECD, 2001, p. 15)

In this thesis a more focused definition is needed. As the main focus is on capabilities and child poverty, then ECEC concerns those services and policies regarding a formal setting. Each state’s definition of ECEC will be defined in more detail in the sections reviewing each state’s relative policy.

Although childcare has been an important issue for the Nordic states for many decades, focus on ECEC has begun to change over the last 10 years throughout OECD countries. For example, in the OECD’s first report on ECEC in 2001 the two main concerns outlined were quality of care and
Early Childhood Education and Care

access (OECD, 2001) and by 2006 the second report defined four areas of concern:

The rise of the service economy and the influx of women into salaried employment.

The necessary reconciliation of work and family responsibilities in a manner more equitable for women.

The demographic challenges of falling fertility and increased immigration, particularly in European countries.

The need to break the cycle of poverty and inequality that begins in early childhood (OECD, 2006, p. 22).

Three of the four concerns outlined in the 2006 report pertain directly to this study; (1) women’s participation in employment, (2) gender equality, and (3) child poverty. Women's participation in employment and child poverty are discussed to some extent throughout this introduction, but I would like to take a moment to briefly address gender equality and children’s rights. It is through the equitable distribution of care that not only allows women into the workforce and thus, children out of poverty, but it also addresses to some extent the child’s right to care from both parents as well as defining the responsibility of both parents albeit from the adult’s perspective rather than the child’s.

Since the 1970’s, feminist scholarship has sought to make the work or labour aspect of care visible, to understand the processes and structures through which care is mainly undertaken by women and to illuminate the consequences of the highly gendered nature of caring for women’s access to material resources and social status within families, the labour marked and in wider society (Moss & Brannen, 2003, p. 5).

Scholars such as Leach (2005) argue that while ECEC policy may help women into the workforce and gain financial freedom, it does not address specifically gender issues in the home or workplace.

As mentioned in the beginning of this thesis, the issue of gender equality will always come up as the rights of mothers and children are so
Early Childhood Education and Care

interwined. In the field of ECEC the issue of gender will need to be defined as each policy is examined in each state by asking if the focus is on gender equality or children’s rights.

A critical scrutiny of these policy frames may prove useful at this particular moment in steering the global conversation away from gender-unequal to gender-equal policy framing as well as policy framing more conducive to children’s overall well-being (White, 2011, p. 286).

White (2011) actually argues there is no need to choose between children’s rights and gender equality. That it might be possible to deliver both, if a new framework is created for discussing this issue on a political level; e.g. framed in terms of children’s rights and social pedagogy, discussed later in this introduction.

In a comparative analysis perspective ECEC policy can be categorised in three ways; (1) policies that support the dual-earner model, (2) policies that support the male breadwinner model, and (3) a laissez faire approach with little state intervention and based on market solutions to childcare (Ellingsæter, 2006; Korpi, 2000). As with other policies regarding children, ECEC policy depicts the tension between the child, family and state. (Brennan, et al., 2012). This will be discussed in more detail later in this chapter. First, in order to understand the environment in which these policies are created, young child population rates are examined as well as ECEC participation rates organised by formal and informal care are reviewed.

Demographics

In this study, pre-school age children are defined as children aged 0-5, and the two Nordic states examined define compulsory school-age children as beginning at six years and in the UK the age is five. The pre-school group are further divided into two groups when necessary; infants (age 0-2) and toddlers (ages 3-5).

In Table 7-1 Population of children aged 0-4 by country in real numbers, 2000-2011, on page 242, OECD statistics offer the population size of children aged 0-4 in the three states over the last decade. As OECD 240
statistics only look at age groups in increments of 5 years these statistics offer an indication of the disparity in the number of children between the states where the UK has by far the largest population of young children in this study.\(^{54}\)

However, this does not offer a complete picture. When the percentage of children under five is examined in ratio to the total population (see Table 7-2 on page 242) it becomes apparent that Iceland has the greatest ratio of children in this age group (average of 7.3% over the last decade) followed by Norway and the UK (average 6.4 and 5.9% respectively). The EU 27 (plus Iceland, Norway and Lithuania) shows a baseline hovering around 5.2%.

\[\text{---}\]

\(^{54}\)This dataset presents annual population data from 1950 to 2010 when available by sex and five year age groups. The data is available for the 34 member countries. Data are presented in thousands of persons. The population data is presented in 18 five year age groups which refer to the population from 0-4 to 85 and more. There are three sources for the data: national statistical institutes, Eurostat or the United Nations.
Table 7-1 Population of children aged 0-4 by country in real numbers, 2000-2011

<table>
<thead>
<tr>
<th></th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICE</td>
<td>21,431</td>
<td>21,316</td>
<td>21,104</td>
<td>20,942</td>
<td>20,999</td>
<td>20,935</td>
<td>21,335</td>
<td>21,684</td>
<td>22,519</td>
<td>23,042</td>
<td>23,477</td>
</tr>
<tr>
<td>NOR</td>
<td>301,671</td>
<td>298,658</td>
<td>294,479</td>
<td>291,742</td>
<td>290,017</td>
<td>288,266</td>
<td>288,585</td>
<td>291,796</td>
<td>296,132</td>
<td>301,194</td>
<td>306,377</td>
</tr>
<tr>
<td>UK</td>
<td>3,551,000</td>
<td>3,482,000</td>
<td>3,415,000</td>
<td>3,386,000</td>
<td>3,391,000</td>
<td>3,423,000</td>
<td>3,488,000</td>
<td>3,562,000</td>
<td>3,668,000</td>
<td>3,746,000</td>
<td>3,811,000</td>
</tr>
</tbody>
</table>

Source: OECD This dataset presents annual population data from 1950 to 2010 when available by sex and five year age groups. The data is available for the 34 member countries. Data are presented in thousands of persons. The population data is presented in 18 five year age groups which refer to the population from 0-4 to 85 and more. There are three sources for the data: national statistical institutes, Eurostat or the United Nations.

Table 7-2 Percent of children ages 0-4 by percentage of total population in Iceland, Norway and the UK, 2000-2011

<table>
<thead>
<tr>
<th></th>
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<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ICE</td>
<td>7.6</td>
<td>7.6</td>
<td>7.4</td>
<td>7.3</td>
<td>7.2</td>
<td>7.2</td>
<td>7</td>
<td>7</td>
<td>7.2</td>
<td>7.3</td>
<td>7.4</td>
<td>7.3</td>
<td></td>
</tr>
<tr>
<td>NOR</td>
<td>6.8</td>
<td>6.7</td>
<td>6.6</td>
<td>6.4</td>
<td>6.4</td>
<td>6.3</td>
<td>6.2</td>
<td>6.2</td>
<td>6.2</td>
<td>6.3</td>
<td>6.3</td>
<td>6.4</td>
<td></td>
</tr>
<tr>
<td>UK</td>
<td>6.1</td>
<td>6</td>
<td>5.8</td>
<td>5.7</td>
<td>5.7</td>
<td>5.7</td>
<td>5.8</td>
<td>6</td>
<td>6.1</td>
<td>6.2</td>
<td>6.2</td>
<td>5.9</td>
<td></td>
</tr>
<tr>
<td>EU 27</td>
<td>5.3</td>
<td>5.3</td>
<td>5.2</td>
<td>5.2</td>
<td>5.2</td>
<td>5.2</td>
<td>5.1</td>
<td>5.2</td>
<td>5.2</td>
<td>5.3</td>
<td>5.3</td>
<td>5.2</td>
<td></td>
</tr>
</tbody>
</table>

Source: Calculated from EU SILC data sets of Population and Social Indicators: Population on January 1: Structure Indicators LAST UPDATED 21 Nov 2012. EU 27 (plus Iceland, Norway and Lithuania)
Early Childhood Education and Care

Figure 7-1 Percent of children under age five in Iceland, Norway, UK and EU 27 in 20000-2012, as a percent of the total population

This becomes more visible in Figure 7-1 where Iceland is shown in red at the top followed by Norway in blue and the UK in green (the EU 27 is at the bottom in purple). This figure shows that the rate fluctuates within the countries, where rates fell down from 7.6% in 2000 to 7% in 2006-2008 in Iceland. Furthermore, as the rate fell in Norway towards the end of the decade, the UK rate increased. It will be interesting to see if this trend continues in the coming years.

These rates are only shown here in an attempt to understand the demographics within each country as well as the indications they represent comparatively, because it is when these rates are combined with the crude numbers from Table 7-1 that it shows the real picture and that is that the number of children behind these ratios vary greatly; where just a drop of 0.5% in ratio would equate roughly a decrease of 1400 children in Iceland in 2001, but 300,000 children in the UK.
Another way of understanding the status of young children within each country is to examine how this data looks when the total child population in each country is examined (see Figure 7-2). According to the 2011 Census in the UK and statistical data from Norway and Iceland (ONS, 2012a; Statistics Iceland, 2012; Statistics Norway, 2012) two things become apparent in the figure. First, in general the age groups within the child population are evenly distributed and second, that the proportion of the child
population under the age of five in 2011, is similar across the three countries (26% in Iceland and the UK, 25% in Norway)\(^{58}\).

Poverty and ECEC

Poverty is a real risk for families with young children. The loss of income, due to the care duties of parents with young children put these families at particular risk, especially lone-parents (OECD, 2011). The most prevalent argument for ECEC policy in regards to child poverty is the increase of parental employment, more precisely mothers.

One argument is based on the economics of working outside the home, where mothers or lone-parents can be dissuaded from work due to hidden costs such as paying for childcare, transportation etc. (McKendrick et. al, 2003). Thus, in some countries, it is more beneficial financially for the main caregiver or lone-parent to stay at home and receive assistance. Subsidising or supplementing childcare costs benefit low-income families in complex manners. Solera (2001) found that when it came to child poverty:

> Childcare costs play a crucial role in two ways. First, the lower cost of children the higher the final family income (that is the lower risk of poverty). Second, the cost and availability of childcare influence maternal labour supply. Particularly in the case of pre-school children and of low paid mothers, the net return from work may be low or even negative once childcare and work related costs are taken into account” (Solera, 2001, pp. 462-463).

In single or lone-parent households where the non-resident parent fails to provided financial support or care and the state does not intervene by providing support or subsidised care then, “working may not pay off” (Solera, 2001, p. 463).

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\(^{58}\) Statistical data for age groups is given in five year increments in all statistical datasets, therefore the age group 15-19 was included in this particular data set as it covers three years of childhood, if childhood is defined as those individuals up to the age of 18. Data for the first three age groups (ages 0-14) were also calculated and the results are similar (i.e. dispersed evenly in roughly one thirds).
Other scholars such as Gregg (2008) find that 'income alone' is insufficient in understanding child poverty from this perspective and that it is the access to services such as childcare, as well as the quality and availability of that childcare, that are important. However, he conceded that income supplements can affect educational outcomes for children in low income and lone-parent households and that, “increasing financial resources for lone parents has a far wider effect than just educational attainment” (Gregg, 2008, p. 77). In other words, affordable, reliable childcare and financial support means more mothers in-work and less poverty in families with young children.

Lower child poverty rates in Nordic states are assumed to be based on the large participation of women in the labour market coupled with strong family policies. Like Gregg (2008) and Solera (2001), other scholars (Forssén, 2000; Pettit & Hook, 2005) have questioned which of these factors plays a greater role in getting women into the labour market and therefore child poverty reduction, and have found the relation between child poverty and women’s employment to be inverted; i.e. the higher the participation rate of women in the labour market the lower the child poverty rates were (Forssén, 2000) and, “that federally supported childcare is positively related to the probability of employment of married women and women with young children” (Pettit & Hook, 2005, p. 779).

Access to ECEC

Statistics defining access and duration of children in childcare are helpful to examine, especially if the assumption is made that availability and/or affordability can be shown by the percentage of children in childcare and the hours they spend on average in formal childcare by age group.
### Table 7-3: Formal childcare by age group and duration as a percentage, 2007

<table>
<thead>
<tr>
<th>Age group</th>
<th>0-2 years</th>
<th>3 years-CSA*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duration</td>
<td>1-29 hrs</td>
<td>30+ hrs</td>
</tr>
<tr>
<td></td>
<td>1-29 hrs</td>
<td>30+ hrs</td>
</tr>
<tr>
<td>Iceland</td>
<td>5u</td>
<td>35</td>
</tr>
<tr>
<td>Norway</td>
<td>8</td>
<td>27</td>
</tr>
<tr>
<td>UK</td>
<td>34</td>
<td>4u</td>
</tr>
<tr>
<td>EU 27</td>
<td>15</td>
<td>11</td>
</tr>
</tbody>
</table>

Data: EUROSTAT, 2011e  Shown as percentage over the population of each age group. *Compulsoray school age (CSA)  v Unreliable data. Most recent year that data is available for all three states.

Table 7-3, shows the childcare participation in the three states, with Iceland showing the greatest participation overall in 2007. 40% of infants aged 0-2 are in childcare in Iceland followed by 38% in the UK and 35% in Norway far above the EU 27 average of 26%. In the toddler age group (ages 3-CSA) 98% of children in Iceland are in formal childcare, 84% in the UK followed by 80% in Norway less than the EU 27 average of 81% in 2007. The main differences between the two Nordic states and the UK is that the majority of children are in formal childcare at least 30 hours a week the Nordic states, while the majority of children in formal child care in the UK are in care less than 30 hours per week. This can be explained to some extent by the different policy approaches, which is described later in this chapter under the sections regarding the respective state’s policies.

As we will see later, the Nordic states’ focus on childcare began in the seventies, but really gained ground in the late eighties and early nineties, whereas Anglo-Saxon states’ focus on childcare began only recently in the early years of the 21st century.

However, this is not sufficient information to make the leap to the accessibility or affordability of ECEC in each state. Table 7-4, on the next page, delves slightly deeper by showing the different types of childcare provided by the public and private sector in each state where Norway and Iceland have mainly public supported childcare from the first or second year.
and the UK with mainly public supported childcare from age 3 in geographical areas of poverty (OECD, 2007).\textsuperscript{59}

This is shown here as a quick overview and will be looked at more closely in each section where each state policy on early childhood education is examined.

\textsuperscript{59}http://www.oecd.org/dataoecd/16/18/37423694.pdf
Table 7-4  Childcare provision by type and age in Iceland, Norway and the UK, 2006

<table>
<thead>
<tr>
<th></th>
<th>Centre-based care</th>
<th>Family or Daycare</th>
<th>Pre-school</th>
<th>Compulsory school</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public*</td>
<td>NOR</td>
<td>ICE, NOR</td>
<td>ICE, NOR, UK (Reception)</td>
<td>ICE, NOR, UK</td>
</tr>
<tr>
<td>Private**</td>
<td>ICE, UK</td>
<td>UK</td>
<td>UK</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Iceland</td>
<td>Daycare centres and child minders (Ice. <em>dagmamma</em>) (FDC)*</td>
<td>ECE-regulated child care services (Ice. <em>leikskóli</em>)</td>
<td></td>
<td>Compulsory schooling</td>
</tr>
<tr>
<td>Norway</td>
<td>In-home care</td>
<td>ECE-regulated child care services</td>
<td></td>
<td>Compulsory schooling</td>
</tr>
<tr>
<td>UK</td>
<td>Nurseries, childminders and playgroups*</td>
<td>Playgroups and nurseries, PT*</td>
<td></td>
<td>Compulsory schooling</td>
</tr>
</tbody>
</table>

Data: OECD Family Database, 2007; DfE 2013

* Provision is largely publicly funded and managed (more than 50% of enrolments are in publicly operated facilities).
** Provision is largely managed by private stakeholders (both for-profit and not-for-profit providers) and is publicly and privately financed.
± Daycare centres and child minders are regulated by the government and payments for care are subsidised
¥ At the time there is a child care component of the working tax credit to help pay for child care
Early Childhood Education and Care

ECEC and Local Authority

It is important to make a distinction in this chapter between centralised policies and de-centralised policies; i.e. created at the local level. It is in this particular field of policy that a less centralised governance is found in all three states. It is assumed that in most cases in OECD countries de-centralising ECEC brings the policy and services closer to the family and the influence of the family (OECD, 2006). Due to the restriction of this study, it is impossible to look at all geographical areas in depth and therefore important to define the specific geographical area examined.

In Iceland, the capital Reykjavik is chosen, because it is the most densely populated area on the island. In Norway, Oslo was chosen for both the population size and availability of information and policies in English. In the UK, England is chosen as it has recently inducted a childcare policy and it was the first country to implement Sure Start (now Sure Start Children’s Centres, a scheme for low-income families with young children).

This section examined the statistics and demographics surrounding ECEC in the three states studied here. Before the results of the analysis of each state’s ECEC policy are presented it is helpful to understand ideologies such as capabilities and social investment theories.

Capabilities

When it comes to analysing capabilities, Sen (1999) believes that currently there are only three main areas of research that are able to measure and define capabilities: (1) infant and child mortality; (2) nutrition; and (3) participation in education. In this study the emphasis is on education in the form of ECEC.

The capabilities approach looks at human well-being and enhancing economic growth through opportunity and is utilised in economics and poverty research (Sen, 1999; Walker & Unterhalter, 2007). As stated in the beginning of this thesis, the definition of poverty according to the UN CRC centres on three main approaches in poverty research; economic welfare, social exclusion and capabilities. The capabilities approach to poverty
research is based on access to resources and opportunities. According to Sen (1999) income is important, but research should not stop there as individuals have other basic needs, which can be culturally determined; e.g. what is embarrassing to be without in one community may not be in another. For instance, Ridge (2002) found that access to the same goods and services as peers was important to children in low-income households.

Sen (1999) goes beyond the utility of welfarists and the ‘primary goods’ debate by focusing on what he terms, “substantive freedoms-the capabilities-to choose a life one has reason to value” (p. 74). He suggests that freedom comes from being able to choose whether to use these opportunities by using the analogy of fasting and starving; i.e. a wealthy individual has the choice not to eat (i.e. a conscious decision) while a poor person has no choice at all, the food is just not there to be consumed.

Sen (1999) also believes that ability and capability should not be confused either. Where ability is an individual’s functioning level given that all other things are equal, capability is the freedom to cultivate these abilities if the individual chooses. This approach accepts the fact that different children may need different levels of support (Redmond, 2008).

When looking at policies Sen (1999) suggests that the capability approach, “has some obvious merits” (p. 81) above and beyond traditional income statistics dividing the capabilities approach into three sub-factors: 1) total comparison; 2) partial ranking, and 3) distinguished capability comparison. In this study, it is the third variant that is applied, “involving the comparison of some particular capability chosen as a focus without looking for completeness of coverage...concentrated attention being paid to some particular capability variable, such as employment, or longevity, or literacy, or nutrition” (Sen, 1999, p. 82) or in this case ECEC.

Nussbaum (2000) takes a different approach towards capabilities; i.e. more analytical philosophy whereas Sen is more human development (Walker & Unterhalter, 2007). She looks more at ‘internal capabilities’ that blossom under suitable ‘external conditions’ and suggests that poor quality
education can be just as much a disadvantage as no education (Walker & Unterhalter, 2007).

However, in education agents outside the school or student body decide what curriculum will create functioning adults (what society needs) whereas Sen’s (1999) capabilities approach suggests that one must look at each individual as a solution not only to economic growth but the right to focus on their own situation (Sen, 1999; Walker & Unterhalter, 2007). Flores-Crespo (2007) suggests four dimensions to look at how education sustains or promotes capabilities: 1) philosophical, 2) pedagogical, 3) institutional, and 4) policy. In this study the fourth factor is analysed although through this analysis factors 1-3 will be at times brushed upon.

As shown next, the concept of capabilities ties closely in with the beings and becomings argument, since capabilities is about cultivating an innate ability in individual children through equal opportunities regardless of parental economic or marital status.

Beings or Becomings in ECEC

As presented earlier in the thesis, social investment theory is where the child is seen mainly as a future citizen (or future labourer) as is reflected in policies that are created specifically for these reasons such as ECEC. Qvortrup (1993) coined the term beings or becomings in an attempt to question the validity of this approach.

On the one hand, Duncan and Brooks-Gunn (2000) argued that creating such policies would ensure a more productive, creative and independent workforce in the future. Levitas (2004) and others found that this focus on children as becomings helped policymakers create policies to reduce child poverty, thus, bringing children in from the margins where they gained access to new resources (Lister, 2004). For instance, child poverty outcomes in adulthood are well established in research (see e.g. OECD 2001; 2006) and more recently the degree of child poverty and timing in the child’s lifespan have been found to affect adult outcomes as well, “Emerging research in neuroscience and developmental psychology suggests that poverty early in a child’s life may be particularly harmful” (Duncan, et al., 252
Thus, articulating the necessity of policy intervention and services for families with young children.

However, Lister (2005) warns of how social investment in practice changes the view of children, “the child as cipher for future economic prosperity and forward looking modernisation overshadows the child as child-citizen” (Lister, 2005, p. 455). She argues that this view is potentially a risky one if those services or benefits do not show a return on the government’s investment. That it is most beneficial when children are viewed as both beings and becomings.

White (2002) also proposes a combined approach, but actually goes beyond this dichotomy of being or becoming. She suggests that everyone, regardless of age, is simultaneously a being and a becoming, seeking, “an appreciation of the multiplicity of relations amongst and between adults and children, and the variety of forms and terms of engagement which these comprise.” (White, 2002, p. 1097). This is definitely a more rights based approach to this argument, but probably with less political impact. Therefore, it may be necessary to view children as both beings and becomings while at the same time acknowledging that relationships are far more complicated.

In practice, the theory of beings and becomings can be seen in how emphasis was placed in ECEC rhetoric when creating meaningful everyday life through structured activities and how socialization and developmental theories formed the social pedagogical basis of childcare (Brembeck, et al., 2004). Here, social pedagogy reflects a holistic approach to the child; health, education, wellbeing etc. rather than ‘the science of teaching’ (Moss, 2006). Brembeck et. al (2004) set forth that, “from an early age children get used to being in groups and develop capabilities for finding and keeping a position in a collective, which creates the competence to communicate and build relations with many people, adults as well as other children”

60 See page 28 for a more thorough discussion of social investment
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(Brembeck, et al., 2004, p. 17). Thus, the child is seen as benefiting from ECEC in the present moment by socialising and playing (beings) and in the future by learning social skills through this play and interaction (becomings).

Studies examining the impact child poverty has on adult outcomes may tend to focus on income rates or educational attainment. However, in one study Gregg and Machin (2001) questioned the importance or impact disadvantage in childhood has on the future adult-worker. The study of two cohorts born in 1958 and 1970 found amongst other things:

Childhood disadvantages are an important factor in maintaining and reinforcing patterns of immobility of economic status across generations

Education attainment is an important transmission mechanism underpinning the extent of mobility, as it partially ameliorates the (negative) associations with disadvantage

Indicators of disadvantage have a cross-generation effect on the cognitive skills of children whose parents grew up in a disadvantaged environment (Gregg & Machin, 2001, p. 130)

Therefore, from a social investment perspective these findings would indicate that it is important to provide care and education at an early age not only for the individual as a future-worker but for the next generation as well; implying that a return on investment may not be seen for quite some time.

Children’s Rights and ECEC

When there is such a significant focus on social investment in early childhood education and care as there has been in the West over the last decades, it is important to question whether and how children’s rights are being addressed. As scholars such as Brembeck et al. (2004), Lister (2005) and White (2002) earlier, and Herczog (2012) below point out, it is possible to focus on children as both beings and becomings from a children’s right approach.

The impact of the first years of life on children’s physical, emotional, cognitive and social development, the role of quality of care provided by the parents, and early childhood care and education have been proven in the last decades. The
high return of investment in children, and especially in young children, has become a slogan to convince those making decisions on how to spend money. However, this argument is not always influential, as the investment has to be made now, while the return can be seen 15–20 years later and the outcomes do not necessarily enrich those who invested. A rights-based approach consists in a set of values and standards and a comprehensive and inclusive manner that apply to all children and their best interest, and the development of their capacities. It emphasises wellbeing and not only well-becoming. It is essential to ensure that ‘no child is left behind’, ‘every child matters’, and that the principles of the CRC are taken into consideration by ensuring the best interest, non-discrimination, protection from all forms of violence, and participation (Herczog, 2012, p. 542).

So far the discussion of ECEC has been presented from the enduring view of children as passive participants in family and society. Many scholars (Alderson & Morrow, 2004; Brembeck, et al., 2004; Casas, 1997; Cashmore, 2005; Hallet & Prout, 2003; James, et al., 1998; Ridge, 2002) disagree with this generalisation and, “view children as being active in care relationships, rather than passive dependents” (Moss & Brannen, 2003, p. 1). This view of children as being burdensome and costly rather than helpful and resourceful cannot be explored in this study, but is still very important to mention so that the discussion around these policies does not forget this premise that children are active participants.

Then there is the question of who should benefit from ECEC policy? If a policy is written from a social investment perspective, then it is more likely that certain groups are targeted; e.g. low-income families, immigrant families and so on.

It is often difficult for governments to clearly identify which populations are “at risk,” and the populations that would benefit most from these programs can be much larger than and different from traditionally targeted populations such as low-income families. An investment perspective focused solely on the question of returns on investment would tend to privilege targeting (White, 2011).
Therefore, one could argue that if policy is created from a children’s rights perspective (universal access to ECEC) reduces the need for targeting; i.e. more children in need have access to the services that increase their quality of life whether the general aim is to reduce poverty, increase educational attainment, foster gender equality, child well-being or create greater social cohesion.

Children’s rights are the platform on which social pedagogy and social investment can meet. Moss (2006) argues that ECEC should be seen as a universal entitlement similar to ECEC policies in the Nordic states and not as a commodity and Moss found that in reality most EU practice goes beyond social investment and includes a more social pedagogical approach to ECEC.

Comparative ECEC Policy Analysis

When analysing this area of policy from a children’s rights perspective it is important to briefly discuss the ways in which this area of policy has been analysed and categorised in a general comparative analysis.

As with other policies regarding children ECEC policy depicts the tension between the child, family and state.

Governments’ growing interest in delivering services through market mechanisms emerged at the same time as recognition of the benefits of high quality ECEC in providing cognitive, emotional and social benefits for children, especially those from disadvantaged backgrounds ...Yet there has been little debate about the compatibility of these goals (Brennan, et al., 2012, p. 382).

From a comparative analysis perspective ECEC policy can be categorised in three ways; (1) policies that support the dual-earner model, (2) policies that support the male breadwinner model, and (3) a laissez faire approach with little state intervention and based on market solutions to childcare (Korpi, 2000; Ellingsæter, 2006).

However, from this perspective it is difficult to see where children fit. For this particular analysis classifying a policy from any of these three categories is not enough to define the policy from a children’s rights
perspective. In fact, arguments could be made where children would benefit (or not) from each model. However, from a child poverty perspective, as mentioned earlier, it is by supporting a dual-earner model that children are most likely to be lifted from poverty as lone-mothers benefit most from this model. Therefore, as part of the comparative analysis the policies will be categorised according to this model, but only as an indication of where these policies are today and not as an indication of a children’s rights perspective.

Based on these theories outlined in this section (social investment, gender equality and children’s rights), it is easy to argue that it is the combination of these approaches where child poverty can be reduced (see Figure 7-3 on the next page).
Figure 7-3 Relationship of approaches towards ECEC policy from a rights perspective

State

Social Investment

Labour market participation

Participation-Protection-Provision

Child Capabilities

Parents Gender equality
Figure 7-3 shows how the three approaches towards ECEC policy combine to reduce child poverty; 1) children’s rights and capabilities; 2) parental rights and gender equality; 3) the state and local government with social investment and labour market participation. As White (2002) points out, children’s rights and gender equality do not have to be mutually exclusive. Here, the tension between the state and family can create a nurturing environment where children can explore their capabilities, while parents (mothers) can reconcile work and family responsibilities and the state has access to a well rounded, well educated workforce in the future. Therefore, this thesis proposes that it is most beneficial for children, especially in regards to child poverty, for the states’ policies to be as close to the middle of the diagram as possible when they are examined comparatively later in this chapter.

In this section ECEC was explored from a children’s rights perspective. Terms such as social investment, social pedagogy and capabilities were defined and the demographics of the three states were presented. On the one hand, although Iceland has the smallest population of young children it had the largest ratio of young children. On the other, the UK had the largest population of young children, but the lowest ratio.

Next, the ECEC policy in Iceland (with Reykjavik), Norway (with Oslo) and the UK (with England) will be presented, followed by a comparative analysis of all three states.
Public childcare in Iceland developed relatively late in comparison with its Nordic neighbours. It has been suggested that the reason for this was that Iceland was a late bloomer in the sense that it was late in joining the industrial revolution that was enveloping the Western world (Eydal, 2004). The first childcare institute was created in 1924 called *Sumargjöf* (Eng. a summer gift) by a charity organisation (Eydal, 2004). As presented later in this chapter, childcare in Iceland was not regulated by state policy until 1973.

Most importantly to this thesis from a child’s perspective, the educational link to ECEC was brought into legislation eight years later in 1981, “recommending the Ministry of Education should develop an educational plan that should define in detail the aims and methods of all professional work at day care institutions in co-operation with professionals specially qualified in early childhood education” (Eydal, 2004, p. 181). As we will see, by creating this speciality workforce that is educated in specific ECEC pedagogy, childcare is raised up from mere childminding to a more children’s rights focus where emphasis is on children, their best interest, capabilities and developmental needs. Following the induction of the UN CRC care policy in Iceland quickly takes on the children’s rights rhetoric where the right to participate, be heard and the best interest of the child are seamlessly folded into state policy and local authority administration (Lög um leiðskólar [Playschools Act] 48/1991).

Currently, ECEC is state regulated through legislation in Iceland, but administered by local governments. Therefore, this section will present the state policy history of ECEC in Iceland, but will also present the application and uptake of ECEC in the municipality of Reykjavik, as it is the largest local government in Iceland with the most diverse population.

**Policy History**

Childcare has been on the political agenda in Iceland since 1946, but was not adopted into legislation until 1973. Up until then, childcare was provided by private organisations, women’s unions, charities etc. that were
sometimes partially funded by local governments (Eydal, 2004). Two types of institutes were established; *dagheimili* (Eng. childcare nurseries) and *leikskólar* (Eng. play schools). The former offered childcare for five hours or more per day and the latter offered part time care (Eydal, 2004). Full time care at this time was mainly given to children who lived in lone parent households or in households where the parents were students, “who were privileged in the day care system at that time” (Eydal & Ólafsson, 2008a, p. 119).

In other words this policy distinguishes between children whose mothers either worked primarily outside or inside the home; i.e. the nurseries were for working mothers (incl. students) and the play schools for housewives. This distinction could easily be seen to discriminate between children as it does not offer similar services to all children. Furthermore, it groups children into two distinct groups, as it can be argued that those in need were more likely to have working mothers and those better off had mothers that stayed at home not to mention the circumstances of children living in lone-parent, working-class households. Although focus at this time is on child development and socialization, children’s rights do not come into true focus until the 1980s when this distinction is eliminated.

As stated earlier in the introduction, the educational link to ECEC was brought into legislation eight years after the first childcare policy was enacted, which placed education by fully accredited staff into the centre of childcare in Iceland (Eydal, 2004).

By creating this speciality workforce (educated in specific ECEC pedagogy) childcare goes beyond childminding and child socialisation and lays the foundation for a more children’s rights focus where emphasis is on children, their best interest, capabilities and developmental needs to surface. Furthermore, the distinction between playschool and childcare is now gone and all children are offered the same service regardless of their parents’ status or need to work.

Following the induction of the UN CRC, ECEC policy in Iceland continues evolving towards more children’s rights rhetoric where the right to
participate, be heard and the best interest of the child are seamlessly folded into state policy and local authority administration (Lög um leikskólar 48/1991). The aim of the 1991 ECEC policy was amongst other things:

To make every effort in cooperation with the home to ensure the all-round development of children *in accordance with the nature and needs of each individual child* and strive to nurture them spiritually and physically so that they can enjoy their childhood;

To promote the tolerance and open-mindedness of children and ensure *equitable opportunities* for general development;

To promote Christian morals and provide a platform for children *to become independent, reflective, active and responsible participants* in a democratic society that is constantly and rapidly evolving;

To cultivate the expression and creativity of children in order to *strengthen their identity, security and their ability to resolve issues in a peaceful manner* (Art. 2 pp. 4-7, Lög um leikskólar 48/1991 [translation, italics and bold the authors'])

Here, emphasis is also placed on the child as a being and becoming as well as the notable emphasis on children’s individual needs in paragraph four of the policy (shown here as the first paragraph). As a side note, the mention of Christian morals refers to the fact that Lutheran Christianity is ratified by law as the state religion and it is assumed that Christianity is still at the heart of Icelandic culture in name if not in practice. However, this paragraph is shown to present the emphasis on children becoming well-rounded adults through ECEC policy. Here, it is possible to see the foothold of children’s rights and social investment rhetoric that continues to become even clearer over time.

Changes to the policy in 1994 included changing the name of the care provider from *fóstra* (Eng. nanny) to *leikskólakennari* (Eng. playschool teacher) bringing with it an even stronger emphasis on early childhood education (Lög um leikskóla [Playschools Act] 78/1994; see Table 7-5 below).
Table 7-5 Changes to the Playschool Act between 1991 and 1994 defining the concept of the playschool teacher

<table>
<thead>
<tr>
<th>Art. 2</th>
<th>Lög um leikskóla 48/1991</th>
<th>Lög um leikskóla 78/1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prg 2</td>
<td>To give children the opportunity to participate in work and play and enjoy the diversity of developmental opportunities offered in a group setting under the guidance of nannies</td>
<td>To give children the opportunity to participate in work and play and enjoy the diversity of developmental opportunities offered in a group setting under the guidance of playschool teachers</td>
</tr>
</tbody>
</table>

Translation and italics the author’s.

Emphasis in 1994 was on profession and pedagogy. These changes held firm for the next twelve years. New changes to the policy occurred in 2008, outlining the most current ECEC policy in Iceland.

ECEC Policy up to 2011

Changes to the ECEC policy in 2008 occurred during a complete overhaul of the education system in Iceland from the bottom to the top; i.e. playschools to universities, marking the centenary since the first legislation on education was adopted by Althingi in 1907 (Alþt. 2007-2008, 135. Lögþ A: 287).61

The aim of the 2008 act changed and deepened beyond just a few marked objectives into a more articulate description of the playschool environment and its role in children’s lives:

*Children’s interests and welfare shall be the primary mission of all preschool activities.* Children shall be provided with care and education, offered a healthy and encouraging environment to grow up in [develop], as well as safe

61 Þórigerður K. Gunnarsdóttir, Minister of Education, presenting the proposed changes to the Playschool Act at the 39th meeting of the 135th parliament

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conditions to learn and play. *Learning through play* shall be encouraged in a creative environment where children *enjoy a variety of possibilities to grow (develop).* Preschool practice and methods shall be characterised by tolerance and affection, *equality, democratic cooperation, responsibility, concern, forgiveness, respect for human values and the Christian heritage of Icelandic culture.*

The main objectives of upbringing (development) and instruction in the preschool shall be:

a. To monitor and **encourage children’s general development** in close cooperation with parents

b. To provide systematic linguistic stimulation and contribute to common skills in the Icelandic language

c. To provide children with mental, intellectual and physical care according to **the needs of each individual**, so that they may enjoy their childhood

d. To encourage children’s broadmindedness and strengthen their moral values

e. To **lay the foundation** necessary for the children to become independent, autonomous, active and responsible participants in a democratic society which is undergoing rapid and continuous development

f. To **cultivate** children’s expressive and creative abilities with the aim of **strengthening their self esteem**, health awareness, confidence and communication skills (Art. 2 Lög um leikskóla [Playschools Act] 90/2008, Italics. bold and brackets authors’)62

Here, it is possible to see the expression of social investment in section e, emphasis on the individual and their abilities in sections a, c, and f and a continuing emphasis on Icelandic culture, now defined with more precision in the first paragraph and in section b. It is in this policy that Iceland shows

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62 Available [online] (Accessed 09/02/2013) http://eng.menntamalaraduneyti.is/media/MRN-pdf_Annad/Preschool_Act.pdf

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its greatest emphasis on children’s rights, capabilities and social investment than in any other area of policy analysed in this thesis.

It must be noted that emphasis is not on the labour market throughout the policy history or in the current policy and although the wording remains child-centred, as shown in the section on uptake, changes to ECEC policy including the increase in both placements and preschools are driven by parents’ need for childcare precisely because of the labour market (Eydal & Olafsson, 2003a; 2008a; Eydal, et al., 2003; Finch, 2006).

Local Authority

Reykjavík City offers subsidised placement in 64 preschools run by the city and 19 private preschools throughout the city with extra subsidies available for lone parents and students (Reykjavik City, 2013). Emphasis is on the placement of all children into formal care at the level of local government. For instance, Reykjavik offers parents a grant that begins once parental leave ends and until the child can be placed in a preschool or other formal care setting. Parents do not have to accept a placement in until the child reaches the age of two. If the parents do not accept a placement once the child reaches two, then the grant is no longer paid (RBF, 2010). The aim of this grant is to fill the gap between parental leave and preschool; ensuring gender equality and the rights of all parents (RBF, 2010).

The emphasis in policy on specialised staff is evident in practice. In 2009, 583 ECE credited teachers, 27 occupational therapists and 141 staff with other tertiary education worked in the 64 city-run preschools (677 tertiary educated staff of 1775 staff of which only 93 were men) (Reykjavik City, 2011). This shows policy in practice, where roughly 38% of the staff is highly educated; 32% specifically educated in ECE teaching in Reykjavík.

Placements in preschool are not free, but subsidised. Furthermore, the subsidies for preschool in Reykjavík are not as generous as in other Nordic states (Eydal & Ólafsson, 2008a) while greater subsidies are given to lone parents and students. In a report on the cost of caring for children in Reykjavík in 2011, results showed that for the city of Reykjavik to offer a placement the average cost per child was €780.42 (133,326 ISK) per 265
month\textsuperscript{63} where the average amount paid by the parent was €107.68 (18,399 ISK) per month. Therefore the average reduction or subsidy was around €672.70 (114,927 ISK) or 86\% (Egilsdóttir, 2011). This includes care, education, the cost of two meals (breakfast and a hot lunch) and two snacks (morning and afternoon), special needs education and the services of other specialists when needed.

Parents in Reykjavík in 2011 paid less than the national average paid by parents in 2005, which was around 30\% of the total cost of care (Eydal & Ólafsson, 2008a). Furthermore, the emphasis on educational aspects in the policy has prompted many debates during local government elections over recent years of whether this co-payment should be abolished altogether, making ECEC placements free of charge, similar to the services provided in the primary education system (Eydal & Ólafsson, 2008a).

Uptake

As stated in the introduction, Iceland has the highest participation in preschools than the other two states, most likely due to the combination of subsidised placements in public preschools and the high participation of women in the Icelandic labour market. According to Statistics Iceland 18,699 children attended preschool in December 2009; an increase of 2.3\% from the previous year (Statistics Iceland, 2010a). Of the 282 preschools at the time, 243 were public run by local authorities and 39 were private (Statistics Iceland, 2010a).

Throughout Iceland the majority of children in preschool in 2009 were there for at least seven hours per day and in 2011, the average day for a child in Reykjavík was 8.2 hours long (Egilsdóttir, 2011; Statistics Iceland, 2010a). Therefore, the average preschool child in Reykjavík puts in a full work week alongside their parent(s).

\begin{footnotesize}
\textsuperscript{63} Exchange rate of €1=170.839 ISK (10/02/2013)
\end{footnotesize}
From a children’s rights perspective, it is not a question of universal access in Iceland, but whether young children benefit from such long hours? And, has the right to access to both parents been overlooked in order to protect the economic stability of the household? Or to fulfil the needs of the parents over the needs of the child? Imagine a child in a lone-mother household that might wander between two households on weekends as well as put in a 40+ hour ‘work-week’ at preschool. This is possibly the one hurdle where Iceland has fallen short when it comes to ECEC and children’s rights.

Children’s Rights

However, children’s rights in Iceland regarding ECEC are quite strong overall. There is an emphasis in ECEC policy on capabilities and a holistic approach to early childhood. As Moss (2006) argued ECEC should be seen as a universal entitlement that goes beyond social investment and includes a more social pedagogical approach to ECEC. Iceland most definitely fulfils these factors. The Icelandic social pedagogy reflects a holistic approach to the child; their health, education, wellbeing etc. (Moss, 2006). As subsidies are universal (with a greater threshold for lone parents and students) targeting is not an issue. For instance, in the current policy, children of foreign nationality are easily targeted within the policy since they have the same rights to preschool as any other child. The main downfall of the Icelandic policy is that when put into practice, Icelandic children spend very long hours in ECEC; going beyond the pedagogy and social development rhetoric of early childhood education by showing the other side of the coin; i.e. to care for young children while parents work. Although, it could be argued that this is a cultural ‘norm’ and children feel this is just a part of life that ‘everyone’ their age participates in.

On the one hand, from a children’s rights perspective as Alderson (2008) points out, “the UN CRC overlooks how schooling involves very hard, unpaid and enforced work and very long hours for many children” (Alderson, 2008, p. 109). Long hours do not allow for sufficient contact with family at
an important developmental stage in the young child’s life (Alderson, 2008a; Alderson, 2008).

On the other, in an American study Vandell et al. (2010) found that although long hours in ECEC implicated greater risk taking and impulsivity in teenagers, quality of care had a negative impact on these findings. Therefore, with state subsidies and highly trained staff, it is possible that Reykjavík may see fewer adverse effects than those Vandell et al. (2010) found.

Although there is a limit set on the number of hours a child can spend in ECEC, from 4 to 9 and ½ hours per day in Reykjavík, (Reykjavik City, 2011) it is precisely along this fine line that the tension between household finances and care, or children’s rights versus adult rights emerge.

In regards to poverty, ECEC policy in Iceland was never created or implemented to reduce poverty as it has been in other Europeans states, but was an answer to high female employment in the labour market. Therefore, focus is more on gender equality and less on poverty. However, this emphasis does not negate that lone-parents and families at risk of poverty benefit indirectly from this system.

In this section ECEC policy was examined in Iceland, showing how although Iceland started slowly it quickly adopted children’s rights rhetoric and ECEC pedagogy into its policies from 1981 onwards. It is the one area of policy examined in this thesis that Iceland shows the greatest children’s right perspective. However, there is one area that keeps it from being categorised as full integrity rights; i.e. in practice the average child spends long hours at preschool therefore defining it in practice just as much as a care institute so parents can work as an ECE institute formed by policy.
ECEC Norway

Norway's approach to early childhood education and care policy is, although children’s rights focused, also very complex and has been considered dualistic in nature (Leira, 2006; Leira, 2002; Ellingsæter, 2006). In Norway, ECEC policy has on the one hand, emphasised parental choice and gender equality in some respects, while on the other supported both dual earner models and male breadwinner models (Leira, 2006; Leira, 2002; Ellingsæter, 2006). For instance, home childcare allowances allow for young children to be cared for at home, but do not promote a dual-earner model, thus, “Norway has lagged among the Nordic countries in enabling women to reconcile work and care” (Skevik, 2004, p. 93). Ellingsæter (2006) points out that Norwegian ECEC policies are complex and ever-changing, wandering between dual-earner and breadwinner models. While, one argument is that this dualistic nature is religious in nature (Sorensen, 2011), one might also argue that this dualistic emphasis may have surfaced due to Norway’s emphasis on children and children’s rights.

There is a distinct difference between ECEC legislation and ECEC regulation. Until recently, the emphasis in ECEC policy in Norway has not been pedagogical in nature but rather focus has been on the care needs and the socialisation of children in a safe, stimulating environment (Finch, 2006; Skevik & Hatland, 2008).

As shown later in this chapter, the incorporation of the UN CRC in Norwegian legislation dictates all legislation regarding children. Therefore although, the Day Care Institutes Act no 19/1995 is almost devoid of any mention of children’s rights, mentioning only security and child development, the focus on children and their rights was implied once the UN CRC was introduced into legislation in 2003 (The Human Rights Act 21/1999).64

On assignment from the Ministry of Children, Equality and Social Inclusion, a legal review has been undertaken of the relationship between the UN Convention on the Rights of the Child and Norwegian law. This was based on a request by the UN Committee on the Rights of the Child, urging the Norwegian authorities to continue efforts to ensure complete agreement between national legislation and the Convention (Ministry of Children, Equality and Social Inclusion, Norway, 2012).

When the regulations and frameworks concerning ECEC administration in Norway were analysed a more defined and child centred view emerged.

Policy History

Most childcare in the 1950s was originally offered by religious, humanitarian organisations and women’s associations (Sorensen, 2011). The first mention of childcare in public policy was when the state finance budget in 1963 allowed for some public help with administrative costs and in 1966 with construction costs (Sorensen, 2011). In 1975 an overall policy on childcare was adopted that, “made local planning but not actual provisions of childcare mandatory” (Sorensen, 2011). Public childcare was rare in Norway before the 1975 Day Care and Institutes Act was adopted, and normally only for child welfare cases (Skevik & Hatland, 2008). At first, families continued to rely on the services of the private organisations mentioned as local authorities resisted the policy (Sorensen, 2011). All the same, following the adoption of the 1975 Act overall participation in childcare facilities increased and continues to do so until present day (Skevik & Hatland, 2008).

By the 1980s, more women had entered the workforce fulltime than part-time (Bjørnson, 2001). The ECEC policy emphasis was on the socialisation of the child and greater focus was placed on lone-parent

The UN CRC was incorporated into legislation as an amendment to the Human’s Right Act 1999 in October, 2003

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households than two-parent households (Bjørnson, 2001; Skevik & Hatland, 2008).

Religion was not mentioned in the 1975 act. However, “a heated public debate from the late 1960s to the early 1980s centred on whether or not state-sponsored childcare should be based on Christian values (Evangelical Lutheran) and explicitly stated in the opening paragraph of a daycare act proposal (the Day Care Act of 1975)” (Sorensen, 2011, p. 17). It was later added in the 1983 version of the act and remained in the 1995 act. This was solidified by the 1996 Framework Plan for Daycare Institutions, where the role of the barnehage (Eng. kindergartens) is defined, amongst other things, to support children’s development based on the Norwegian tradition of Christian morals and values (Barne og familiedepartementet, 1996; Sorensen, 2011).

The aim of the 1995 Day Care Institutes Act:

Day care institution shall provide children of under school age with good opportunities for development and activity in close understanding and collaboration with the children’s homes [with parents].

Day care institutions shall assist in giving the children an upbringing that accords with Christian values (c. 1 p. 1-2, Day Care Institutes Act no. 19/1995; italics, bold and brackets author’s).

Here, emphasis is on child development and Christian values in cooperation with the parents. In contrast, where the Children’s Act 1981 (amended 2010) is full of children’s rights rhetoric the 1995 Day Care Institutes Act is devoid of any mention of children’s rights, capabilities, education etc. It solely outlines the duties of the parents in regards to the childcare facility and the regulation of such facilities (St. meld. nr. 7, 1981; St. meld. nr 19, 1995).

However, children’s rights do not disappear altogether, but move to the regulations; that is that the implications of this act are explained in more depth through the regulations created by the ministry in charge of administration. For instance, the Department of Children’s and Families created a framework for barnehage (Eng. kindergarten) in 1996 (Barne og
although ECEC policy was a response to the high participation of mothers of young children in the labour market in other Nordic states, the full impact of this was not felt in Norway until the 1990s, much later than its Nordic counterparts (Finch, 2006; Leira, 2002; Leira, 2006; Sorensen, 2011). However, from a children's rights perspective, the 1995 Day Care Institutes Act continued as a simple and more administrative document in nature; the adjacent framework provided by the Ministry offered a more precise and defined focus on the children themselves.

The focus on pedagogy was tightened when in 2005 administration of ECEC was moved from the Ministry of Children and Family Affairs to the Ministry of Education and Research, “in order to ensure coherence and continuity in the education of children and young people” (Norwegian Ministry of Education and Research, 2007, p. 8).

ECEC Policy up to 2011

In 2003 the UN CRC was incorporated into Norwegian legislation through an amendment to the Human Rights Act 1999. Since then, Norway has continued revising its policies regarding children in order to be in line with the Human Rights Act 1999. This is evident in ECEC policy and the Barnehageloven (Kindergarten Act) 64/2005, was accepted into legislation. Again, the act outlined the obligations of parents and local governments. However, major changes to the policy include extensive children’s rights being added. For instance, chapter II outlines the child’s legal right to participation, express their view and take active part in the daily operation of the kindergarten in line with their maturity (c. II, § 3, Barnehageloven 64/2005).

It is at this time that emphasis on pedagogy is defined in ECEC legislation as well as defining more clearly that kindergartens should provide children with a safe nurturing environment in accordance with their age, background and development:
Kindergartens shall provide children with opportunities for play, self-expression and meaningful experiences and activities.

Kindergartens shall take account of children’s age, level of functioning, gender, and social, ethnic and cultural background, including the language and culture of Sami children (§ 2, pp. 2-3, Barnehageloven 64/2005).

Most importantly, in regards to this study, the policy specifically outlines opportunities for development, “Kindergartens shall nurture children’s curiosity, creativity and desire to learn and offer challenges based on the children’s interests, knowledge and skills (§ 2, p. 5, Barnehageloven 64/2005). The extent to which children’s rights and the Un CRC has influenced the new act is evident throughout, whether discussing capabilities, participation, social inclusion or universal access. Universal access to care is demonstrated where, “the municipalities are obliged to ensure that there are a sufficient number of kindergarten places” (Ministry of Education and Research Norway, 2012).

Furthermore, with the move of administration from the Ministry of Children and Family Affairs to the Ministry of Education and Research in 2005 along with the subsequent framework published by the Ministry (incorporated in 2006) a greater emphasis is placed on pedagogy and the place ECEC has in an individual’s academic career (Norwegian Ministry of Education and Research, 2007).

When it comes to children’s rights and children as ‘beings’ the first paragraph of the Kindergarten Act is defined in more detail through this framework:

Kindergartens shall support and take into account individual children, whilst also looking after the common interests of the children. Kindergartens shall provide pre-school children with an environment that offers both challenges appropriate to the age and level of function of the children, and protection from physical and psychological harm. Kindergartens shall increase the opportunities that children have to learn and to participate actively in a peer group. Kindergartens shall have the physical, social and cultural qualities that at any given time correspond to current knowledge and understanding.
ECEC Norway

regarding children and their requirements. Kindergartens shall promote good health and prevent illness, and shall help to ensure social equality. Kindergartens have a responsibility in society for the early prevention of discrimination and bullying (Ministry of Education and Research Norway, 2006, p. 5) (italics and bold author’s).

Here, focus is on the complexity of children in childcare, where emphasis is not just on the child as a being, but both on the needs of the individual child as well as the needs of the group. Emphasis on capabilities is evident where the framework offers individual support and access to opportunities to learn. Social investment is again evident in the last line were use of the words ‘early prevention’ are noted (Ministry of Education and Research Norway, 2006, p. 5).

Since then, a complete revision of ECEC in Norway has been planned and the 2008 White Paper Quality in ECEC continues the focus on both children’s rights and education:

*Ensure equity* and high quality in all kindergartens

Strengthen the kindergarten as a *learning area*

All children should participate in an *inclusive* community (St. prp. nr 41 [2008-2009]).

The document sights ECEC as a universal right for children outlining a plan to “develop the best of the kindergarten tradition in Norway” (St. prp. nr. 41 [2008-2009]). Emphasis here is on universal access for all children, equality, learning and participation, “Kindergartens are voluntary, but it is a goal that everyone who so wishes is to have the opportunity to attend a kindergarten” (Norwegian Ministry of Education and Research, 2007, p. 5).

Cash-for-Care

Alongside access to publically and privately run kindergartens, Norway also offers a cash for care scheme (kontantstøtte) that is not taxed; offering parents of children under three the option of caring for their child at home (Ellingsæter, 2012; Guldbransend, 2009; Skevik & Hatland, 2008). This
scheme was introduced in 1998 and is both administered and funded by the state.

The three main aims of the reform were that parents should be provided with more time to care for their own children; to give families freedom of choice regarding care arrangements, and more equal distribution of public subsidies to families (Ellingsæter, 2012, p. 4).

Those opposed to the scheme feared it would prove an obstacle to gender equality, undermine the childcare system and deter immigrant families from enrolling their children into ECEC (Guldbranssen, 2009; Ellingsæter, 2012). In fact, it could be argued that this benefit is payment not to use a public service, “Thus, these benefits are in fact monetary compensation for not using a public service, which in itself is a fairly extraordinary justification for receiving a social benefit” (Ellingsæter, 2012, p. 3).

However, even though parents could combine kindergartens with the cash-for-care scheme the demand for ECEC placement continued to increase. In fact, “since 1999 ever fewer parents have made use of the opportunity to claim the benefit and have instead sent their children to a day care centre” (Gulbransens, 2009, p. 17). Therefore, it is not surprising that in 2012 the benefit was abolished completely for children two years and older and age graded for the younger children; i.e. the younger the child the higher the benefit (Ellingsæter, 2012).

Local Authority

ECEC policy in Norway is created by the parliament Storting; the regulation framework is created by the Ministry of Education and Research and administration of public kindergartens by local governments. The kindergartens are staffed in part by individuals with a three year degree in early childhood education and care and the Kindergarten Act 2005 specifies the level and type of education required:

The Kindergarten Act states that head teachers and pedagogical leaders must be trained pre-school teachers or have other college education that gives qualifications for working with children and pedagogical expertise.
Pre-school teacher education is a three years university college study with bachelor degree. Pedagogical leaders without pre-school teacher education must have further education in teaching in kindergartens. (Ministry of Education and Research Norway, 2012)

In Norway, parental payments are means-tested and in 2006 in Oslo the average minimum payment for a kindergarten placement (both public and private) was €271.42 (2000 NOK) and the average maximum €305.32 (2250 NOK)65 (Statistics Norway, 2012).

Whereas the private sector makes up the majority of kindergartens in Norway (53% in 2011) and in Oslo (55.25%) it is important to note that the private sector enjoys support mainly from local governments (see Table 7-6 below).

Table 7-6 Private kindergarten revenue in per cent of gross expenditures in Oslo and Norway, 2011

<table>
<thead>
<tr>
<th>Total number of private kindergartens</th>
<th>Revenue in percent of gross expenditures total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Parental Payments</td>
</tr>
<tr>
<td>Oslo</td>
<td>412</td>
</tr>
<tr>
<td>Norway</td>
<td>3184</td>
</tr>
</tbody>
</table>

Source: (Statistics Norway, 2012a)

Table 7-6 shows how parental payments and subsidies from local governments make up the majority of private kindergarten revenues and that on average parents pay 17% of the cost in Oslo, but 18% on average in Norway. This subsidy allows all parents affordable childcare and all children access to ECEC learning and socialization. Means-testing the

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65 Conversion €1 equal to 7.38 NOK (13.02.2013)

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parents’ payment allows the system to target low-income and lone-parent households.

Uptake

Uptake in formal childcare in Norway is influenced by the cash for care scheme as shown in Table 7-7.

Table 7-7 Formal childcare by age group and duration

<table>
<thead>
<tr>
<th>Age group</th>
<th>0-2years</th>
<th>3 years-CSA*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duration</td>
<td>1-29 hrs</td>
<td>30+ hrs</td>
</tr>
<tr>
<td>Norway</td>
<td>8</td>
<td>27</td>
</tr>
<tr>
<td>EU 27</td>
<td>15</td>
<td>11</td>
</tr>
</tbody>
</table>

Data: EUROSTAT, 2011e  Shown as percentage over the population of each age group. *Compulsory school age (CSA) ^Unreliable data. Most recent year that data is available for all three states.

Uptake has continually increased in Norway since the induction of the 1975 Day Care Institutes Act (Leira, 2002; Leira, 2006; Ellingsæter, 2006). Recently, the government has made a greater effort at increasing ECEC volume (see e.g. Quality in ECEC St. prp. nr 41 [2008-2009]). A speech given by State Secretary Kjell Erik Øie in 2006 underscores this emphasis:

Substantial resources have been invested in the development of day care centres. Day care centres are both a good educational service and a good care service for children, and a key to the labour market participation of parents with small children. 72% of children aged 1-5 have a place in a day care centre. The Government gives high priority to providing full day care coverage. The central government covers 80 per cent of the costs, while the rest are covered by the municipality and parents’ fees (Øie, 2006)

This emphasis has increased the percent of all children in kindergarten. Table 7-8 shows that since this speech in 2006 the percent of children in both public and private kindergarten has increased to 89.7% of which 83.5% spends 33 or more hours in childcare.
Table 7-8 Number of Kindergartens and percent of children attending in Oslo and Norway, 2011

<table>
<thead>
<tr>
<th>Kindergartens</th>
<th>Total children in kindergarten</th>
<th>Percent 1-5 years</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Public</td>
</tr>
<tr>
<td>Oslo</td>
<td>800</td>
<td>358</td>
</tr>
<tr>
<td>Norway</td>
<td>6,469</td>
<td>3,000</td>
</tr>
</tbody>
</table>

Source: Statistics Norway, 2012

In Oslo the total percent of children in childcare are slightly lower than the national percentage (84.8%) of which 83.3% are in care of 33 hours or more. Similar to the results found in Iceland, it bears to question how long a day in ECEC is most beneficial for a child and at what point does it become less educational and more care related?

Figure 7-4 Participation in the cash-for-care scheme

When it comes to the cash-for-care scheme, as stated earlier, the trend has been decreasing as placements in ECEC have increased. Figure 7-4 show this trend from the inception of the scheme in 1999 to 2011.
Children’s Rights

Children’s rights are specifically defined in the Kindergarten Act no 64/2005 as well as apparent in the regulation framework created by the Ministry of Education and Research. Wording in both documents specifically mirror the UN CRC, which was incorporated into Norwegian law as an amendment to the Human Rights Act in 2003. Emphasis on education and capabilities has become paramount and continues to do so according to the proposal outlined in the 2008 White Paper. Both the framework and act attempt to provide all children with access to kindergartens, while subsidies from local governments make it financially viable. The cost of care is means-tested as well, in an attempt to target children in low-income and lone-parent households.

Cash for care allowances not only offer parents choice when it comes to childcare, but also offers young children the right of access to care from both parents in a home setting for a longer period than traditional parental leaves allow. Although it was originally feared that this scheme would discriminate against women and their access to the labour market, the continual increase in children attending kindergartens has indicated otherwise.

Similar to Iceland, although not to the same extent, Norwegian children spend long hours on average in ECEC settings which bears to question from a children’s rights perspective, when does the focus switch from education to childcare? Or, how much ECEC is enough for a young child? As stated in the section on Iceland and as Alderson (2008) points out, “the UN CRC overlooks how schooling involves very hard, unpaid and enforced work and very long hours for many children” (Alderson, 2008, p. 109). Again, some scholars argue that long hours do not allow for sufficient contact with family at an important developmental stage in the young child’s life (Alderson, 2008a; 2008). Although there is a limit set on the hours a child can spend in ECEC (set by each kindergarten) it is precisely at this fine line that the tension between household finances and care, or children’s rights and adult rights emerge.
In regards to poverty, Norway’s ECEC scheme was never created to battle child poverty to the same extent as the UK (see next section) emphasis has been on the one hand balancing work and family and socialising children on the other. However, as in the case of Iceland, although the Norwegian policy does not focus on child poverty it does not suggest that lone parents and other families at risk of poverty cannot benefit from this scheme. In fact, the opposite is true and studies show that such policies help lone-parent and other families at risk of poverty indirectly.

In this section, Norwegian ECEC policy was analysed and although it had a slow start it has become a powerful children’s rights tool in both language and practice; offering children a safe, stable environment to examine their capabilities and increase their learning potential. The introduction of the UN CRC into the Human Rights Act 1999 had a profound effect on this area of policy in Norway as the state policy went from being a simple overview of ECEC kindergartens to being a strong advocate of children’s rights in this field of child policy.

Next, ECEC policy in the UK will be analysed from a children’s rights perspective followed by a comparative analysis of all three states.
Comprehensive childcare policy in the UK, similar to other Anglo-Saxon states, is relatively still in its infancy in comparison with other states. Furthermore, it has the most diverse approach within the state of the three states studied here; i.e. there is such diversity within the UK of ECEC policies between local authorities, regions and the four countries (England, Northern Ireland, Scotland and Wales). In other words comparison of ECEC policy is difficult not only between the three states in this study, but within the UK itself; “making meaningful comparisons across the four countries and regions of the UK and over time is therefore difficult” (Skinner, 2005, p. 223).

Historically, childcare in the UK is seen as a private matter and a commodity to be purchased. The government intervenes only if the market fails except in the case of children in low-income families (Moss & Brannen, 2003). This changed when New Labour came into power in 1997 and children and child poverty were placed on the agenda. Childcare became an important factor in the UK’s focus poverty.

Policy History

Originally, UK policy was not to intervene in the care of children, leaving full responsibility for the care of young children squarely on the shoulders of the parents. Some may even go so far to say that the policies were against the care of young children outside the home, “government policies today may call for more childcare services, but for many years policy was neutral or hostile to such forms of care” (Moss & Brannen, 2003, p. 16).

However, during WWII, as the need for women in factories and other jobs increased so did the need for childcare, so the government set up registers of childminders and offered some care in the form of nurseries (Baldock, et al., 2005; Moss, 2003; Moss & Brannen, 2003). However, in the post-war era, when women returned to the home there no longer seemed a need to support childcare only to regulate it and only in so far as to ensure the child’s safety (Baldock, et al., 2005; Moss, 2003; Moss & Brannen, 2003).
Childcare is not influenced again by the labour market until the late 1990s (Finch, 2006) until then childcare in the UK was left, “almost exclusively to the market...And the voluntary sector has been expected to provide, with little Government support, most of the services for parents looking after their own children” (Treasury UK, 1998, p. 6). It was in the late 1970s that the voluntary childcare sector began to grow, but mostly in middle-class areas (Baldock, et al., 2005).

A call to focus on pedagogy and education came from organisations such as the Pre-School Playgroups Association, who offered some ECEC provision on a small scale, “intended to plug some of the gaps, and show what might be done by the state” (Baldock, et al., 2005, p. 18).

By 1989, UK ECEC policy allowed for childcare in exceptional circumstances; i.e. ‘children in need’ (Moss, 2003). In some cases, local authorities created ECEC services in an attempt to combine education and social welfare support (Baldock, et al., 2005). The work on ECEC policy is more on the local level at this time then on the government level. A coherent ECEC policy does not emerge for another decade, but the 1989 Children’s Act offered some regulation of childcare services (Children’s Act, 1989 UK) and the 1990’s saw the creation of the childcare disregard for low-income families (Moss, 2003).66

The beginnings of a coherent ECEC framework is first addressed in the 1998 green paper Meeting the Childcare Challenge (Treasury UK, 1998). The aim of the paper was threefold; 1) to raise the quality of care; 2) make childcare more affordable; and 3) make childcare more accessible (Treasury UK, 1998).

66 Child care disregard for children under 15 years old is available to: “a) couples where both are working 16 hours or more per week, b) couples where one partner is working 16 hours or more per week and the other partner is incapacitated, or c) a lone parent is working 16 hours or more per week. To qualify the care must be provided by a registered child minder or other registered childcare provider” (Gov.uk, 2006)
It opens by acknowledging the increasing struggle between work and family and that “childcare has been neglected for too long” (Treasury UK, 1998, p. 1). When it comes to capabilities the green paper states:

The National Childcare Strategy has a crucial role to play: meeting the needs and **enhancing the opportunities** of children and their families. Our children must **get the best start in life**. Families must be given genuine choices: to look after their own children full-time, or to combine work, education or training with parenting in a **balanced way** (Treasury UK, 1998, p. 5).

Focus is on both capabilities and social investment with the mention of enhancing opportunities and getting the best start in life, while also focusing on the parents’ struggle with balancing work and family (bold author’s).

The benefits of quality, regulated ECEC is also defined in the paper:

Good quality care isn't merely about caring for children, but about introducing them to the joys of imaginative play, a love of books and a diverse and exciting range of sporting activities. Good quality care stimulates and motivates children (Treasury UK, 1998, p. 5).

Although this is the beginning of focus on pedagogical qualities, it is not yet fully defined as such. Otherwise, one would expect more emphasis on all children having access to ECEC. For instance, informal care from extended family members (such as grandparents) is acknowledged in the paper, while admitting that not all parents have access to this type of care, that the quality of care provided to children throughout the UK varies and that there is not enough formal childcare places on offer (Treasury UK, 1998).

However, focus remains on the rights of parents not only as the primary care giver, but also in deciding what type of care they want for their child. This dual focus on both social investment and parents’ ability to work is also seen in the two tests that define the success of the policy:

- better outcomes for children, including readiness to learn by the time they reach school and enjoyable, developmental activities out of school hours; and
- more parents with the chance to take up work, education or training because they have access to diverse, good quality childcare (Treasury UK, 1998, p. 8).
Following this, between 1997-2007, formal childcare places were on the rise while there, “was a decrease in childminder places across the UK except in Northern Ireland” (Skinner, 2005, p. 221).

As stated earlier, childcare policy became an important link in the New Labour Government’s focus on poverty in an attempt not only to increase the labour participation of parents in general, but to target those living in the most disadvantaged areas. In 2001, the UK ECEC agenda, aim was to “establish 3,500 children’s centres based mainly in schools by 2010 for children aged 0-14 years. Extended schools will open from 8.00 a.m. to 6.00 p.m., 50 hours a week throughout the year, longer than European working hours for adults, in order for the ‘childcare’ market to meet all local needs for fully employable parents” (Alderson, 2008, p. 113).

Organizations and activists criticise the government for not focusing more on education. In fact, there was concern that there was too wide a gap between the focus on childcare, on the one hand, and education on the other (Baldock, et al., 2005).

In 2003 childcare was mentioned again in UK policy in the green paper Every Child Matters (Treasury UK, 2003) where focus was more sharply placed on ending child poverty and increasing parental employment. It is a large and encompassing document looking at all aspects of children’s lives. However, as Alderson summarises, “the Government’s goals are primarily economic: to reduce child poverty primarily by increasing parental employment, to produce highly qualified, high-earning future workers, and to prevent costs of future crime and dependence” (Alderson, 2008, p. 112).

The paper addresses capabilities very briefly in the summary:

Our aim is to ensure that every child has the chance to fulfil their potential by reducing levels of educational failure, ill health, substance misuse, teenage pregnancy, abuse and neglect, crime and anti-social behaviour among children and young people (Treasury UK, 2003, p. 6)

Chapter 2 of the White Paper outlined the targeted approach the government would take towards ECEC policy with the aim to establish Sure Start Children’s Centres in low-income regions “These will reach pre-school
children in the 20 percent poorest wards by March 2006” (Treasury UK, 2003, p. 26). Alongside targeting the most disadvantaged, the paper also outlined an aim to increase 1,150,000 childcare places by 2006 (Treasury UK, 2003). Unlike the 1998 Green Paper on childcare, what the government intended to implement was outlined with little or no ECEC ideological or pedagogical basis presented.

Chapter 3 outlines the intended support for parents and carers. It starts out by saying that in the past the government has not been diligent enough in supporting parents in their role as carers. It goes on to explain how it would use ECEC as one way to help parents, “strengthen their understanding of how to help their child’s development” (Treasury UK, 2003, p. 41).

Therefore, around this time there was a movement towards a more coherent ECEC framework in the UK. “Policy making in early years [was] undergoing a process of nationalism in the UK” (Skinner, 2005, p. 223) and the UN CRC was influential in this discussion (Skinner, 2005). In fact, Lister (2005) stated, “we are witnessing a genuine, unprecedented attempt to shift the social priorities of the state and nation to investing in children” (Lister, 2005, p. 455). With a focus on social investment in ECEC policy there was an attempt at, “redistribution of opportunity rather than of income” (Lister, 2005, p. 459).

ECEC Policy up to 2011

In 2004, a ten-year strategy for childcare was published, *Choice for Parents, the Best Start for Children* (Treasury UK, 2005). The aim of the proposal was more progressive than the first green paper published in 1998 and builds on the foundations of the 2003 green paper *Every Child Matters*, where focus was on universal, flexible childcare that is affordable and of the best quality (Treasury UK, 2005). The subsequent *Childcare Bill* (80/2005-06) applied to England and Wales and as seen later in the section on local authorities (it was adopted into legislation for England alone in 2006 and since then Wales has proposed a childcare bill of their own).
In 2011, the UK offered children ages three and four 15 hours of free ECEC per week spread over a minimum of three days, unless the child lives in a low-income area then ECEC might be offered for children ages 0-4 through Sure Start Children’s Centres in various forms by local authorities (Brind, et al., 2011), but has yet to be adopted in the comprehensive ECEC policy in the UK (see chapter 7).

Furthermore, a means-tested childcare component of the child tax credit allows parents to claim up to £175 per week for one child and £300 for two if the child(ren) are cared for by a registered child minder and each parent works more than 16 hours per week. However, studies show that almost half (47%) of parents chose informal carers versus 31% choosing formal care in 2010 and 2011 (this includes school age children needing after-school care) and grandparents are the most likely source for this care (Rutter & Evans, 2012). As shown in the section on uptake, the reasons for choosing informal care over formal care is complex, but in the UK the studies found that lack of provision and the initial cost of retaining a placement for a child in formal care can be quite steep for families (Bartholomeou, et al., 2009; Daycare Trust, 2011).

If the parent is not working more than 16 hours, but is in full-time education they can apply for a childcare grant (currently £148.75 per week for one child or £255 for two) and/or a Parent’s Learning Allowance (£1,470 per year in 2012/ £1,508 in 2013) (HM Gov.uk, 2013; HM Gov.uk, 2013a). The latter is intended for the cost of books etc., but is worth mentioning here as it does not affect access to any other grant, benefit or tax credit, thus can be viewed as an additional income for students with children.

Sure Start Children’s Centres

As stated earlier, the Sure Start programme was created in 1999, targeting children in low-income areas (below the 20th percentile) (Johnson, 2011). It was an evidence based policy and, “there is an overwhelming view that social research and social researchers played a key role in the decision to establish Sure Start, and also influenced decision about precisely how the concept should be operationalised and rolled out” (Johnson, 2011, p. 2).
Originally, it was first rolled out in England, with variations implemented in Wales, Scotland and Northern Ireland later. According to the government website, Sure Start is defined as:

A government programme which provides services for pre-school children and their families. It works to bring together early education, childcare, health and family support. Services provided include advice on health care and child development, play schemes, parenting classes, family outreach support and adult education and advice (Department for Education UK, 2012).

Therefore, the programme’s aim is more extensive than just early childhood education or childcare, where emphasis is also on the holistic use of the programme for outreach, parental education and health. By 2002, 250 Sure Start Local Programmes (SSLPs) were in place in England, supporting roughly 150,000 children and plans were in place to double this by 2004 (Johnson, 2011). Although this target was not initially met since then, “the development of Sure Start Children’s Centres has been rapid; from 188 in January 2005 to over 3500 by 2010” (Cottle, 2011, p. 250).

By 2005, the administration of Sure Start Children’s Centres was moved to the jurisdiction of local authorities with plans for a Sure Start centre opening in every community. In spite of the government’s framework, the centres vary in implementation throughout England. For instance, funding is complex and can consist of various forms of local, private and/or tertiary funding (Cottle, 2011). However, both government (Ofsted) and academic research shows an overall increase not only in quality, but the results of social development and behaviour outcomes as well (Cottle, 2011).

Local Authority

Due to the wide variations in ECEC policy between the four countries that make up the UK, a more detailed description of ECEC policy in England is necessary than was in the discussion of local authorities in two Nordic states. ECEC in England is governed by the Childcare Act of 2006; a specific comprehensive policy. It outlines the provision and regulation of childcare in England, the country’s duty, “to secure sufficient childcare for working parents” (Part 2, Explanatory Notes, Childcare Act 2006) and
creates the guidelines for education and care, later called the Early Years Foundation Stage Framework. Focus on children’s rights is defined in Part 1 of the Act where, “An English local authority must...reduce inequalities between young children in their area” (c. 21, part 1, § 1, sub. 1 b, Childcare Act 2006). It defines the term child well-being in relation to, “a) physical and mental health and emotional well-being; b) protection from harm and neglect; c) education, training and recreation; d) the contribution made by them to society; e) social and economic well-being” (c. 21, part 1, § 1, sub. 2, Childcare Act 2006). Here, influence from the UN CRC and the three P’s can be detected; i.e. Provision (sub. 2c); Protection (sub. 2b) and Participation (sub. 2d) as well as the more recent child well-being discourse (sub. 2a & sub. 2e).

It continues to enforce the holistic approach to early years provision that has been core to ECEC policy in the UK for almost two decades; i.e. early years education, health services, parental education, parental employment etc. (c. 21, part 1, § 2, sub. 1, Childcare Act 2006).

As stated, focus on education was defined more concretely by the creation of the Early Years Foundation Stage Framework (Department for Education UK, 2008). The framework aimed to end, “the distinction between care and learning in the existing frameworks” and lay, “a secure foundation for future learning” (Department for Education UK, 2008, p. 6).

Here more rights oriented rhetoric surfaces, with aims such as, “Every child deserves the best possible start in life and support to fulfil their potential,” and, “...learning and development that is planned around the individual needs and interests of the child” (Department for Education UK, 2008, p. 6). It is in these paragraphs that the focus on capabilities is evident (bold and italics author’s).

Equality and rights to ECEC is addressed where the framework aims to ensure, “that every child makes progress and that no child gets left behind...that every child is included and not disadvantaged because of ethnicity, culture or religion, home language, family background, learning
difficulties or disabilities, gender or ability” (Department for Education UK, 2008, p. 6) (bold and italics author’s).

The OECD report *Quality Matters in Early Childhood Education and Care: United Kingdom (England)* (Taguma, et al., 2012) noted 8 strengths in English ECEC policy:

1) Involvement of parents in evaluating ECEC services;

2) Existence of a clear government plan to enhance parental and community engagement;

3) Close co-operation with health services to improve children’s health;

4) A network of information provision and support on parenting;

5) Targeting disadvantaged families to reduce inequity in society;

6) Supporting young parents;

7) Meeting parental needs in the usage of free ECEC hours;

8) Using research to inform policy (Taguma, et al., 2012, pp. 48-52).

Amongst the areas the OECD report felt needed improvement, and worth mentioning in regards to children’s rights, is supporting children in immigrant families. As stated earlier in the beginning of this thesis, immigrant children and refugee children are often forgotten and their lack of citizenship creates a barrier to services that their peers have access to:

With more than 10% of the population being immigrants, developing strategies for parental and community engagement that consider the needs of the group could be of high relevance in the United Kingdom. Additionally, it might be harder to reach these families regarding family and community engagement and inform them of involvement opportunities. It might be worth considering targeted measures for these families (Taguma, et al., 2012, p. 60).

The report continues by outlining the importance of ECEC in immigrant children’s lives; e.g. educational outcomes especially in the areas of language and reading (Taguma, et al., 2012).

In regards to professional training the report found that, “ECEC staff need the skills for and knowledge of engagement possibilities as well as the
skills to communicate with parents and professionals from other services” (Taguma, et al., 2012).

When it comes to child poverty, England (and the UK) have been criticised for the lack of support for women to balance work and family (Taguma, et al., 2012). However, due to the holistic approach of Sure Start, “many children’s centres in England work closely with [the unemployment authority] Jobcentre Plus and other agencies to help families out of poverty and unemployment” (Taguma, et al., 2012, p. 68). Thus, where universal ECEC places in the Nordic states have an indirect effect on women’s labour market participation, the effort in the UK is more direct and targeted.

Staff should be educated in ECEC or equivalent area of study with a level 3 degree. When it comes to the level of staff education, the Early Years Providers Survey 2011 showed that 426,500 individuals work in ECEC (both paid and unpaid) and that, “the large majority of staff in group-based childcare settings had a relevant qualification at level 3 (79 percent) in 2011” (Office of National Statistics UK, 2012).

Uptake

The majority of children in England ages 3-4, participate in ECEC. In 2011, “14% of children aged three and four access less than their full entitlement” (Taguma, et al., 2012, p. 51). However, this does not tell the full story, as the provision of ECEC is more complex. For instance:

In 2010, the use of child care varied depending on the age of the children in England. It was lowest from birth to two years old at 59 per cent of children and highest among three to four year olds at 89 per cent while uptake for 12 to 14 year olds was 50 per cent. The high uptake for three to four year olds is likely to be due to the cost of care being offset by the

67 In England the level of education an individual attains is dissected into eight levels, where level 1 is basic knowledge (e.g. GCSE at grades D-G), level 2 is certificate in skilled work or diploma (e.g. GCSE at grades A*-C), level 3 is specialised training or allows access to university (e.g. A level or AS level), level 4 offers a certificate (e.g. Certificate of Higher Education), level 5 is an intermediate diploma or foundation degree (e.g. DipHe), level 6 is an honours diploma, level 7 is a masters, and level 8 is a doctoral.
universal free early education that children are entitled to after their third birthday (Office of National Statistics UK, 2012, p. 15).

Therefore, the effects of ECEC policy on uptake is indicated in the higher uptake rates due to the universal access to free places for children ages 3-4.

Table 7-9 Formal childcare by duration, age group, and percent of child population in the UK, 2010

<table>
<thead>
<tr>
<th>Less than 3 years</th>
<th>3 years to CSA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 to 29 hours</td>
</tr>
<tr>
<td>UK</td>
<td>31</td>
</tr>
</tbody>
</table>

Source: EUROSTAT (2012)

Table 7-9 shows how the free ECEC places effect uptake as by age three 88% of children are in formal childcare, with the majority of those less than 29 hours per week. This is in spite of the access parents have towards the childcare component of the child tax credit. This could be due to the high cost of childcare in general. In 2011, the Daycare Trust found, “The average yearly expenditure for 25 hours nursery care per week for a child under two is £5,028 in England, £5,178 in Scotland and £4,723 in Wales” (Daycare Trust, 2011). The Childcare Costs Survey also found that in some areas parents felt there was an overall lack of provision in 2011 (Daycare Trust, 2011).

Another barrier to childcare in England and the UK is that parents need to pay retainer fees, administrative costs and pay childcare fees up front. “When starting with a new childcare provider, many parents are required to pay up-front fees to secure a place – or in some cases, simply to secure a place on the waiting list. These costs can include fees in advance, deposits, retainers and administration fees – either individually or in combination. With typical weekly childcare costs currently £167 per week, four weeks’ fees in advance would mean that parents had to pay £668 when they took up a place” (Bartholomeou, et al., 2009, p. 3). This indicates a large barrier to access.
When it comes to Sure Start, from 1999-2004, 524 Sure Start centres in the 20% most disadvantaged areas in England were in operation supporting in total 400,000 children (Moss, 2004; Schneider, et al., 2007). However, a study conducted by Coe et al. (2008) found that in the four deprived areas in England they examined:

..there is a fairly even spread of attendees and non-attendees. There did not appear to be significant geographical clusters of non-attendees. However, the findings also indicated that there are significant numbers of people, both registered and non-registered, who do not currently use Sure Start in these areas (Coe, et al., 2008, p. 449)

This not only indicates, as suggested by Coe et al. (2008) that a majority of the target population is not utilising this resource, but it also depicts the difficulties faced in calculating Sure Start uptake.

Nevertheless, recent data does show that 3631 Sure Start Children’s Centres were in operation in April 2010 in England, which increased by 3501 in September 2011 (Department for Education UK, 2010; 2011a).

Children’s Rights

Since 1998, ECEC policies, frameworks and reports use rhetoric such as,” providing/giving children the best possible start in life”; “best interest of the child” or “supporting parents in their role” (Brind, et al., 2011, p. 9; Department for Education UK, 2012; Treasury UK, 2003; 2005). The 2006 Childcare Act’s aims are based on the three P’s of the UN CRC (Provision, Protection and Participation). Thus, there is strong indication that the UN CRC has had some influence on the discussion and creation of ECEC policy in the UK. However, the complexity of ECEC in the UK including a lack of provision in some areas and barriers toward entering formal care reduce the child centred rhetoric seemingly to mere political whispers. Furthermore, from a gender perspective, there are criticisms that more needs to be done to help women balance work and care responsibilities in the UK (Taguma, et al., 2012).

ECEC policy in the UK has been based mainly on social investment theories and is targeted at the most disadvantaged through Sure Start
programmes, focusing on fostering the capabilities of children in low-income areas. However, this has been changing over the last decade, as more emphasis is on all children having access to ECEC. Universal access to free ECEC is offered for three and four year olds for 15 hours a week. From a rights perspective this allows children a chance to examine their capabilities. From a child poverty perspective, more needs to be done to help families balance work and care.

*In this section,* ECEC policy in the UK was examined. The results show that although an emphasis is on children’s rights in the policies in reality the complexity of the system, affordability and provision, as well as barriers to access currently reduce any children’s rights rhetoric in policy to mere whispers. Until there is easy access to reliable and affordable formal childcare UK parents will continue to rely on informal avenues of care (e.g. grandparents). Universal free ECEC for 3 and 4 year olds for 15 hours per week is a sure-footed step in the right direction, but from a child poverty and gender perspective, more needs to be done so that families in England and the UK can have access to quality and affordable ECEC.
Comparative Analysis

So far, the results have shown a very Nordic picture forming in regards to ECEC policy, where Iceland and Norway show the greatest extent, coverage and children’s rights approach. It is in this particular area of policy that the most children’s rights rhetoric is seen in the three countries. The UN CRC’s participation, provision and protection are defined to some extent in all three states’ policies, however to varying degrees. Before this is discussed further it is necessary to look at the four questions asked while analysing the results comparatively.

Is ECEC universal, is it offered to all children?

In this study, if policies offer all children within a certain age range access to consistent ECEC programs then the policy is considered rights based.

In both Nordic countries access to subsidised quality ECEC is universal. In Norway from the end of parental leave for up to varying opening hours from one kindergarten to the next and in Iceland from the end of parental leave for up to, but not exceeding 9½ hours. In the UK ECEC is available for children ages three and four for 15 hours a week at no cost.

Here, the defining characteristics are not whether the states provide universal access to quality ECEC, but rather to what extent. Where Iceland and Norway offers similarly the most comprehensive ECEC policy and the UK offers the least coverage of the three. Reykjavik City goes so far to guarantee the placement of all children by age 2 and until then parents receive a care grant if their child is not in public care. In Norway, a similar grant allows parent the option of choosing the type of care they would like for their children, but as more and more parents chose the kindergartens this benefit is being phased out.

Is it state subsidised? If so, to what extent?

In the Nordic countries ECEC is state subsidised and offered free in the UK for a limited amount of time. Although, in general, the more generous subsidies are normally found in Norway (Eydal, 2004; 2005), one report showed that in Reykjavik the average amount paid by parents was €107.68.
(18,399 ISK) per month, while in Norway the minimum payment for a kindergarten placement (both public and private) was €271.42 (2000 NOK) and the average maximum €305.32 (2250 NOK)\(^{68}\) (Egilsdóttir, 2011; Statistics Norway, 2012). Included in the services provided by playschools (Iceland) and kindergartens (Norway) amongst others are meals and access to professionals; e.g. child psychologists, occupational therapists and other child professionals.

On the other hand the UK policy is universal, offering all children (aged three and four) access to 15 hours of ECEC per week free of charge. Parents then need to pay for any care above and beyond these allocated hours, but some low-income families can receive relief through the means-tested childcare component of the child tax credit if they are working at least 16 hours per week. Studies have found that the majority of UK parents choose informal care (Bartholomeou, et al., 2009). On the one hand, this could be due to a lack of provision in some local authorities or monetary barriers to the initial access to formal care, or on the other, could be based on the ideologies of motherhood, family and that a grandmother is better than a nursery.

Is ECEC offered in a safe and secure environment with staff educated in early childhood educational methods or other early childhood studies?

In the analysis it became apparent that all three states agree on children being cared for in a safe nurturing environment; for instance the UK uses the same review body (OFSTED) used in reviewing and regulating primary and secondary schools for ECEC centres. However, the required educational degree for ECEC staff is a lower level degree than that specified in both Norway and Iceland. For instance, in Reykjavik, more than a third of staff had a tertiary degree in ECEC.

\(^{68}\) Conversion €1 equal to 7.38 NOK (13.02.2013)
Do parents utilise these services?

It must be noted that, as seen here, when public subsidised or universal free ECEC is available parents will use it, whether they are Icelandic, Norwegian or British. The duration and age in which children begin ECEC can be linked back to the policies analysed. The more access provided by the state or local governments the higher the participation rate. Furthermore, the higher participation rate of women equates a lower child poverty rate (Danziger & Waldfogel, 2000). The most recent data available shows the hours spent in formal childcare by age group (Eurostat, 2012).

Norway has the highest percentage of children in formal care in the youngest years (47% in total) with the majority of these children in care for more than 30 hours per week in spite offering a grant to care for the youngest children at home, while Iceland has the highest in the older year group (98% in total) and the greatest majority of these children spend more than 30 hours per week in care as well (Eurostat, 2012). The UK has the second highest percent of children in formal care in the older group (total 88%), however the majority of these children spend less than 30 hours in care; reflecting the UK’s policy of offering 15 hours per week of free ECEC (Eurostat, 2012). All three states have a higher majority of children in formal care than the EU 27 average, except Norway which has a lower percent of children in formal childcare than the European average for the older age group (Eurostat, 2012). However, this just addressed the childcare component of ECEC. What about early childhood education?
Table 7-10 Participants in early childhood education as % of the population in Iceland, Norway, UK and EU 27, 2010

<table>
<thead>
<tr>
<th></th>
<th>3 years</th>
<th>4 years</th>
<th>5 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICE</td>
<td>95.3</td>
<td>96.4</td>
<td>94.8</td>
</tr>
<tr>
<td>NOR</td>
<td>94.5</td>
<td>96.9</td>
<td>97.3</td>
</tr>
<tr>
<td>UK</td>
<td>83.4</td>
<td>65.4</td>
<td>1.1*</td>
</tr>
<tr>
<td>EU 27</td>
<td>78.8</td>
<td>85.9</td>
<td>78.9</td>
</tr>
</tbody>
</table>

(Eurostat, 2012) – The majority of children are enrolled in primary school by age 5 in the UK

Table 7-10, shows that the majority of children in all three states receive some early childhood education from age three onwards. It must be noted that the smaller numbers for 4 year-olds and 5 year-olds in the UK are due to the fact that children can be enrolled in reception classes in primary school as early as age four, while the compulsory school age in both Norway and Iceland is six. The data was not available to sort this by duration, but in conjunction with the data from Eurostat (2012), the indication is that the Nordic children in this study spend a longer day in ECEC than their British peers.

Dual-earner policies

Iceland and Norway both show strong dual-earner objectives in their ECEC policies, while Norway is phasing out the arguably male-earner cash-for-care scheme. ECEC policy in the UK is more difficult to define from this perspective as the government took a more laissez-fair approach to childcare until 1998. Therefore, from a historical perspective, ECEC policy in the UK had the least emphasis on dual-earning than the other two policies. However, focus on the child in the beginning of the 21st century meant that reforms in childcare policy were necessary if the UK were going to win their ‘war on poverty’, as they called it. Yet, Sure Start programmes targeted only those in low-income areas and free access to ECEC for only 15 hours per week was not enough as scholars and other critics feel more needs to be done to support children and women by offering access to affordable, quality ECEC (Finch, 2006; Taguma, et al., 2012). Again, as
ECEC Comparative Analysis

studies have shown, policies that support dual-earning households indirectly help lone parents, thus, lifting more children out of poverty (Brewer, et al., 2006; Danziger & Waldfogel, 2000; Finch, 2006; Lister, 2005; Millar, 1994; Moss, 2003; OECD, 2001; 2006; Ridge & Wright, 2008; White, 2011).

Comparative Analysis from a Children’s Rights Perspective

In regards to children’s rights all three states showed an increase in children’s rights rhetoric following the induction of the UN CRC, and continued to increase over the last 20 years. This has been the area of policy where children’s rights have been most visible in this study. First, Norway amended the UN CRC into the 1999 Human Rights Act in 2003, influencing all consequent child policy including the Kindergarten Act 64/2005. Children’s rights in Iceland regarding ECEC are quite strong overall. In both Norway and Iceland there is an emphasis on capabilities and a holistic approach to early childhood. As Moss (2006) argued ECEC should be seen as a universal entitlement that goes beyond social investment and includes a more social pedagogical approach to ECEC. In the UK, the aims of the 2006 Childcare Act are based on the three P’s of the UN CRC (provision, protection and participation). Thus, there is strong indication that the UN CRC has had some influence on the discussion and creation of ECEC policy in the UK.

However, ECEC policy in the UK has been based mainly on social investment theories and is targeted at the most disadvantaged through Sure Start programmes, focusing on fostering the capabilities of children in low-income areas. Yet, this has been changing slightly over the last decade, as more emphasis is on all children having access to ECEC for three and four year olds for 15 hours a week. However, from a gender perspective, there are criticisms that more needs to be done to help women balance work and care responsibilities in the UK (Taguma, et al., 2012).
In this chapter, ECEC policy was analysed from a children’s rights perspective and through analysis of the current comparative analysis methods in this area of study the need to look at ECEC from three main perspectives emerged; 1) that of the child’s, capabilities; 2) that of the parents’, gender equality; and 3) that of the state’s, social investment; combined these form a strong deterrent for children at-risk-of child poverty, whether the policy emphasis is directly on poverty or not.

Figure 7-5 A visual description defining comparatively the three states’ approaches to ECEC policy

The results indicate that the UK would be categorised more as a social investment-child paradigm, with less focus on gender equality than the other two states. In spite of its determined focus on children and child poverty at the time in question, it falls short on universal access to affordable, quality ECEC. Norway took great efforts to combine the UN CRC with their policy. Add to this their focus on early childhood education pulls them closer to the centre, but it is the parents that are driving the need for ECEC not policy with fewer and fewer parents using the cash-for-care scheme. Iceland has focused the most effort of the three states on gender equality paired with a
focus on children’s rights and early childhood education, but the long hours children spend in ECEC pulls it off centre towards the gender equality side.

In this chapter ECEC policy was analysed from a children’s right perspective. This area of policy was the most fertile in children’s rights rhetoric and emphasis of all the policy areas analysed in this study. It also allowed an investigation into the social investment or beings/becomings argument. The results indicated that a more holistic approach to ECEC was most likely to benefit the child. Furthermore, there needs to be a merging of both children’s rights and gender equality to some extent in this particular field. They can no longer be treated as mutually exclusive or contradictory. It is in the combining of these two approaches in both policy and research where this policy can move forward.

The results of all three fields of policy; child support (chapter 5), child benefit (chapter 6), and ECEC (chapter 7), now have been presented. The next chapter will present a broad look at the results of all three chapters as well as new areas of research to consider.
Chapter 8. Discussion

Child poverty is an issue throughout the world and affluent nations continue to face the challenges child poverty brings. This study shows how a children’s rights approach helps to shine a light on poverty that engages child policy and policymakers to a greater extent. This study set out to examine children’s rights in policies known to alleviate child poverty in the two decades following the inception of the UN CRC, 1991-2011. The question being: To what extent has the discourse of children’s rights permeated policies on child poverty? The initial drive to conduct this study was to see whether the UN CRC could be used as a research template on its own in the same way it is used to create and justify particular policies for children.

This chapter examines how the framework created for this study performed along with the theoretical results that came out of its utilisation. This is followed by an overview of the main results as discussed in chapters five-seven outlining the importance of children’s rights in policies that focus on economic welfare, social security, capabilities and social investment. The importance of using children’s rights in policies to reduce child poverty is identified as the overall results and categorisation of the states are considered; paired with what we know about the austerity measures taken by Iceland and the UK and their effect on these child policies. Finally, future research is considered focusing on gender, classical categorisations of welfare regimes or states affected by the global crisis.

Framework

It quickly became apparent that although the UN CRC offered many good qualities for use in conducting comparative policy research (e.g. universality) due to its flexibility in interpretation amongst other factors it was necessary to combine other prominent theories to create a more focused and concrete research tool. Poverty is not addressed directly by the UN CRC and it was by going back through the creation of the UN CRC that one was able to see the significance of not just economic welfare, but how social
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exclusion, capabilities and the three P’s (provision, protection and participation) were mapped onto the UN CRC; areas that were significant to examine when looking at how child poverty is addressed in social policy. The increased focus of the tool comes from teasing out those policies not only assumed to reduce child poverty, but that can be defined by each of three previous categories (economic welfare, social exclusion and capabilities).

This idea of children’s rights has been further deepened by examining the recent history of the policies for clues or instances of what Therborn (1999) would call child-family centred rights (i.e. the family as a unit) equality rights (i.e. rights regardless of the status of parents) and integrity rights (i.e. the autonomy of the child).

Figure 8-1 Analytical framework created for this study

Figure 8-1 shows a section of Figure 4-1 presented in chapter four depicting the framework created for the analysis of children’s rights in policies assumed to reduce child poverty as a synthesis of the UN CRC’s three P’s (provision, protection and participation) and Therborn’s categorisation of children’s rights in social policy (child-family centred, equality and integrity.
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rights). The former examines the aim of the policies and the latter how and in what form children’s rights emerge in the policies.

Certain results surfaced during the categorisation of the three states such as the interrelationship between (1) the emphasis of the UN CRC on parent and state obligations, (2) actual state intervention, and (3) emphasis on the child-parent relationship to define and categorise the states’ policies. This supports Vranken’s et al. (2010) and others’ argument of the importance in striking a balance between the three agents involved; i.e. the state, the parents and the child in order to ensure the best possible outcome for children.

Another result of this study, albeit not so surprising, was the relationship between integrity rights and the UN CRC’s three P’s (provision, protection and participation) and what the results show so far is that if a system or scheme’s aim includes all three P’s integrity rights are most likely found.

Overall, the framework has been quite robust. It offered both a way to categorise the aim of a policy and the type of rights defined within the policy implicitly or explicitly. I look forward to using it again in future research with only minor changes. For instance, as the results showed, a balance between the three agents (state, parent and child) was policy specific and therefore in future research I would want to try to address this more concretely.

In the next section the overall results of the study are presented, where the interrelationship between state, parent and child came together in policies to offer varying rights aimed at protection, provision and/or participation.

Child support and Economic Welfare

Child support schemes have evolved from strategies to recoup funds and have started to be more child and family centred (Bradshaw, 2006). As studies show support payments are widely contingent upon access and relationships (Bradshaw, 2007; Skevik, 2006). In this study the aim of
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*protection* in a policy as defined by the three P’s is indirectly evident in clauses that encourage counselling and mediation; by nurturing the bonds between family members and generations the child becomes protected from social exclusion.

The aim of *participation*, or the child’s right to be heard and consulted on matter that concern them, should be an important part of child support policies. Iceland and Norway both have provisions for children to voice their opinion, but Norway goes a step further by mandating that a child must be consulted in regards to *delt bosted* or joint residency.

The aim of *provision* can be defined by children’s rights to paternity and the obligation of parents to provide for them. In all three states, these two ideas were paramount, popping up repeatedly in the proposals of current legislation, the difference being in how these terms were applied and interpreted.

The state’s support of the parents’ obligation defines how children’s *economic welfare* is maintained when the dynamics of the family changes. States that provide guaranteed (advance) payment systems such as Iceland and Norway ensure that children are not punished for their parent’s action (i.e. non-payment of support). Furthermore, as studies have shown focus on the social aspect of access ensures the willingness of non-resident parents paying (Bradshaw, 2007). This indicates that any focus on children’s rights in child support policies will directly or indirectly affect their economic welfare for the better.

Therefore, as complicated as child support policies are and as controversial as they can be these results indicate that children’s rights are an integral part of child support policies especially when it comes to the social aspects of access to parents and rights, obligations to care and participation. A policy with aims based on the three P’s, *participation* in particular, would ensure the rights of all actors; i.e. each parent and the child. Policies in the Nordic states are starting to incorporate participation rights, and therefore integrity rights, and focus on more than just the economic such as the social significance child support policies can have.
Discussion

Child Benefit and Social Security

All three states refer to or include aspects of the UNCRC in their child benefit policies when speaking of the best interest of the child and the obligation of the state towards children. Therefore, the influence of the UNCRC on policies in this field is evident.

If, as scholars have suggested, child benefits are the cornerstone of children’s rights, a badge of citizenship (Bradshaw & Mayhew, 2006; Daniel & Ivatts, 1998; Lister, 1997) and confirm a state’s obligation towards children then Norway and the UK are further along the path towards children’s rights and citizenship than Iceland. Iceland has a strong emphasis on families with children throughout their family policy, but fails to offer children autonomy and universality regardless of parental income.

From this perspective, the aim of provision would be almost synonymous with citizenship. However, if the overall aim of provision is the reduction of child poverty then firstly, the aim of the policy becomes protection and secondly, all three states would place relatively well, since in Iceland the threshold is fairly generous ensuring that the majority of families keep some child benefit and where child poverty rates are relatively low. Therefore, one could argue that when it comes to child poverty the rights to protection actually override the need for a ‘badge of citizenship’ and that the autonomy of the child (integrity rights) could still be guaranteed if the legislation and application of the scheme focused on the child as an individual within the family, as in the case of Norway.

Therefore, social security as a social net would become tighter when a focus on integrity rights and policies aimed at protection and provision are applied.

ECEC, Capabilities, Gender Issues and Social Investment

This area of policy was the most fertile in children’s rights rhetoric and emphasis of all the policy areas analysed in this study. It also allowed an investigation into the social investment or beings/becomings argument. During the analysis of the results the need to look at ECEC from three main
Discussion

perspectives emerged; 1) that of the child’s, capabilities; 2) that of the parents’, gender equality; and 3) that of the state’s, social investment. When combined these form a strong protection against child poverty, whether the policy emphasis is directly on poverty or not.

Capabilities offer children opportunities for development (Sen, 1999) to explore their innate abilities (Nussbaum, 2000). The two Nordic states’ focus on pedagogy and well educated staff underscores their focus on both developmental and innate capabilities. The UK falters with less educated staff and even less provision. The issue of capabilities is intrinsically woven with children’s rights (right to access) and social investment (beings/becomings). Furthermore, gender issues are important to ECEC from a children’s rights perspective. Similar to White’s (2002) findings, it is by examining children’s and gender issues together that a better outcome can be envisioned. Thus, it is in finding a balance between the state, mother and child that the most beneficial ECEC policy emerges.

The results indicated that the UK would be categorised more as a social investment-child paradigm, with less focus on gender equality than the other two states. In spite of its determined focus on children and child poverty at the time in question, it falls short of universal access to affordable, quality ECEC. Norway took great efforts to combine the UN CRC with their policy alongside their historical focus on early childhood education creates some equilibrium between the three agents, but it is the parents that are driving the need for ECEC not policy with fewer and fewer parents using the cash-for-care scheme. Iceland has focused the most effort of the three states on gender equality paired with a focus on children’s rights and early childhood education, but the long hours children spend in ECEC pulls it more towards a gender-equality scheme.

To reiterate, the results indicated that in ECEC policies focus merely on children’s rights are not enough and that there needs to be a merging of both children’s rights and gender equality to some extent. They should no longer be treated as mutually exclusive or contradictory. It is in the combining of these two approaches in both policy and research where this policy can move forward.
Discussion

Classification

The classification varies somewhat from one policy area to the other (as shown in chapters five-seven). Utilising the framework the three states are categorised by its general emphasis or aim.

<table>
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<th>Child Support</th>
<th>ECEC</th>
</tr>
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<tbody>
<tr>
<td><strong>Iceland</strong></td>
<td>Equality/Protection</td>
<td>Equality/Provision, Protection (Participation)</td>
<td>Integrity/Three P’s</td>
</tr>
<tr>
<td><strong>Norway</strong></td>
<td>Integrity/Provision</td>
<td>Integrity/Three P’s</td>
<td>Integrity/ Three P’s</td>
</tr>
<tr>
<td><strong>UK</strong></td>
<td>Equality/Provision &amp; Protection</td>
<td>Family-centred</td>
<td>Social Investment</td>
</tr>
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</table>

As Table 8-1 shows, overall Norway can be categorised as an *Integrity Rights* based system; Iceland as an *Equality-Integrity Rights* based system (with an emphasis on protection) and the UK can be categorised as a *Family-Centred/Social Investment* system in regards to policies assumed to alleviate child poverty.

Combining two tables from page 49 describing policy approaches in the three states with the results of this thesis (see Table 8-2 on the next page) gives an overall view of child policy approaches in these three states and indicates how the approach utilised in this study compliments current research in child and family policy.
Table 8-2 Description of child policies, children rights and child poverty rates in Iceland, Norway and the UK, 2011

<table>
<thead>
<tr>
<th></th>
<th>Iceland</th>
<th>Norway</th>
<th>United Kingdom</th>
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<tr>
<td><strong>Emphasis on child policy</strong></td>
<td>Family centred and gender equality</td>
<td>Family centred and individualised</td>
<td>Social investment and Child poverty</td>
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<td><strong>Main emphasis on policy</strong></td>
<td>Family and children</td>
<td>Middle class</td>
<td>Combined market and family values</td>
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<td>Beveridge/Scandinavian</td>
<td>Scandinavian</td>
<td>Beveridge</td>
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<td>welfare state</td>
<td>Class</td>
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<td></td>
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<td><strong>Basis</strong></td>
<td>Income related and universal</td>
<td>Universal</td>
<td>Universal/ market related</td>
</tr>
<tr>
<td><strong>Results</strong></td>
<td>Description</td>
<td>Rights</td>
<td>Description</td>
</tr>
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<td><strong>Child Benefits</strong></td>
<td>Means-tested child benefit</td>
<td>Equality Protection</td>
<td>Universal child benefit</td>
</tr>
<tr>
<td><strong>Child Support</strong></td>
<td>State guaranteed system with advance payments</td>
<td>Equality Provision, Protection (Participation)</td>
<td>State guaranteed system with advanced payments</td>
</tr>
<tr>
<td><strong>Early childhood education</strong></td>
<td>State regulated and local authority subsidised ECEC</td>
<td>Integrity/ Three P’s</td>
<td>State regulated and local authority subsidised ECEC</td>
</tr>
<tr>
<td>and care</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sources: Bradshaw (2007); Bradshaw & Finch (2006) Castles, (1993); Cordon (1999); Eydal (2005); Eydal & Ólafsson (2006); Ólafsson, (1999); Skevik (2004); Skevik & Hatland (2008); United Nations (2010). Results shown as percentage of population under 18 years. Eurostat’s definition of poverty risk refers to individuals living in households where the equivalised income is below the threshold of 60% of the national equivalised median income. The key advantage of using the median is that it is not influenced by extreme values – either extremely low or high incomes.
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When comparing these results with the classical categorisation of welfare state regimes (see Table 8-3) it indicates that Iceland continues to have a specific approach to child policy; close to Norway, but still with its own emphasis on protection rather than universality. Norway’s emphasis on children and rights is in step with the Scandinavian policy’s focus on the family and individuality. The UKs focus on social investment could be seen as an evolution of Beveridge’s emphasis on universal welfare protection with market influences.

Table 8-3 Comparison of classical categorisation of welfare state regimes with the results of this study

<table>
<thead>
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</tr>
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<td>Norway</td>
<td>Scandinavian Way</td>
<td>Integrity Rights</td>
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<tr>
<td>UK</td>
<td>Beveridge</td>
<td>Child-family Centred Rights/ Social Investment</td>
</tr>
</tbody>
</table>

Sources: Castles (1993); Esping-Andersen (1990); Ólafsson (1999)

Austerity

It is necessary to end this discussion with a brief examination of the impact austerity measures can have on children’s rights. Interestingly, it is these austerity measures that really underline the importance of emphasising children’s rights (and the three P’s) in child policies. When states must make cuts yet continue steadfastly to focus on children and the family the more vulnerable are protected as in the case of Iceland (Ólafsson, 2012). For instance, a new child support policy was proposed and adopted following the bank crisis that defined the rights of children concretely in the first chapter of the legislation for the first time (Act 61/2012). However, if cuts are made with the sole purpose of reducing the welfare state regardless of its impact on the youngest constituents, child poverty rises and children’s rights fade into the background as in the case of the UK (Children’s Commissioner England, 2011); further indicating the importance of
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children’s rights in maintaining child poverty reduction in a time of crisis and beyond.

Future Research

As stated, the framework was overall quite robust and can be used again in future research with only minor changes. For instance, as the results showed, a balance between the three agents (state, parent and child) was policy specific and therefore in future research this would need addressing.

Future research would either be a more in-depth look at one area of policy or one particular state or include a larger selection of states based on the results of this study regarding the importance of gender equality in tandem with children’s issues and utilise gender classifications of the welfare state according to Lewis (1992; 2001) or Sainsbury (1999a); creating a more encompassing classification of child poverty policies in affluent states while addressing more concretely the need to combine gender equality and children’s rights in child poverty research. States most likely selected would have either strong dual-earner or strong male breadwinner policies as well as examine those states that utilise both policy types; such as Norway (Combined), Sweden (Dual-Earner), Iceland (Dual-Earner), France (Combined), Germany (Male-Breadwinner) etc.

Otherwise more classically defined state categorisations according to Esping-Andersen (1990) or Castles (1993) could be utilised. States most likely to be selected for such a study would include; Argentina (South American), Finland (Social Democratic); Italy (Mediterranean); Japan (Liberal-Non European), the Netherlands and Germany (Corporatist-Statist); Russia (Post-Communist) and the US (Liberal); in addition of course to the three in this study. This could be done either as one large study or as a multi-national project.

Also based on the results of this study where austerity measures heightened the distinction between child-centred and state-centred policies, a study could examine child policies in those states most affected by the global bank crisis; Iceland, Ireland, Greece, Portugal etc., looking for
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changes to child policies assumed to reduce poverty from a children’s rights perspective at the time austerity measures were put in place.

This study examined children’s rights in general, but one must acknowledge that there are groups of children that have no rights in Western society; e.g. unaccompanied asylum seeking children and children of asylum seeking parents or guardians. The fact that these children remain without fundamental rights is in complete contradiction to the UN CRC. For instance, in the UK there has been a call for policy reform recommending a universal approach to policy for all children to protect them from destitution including refugees and asylum seeking children (Library House of Commons, 2012; The Children’s Society, 2013). Where the Children’s Society has lobbied for these children stating, “concern about the levels of destitution facing refugee and asylum-seeking children for many years” (The Children's Society, 2013a). There is a need for policy research in this area (Watters, 2008) and this particular framework would be particularly useful in examining the situation of these children.

In closing

This study has examined children’s rights in child policy assumed to alleviate child poverty. The results show that the Nordic states have a more integrity rights approach, especially in light of Iceland’s new changes to the Act in Respect of Children described in chapter five. The UK’s emphasis on social investment continues to increase with the new austerity measures and children begin to fade from the political discourse, which had dominated the first decade of the 21st century.

The results indicate that when and in what form children’s rights emerged not only suggests a classification of the three states, it also opened up an understanding of the three policy areas studied; that the triangular relationship between the state, parent and child is very important and policy specific. These results can help guide policymakers in their search for evidence-based policies, as well as offering activists, researchers and social workers a simple, sophisticated tool to gauge children’s rights in policies.


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Consideration of reports submitted by states parties under article 44 of the Convention: Concluding observations: United Kingdom of Great Britain and Northern Ireland CRC/C/GBR/CO/4. OHCHR.
Appendix I: List of search words

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<td>einstað</td>
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<td>einstaðforeldri</td>
<td>(Úgift eða aldrei í sambúð)</td>
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<td>almannatryggingar</td>
<td>folketrygd</td>
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<td>Stjúp (peas stjúpforeldri, -barn osvfr.)</td>
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<td>aðstoð, meðlag, bætur</td>
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<tr>
<td>UN Convention on the Rights of the Child</td>
<td>Samning sameinudþjóða um réttindibarna</td>
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<td>Visitation</td>
<td>aðgang</td>
<td>***delt bosted</td>
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The number of the pertinent article (e.g. 69. grein or Art. 69) *** Not direct translation, but one factor of the NRP access issue in Norway
Appendices

Appendix II: Children’s Rights Declarations and Conventions

Appendix II.i: Geneva Declaration of the Rights of the Child

Adopted 26 Sept, 1924, League of Nations

By the present Declaration of the Rights of the Child, commonly known as "Declaration of Geneva," men and women of all nations, recognizing that mankind owes to the Child the best that it has to give, declare and accept it as their duty that, beyond and above all considerations of race, nationality or creed:

1. The child must be given the means requisite for its normal development, both materially and spiritually;

2. The child that is hungry must be fed; the child that is sick must be nursed; the child that is backward must be helped; the delinquent child must be reclaimed; and the orphan and the waif must be sheltered and succored;

3. The child must be the first to receive relief in times of distress;

4. The child must be put in a position to earn a livelihood, and must be protected against every form of exploitation;

The child must be brought up in the consciousness that its talents must be devoted to the service of fellow men.

Available online: http://www.un-documents.net/gdrc1924.htm
Appendix II.ii: Universal Declaration of Human Rights

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.
All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

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

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.
Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.
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(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.
Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote
understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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Appendix II.iii: Declaration of the Rights of the Child

Whereas the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Whereas the United Nations has, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,

Whereas the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and recognized in the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children,

Whereas mankind owes to the child the best it has to give, (Declaration of the Rights of the Child, Proclaimed by General Assembly resolution 1386 (XIV) of 20 November 1959).
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Appendix II.iv UN Convention on the Rights of the Child


PREAMBLE

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,
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Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children, '

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's
or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

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1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child’s place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests. 4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death
Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12
1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of
national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal
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guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all
pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin; (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23
1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child. 3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;
(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of
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the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;
(e) Take measures to encourage regular attendance at schools and the reduction of dropout rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

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;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

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In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment; (b) Provide for appropriate regulation of the hours and conditions of employment; (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34
States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;
(b) The exploitative use of children in prostitution or other unlawful sexual practices;
(c) The exploitative use of children in pornographic performances and materials.

Article 35
States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36
States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37
States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.
Appendices

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others and which takes into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives
to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all
persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44
1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46
The present Convention shall be open for signature by all States.

Article 47
The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48
The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49
1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession. Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to each State Party.
amendment to States Parties, with a request that they indicate whether they favour a
conference of States Parties for the purpose of considering and voting upon the proposals.
In the event that, within four months from the date of such communication, at least one third
of the States Parties favour such a conference, the Secretary-General shall convene the
conference under the auspices of the United Nations. Any amendment adopted by a majority
of States Parties present and voting at the conference shall be submitted to the General
Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter
into force when it has been approved by the General Assembly of the United Nations and
accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which
have accepted it, other States Parties still being bound by the provisions of the present
Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the
text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall
not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the
Secretary-General of the United Nations, who shall then inform all States. Such notification
shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-
General of the United Nations. Denunciation becomes effective one year after the date of
receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present
Convention.

Article 54
The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.
Appendices

Appendix III: State Policies, Regulations and Proposals

Appendix III.i: Iceland

Appendix III.i.a State Social Security Institute

The State Social Security Institution (Tryggingastofnun) shall pay support (child support) according to a confirmed agreement to the parent of a child entitled to support. A parent’s claim to the State Social Security Institution shall be accompanied by a child support agreement confirmed by a magistrate. When the State Social Security Institution grants support to the custodial parent, it also establishes the same amount of money that the non-custodial parent shall pay to the Child Support Collection Centre (Innheimtustofnun sveitarfélaga), a reimbursement amount. Support payments shall be determined with regard to the child’s needs and the economic and other status of both parents, including their earning ability. A child support order may never acquire payment of a lower amount than corresponding to child support as determined at any particular time in accordance with the Social Security Act (Child Support Collection Centre, 2007).


5. Registering a child with the National Registrar. It seems right that the Act in Respect of Children should ensure the rights of the child as declared in the 7th article of the UN CRC that the child should be registered at birth. By recommending the registration of a child in the National Registrar at birth ensures their rights that the child can be fully recognised by the state (Alþt. 2002-2003 128. lög. A: 181).69

Appendix III.i.c Barnalög [Act in Regards of Children] 76/2003

The minimum child support payment is equal to a child pension, which is the amount paid by the SSI to pensioners with dependent children:

69 Author’s translation

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The minimum child support payment guaranteed by the state is equal to a child pension and is paid until the child reaches either 18 years or 20 years in full-time education. Once the child reaches 18 and is in full-time education they can apply for child support, which can then be paid directly to the child (Act no. 76/2003).

Appendix III.i.d Parliament Resolution on Family Policy

The family is the cornerstone of Icelandic society and the source of values by which people live. The Government and the local authorities in power at any given time should adopt an official policy on family matters in order to support and protect the family, irrespective of its structure and place of residence.

This official family policy is to be aimed at strengthening the family in modern society. It addresses a wide variety of topics and has a bearing on all aspects of the life of the nation. It covers practically all the subjects dealt with in public administration. In particular, the family policy shall take account of the following basic premises:

- That the welfare of the family is based upon equality between men and women and on shared responsibility for the tasks within it
- That the family is the setting for emotional ties
- That family life provides individuals, especially children, with security and the opportunity to develop their qualities to the utmost (Ministry of Social Affairs and Social Security Iceland, 1998).
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Appendix III.ii: Norway

Appendix III.ii.a Children’s and Parent’s Act 7/1981: Chapters 3 and 8 regarding Parental income

The maintenance enforcement agency shall on its own initiative apprise both the mother and the putative father of their financial and other rights and duties with regard to the child. If they have not made an agreement regarding maintenance payment pursuant to section 70, first paragraph, the maintenance enforcement agency shall obtain information about their work, education, income, assets and other factors that may be pertinent when fixing the maintenance payment pursuant to section 70, fifth paragraph. (c. 3 §. 10 the Children and Parent’s Act 7/1981).

The maintenance enforcement agency shall determine the maintenance payment in such a way that expenses for the support of the child determined according to the age of the child (maintenance costs) are shared between the parents according to their income. The maintenance payment shall nonetheless not be set higher than the amount the non-custodial parent is left with as the means determined for his own sustenance, etc. (assessment of ability to pay maintenance payment). The maintenance payment determined publicly or agreed orally or in writing shall as a main rule be reduced for time spent with the child. If the parents have agreed on dual domicile pursuant to section 36 of the Act, special rules apply (c. 8 §. 71. p. 1 the Children and Parent’s Act 7/1981).

Appendix III.ii.b Chapter 5 regarding Shared Responsibility, Residency and delt bosted

The child is entitled to care and consideration from those who have parental responsibility. These persons have the right and the duty to make decisions for the child in personal matters within the limits set by sections 31 and 33. Parental responsibility shall be exercised on the basis of the child’s interests and needs.
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Those who have parental responsibility are under obligation to bring up and maintain the child properly. They shall ensure that the child receives an education according to his or her ability and aptitude.

The child must not be subjected to violence or in any other way be treated so as to harm or endanger his or her mental or physical health. This shall also apply when violence is carried out in connection with upbringing of the child. Use of violence and frightening or annoying behaviour or other inconsiderate conduct towards the child is prohibited.

As regards the right to make decisions on behalf of the child in financial matters, the provisions of Act No. 3 of 22 April 1927 on Guardianship shall apply (c.5 § 30 the Children and Parent’s Act 7/1981).

Appendix III.ii.c UN Children’s Rights Committee State Report Norway

The Committee also notes that cohabiting parents routinely receive joint parental responsibility for their children under the Children Act, and that family counselling services have been expanded and strengthened to assist parents in their capacities and responsibilities. The Committee is concerned, however, at information that, in cases of separation and conflict, judges and experts may not be sufficiently qualified, that children do not receive assistance to ensure contact, if it is in their best interests, with both parents in the case of separation and conflict and that the right of a child to live with his or her parents is not adequately considered when the deportation of a parent is impending. ... The Committee recommends that the State party strengthen its efforts to assist parents to competently exercise their parental responsibilities and to enhance the capacities of all professionals and practitioners who are involved in counselling, conflict resolution or family separation issues to support the continuation of family life or find the most acceptable custody solution and, in the case of divorce or separation, to assist children’s contact with both parents, considering under all circumstances the best interests of the child (pp. 32-33 CRC/C/NOR/CO/4).
Appendix III.ii.d Regarding Co-habiting and Un-Wed Parents Chapter 5 §. 35 Barneloven 7/1981

When the parents are not married or cohabiting, cf. section 39, the mother shall have sole parental responsibility.

Cohabiting parents shall have joint parental responsibility for children of the relationship.

Parents who are not married or do not have joint parental responsibility pursuant to the second paragraph may nevertheless by agreement notify the National Population Register that they will have joint parental responsibility or that the father shall have sole parental responsibility.

If unmarried parents have joint parental responsibility but the child lives permanently with only one of them, the provisions of section 37 shall apply.

Appendix III.ii.e Regarding Residency Chapter 5 §. 36 Barneloven 7/1981

The parents may agree that the child shall live permanently either with one of them or with both of them.

If the parents fail to agree, the court must decide that the child shall live permanently with one of them. When special reasons so indicate, the court may nevertheless decide that the child shall live permanently with both parents (c. 5 §. 36 Barneloven 7/1981).

Appendix III.ii.f Regarding Right to Access Chapter 6 s. 43 p. 2 & 5 Barneloven 7/1981

Conditions specifying how the right of access is to be exercised may be determined by agreement or by court judgment. If supervision is made a condition of the access, the court may in special circumstances order the Ministry to appoint a supervisor... If the parent who has parental responsibility or with whom the child lives prevents a right of access from being exercised, the parent who has right of access may demand a new decision as to who is to have parental responsibility or with whom the child shall live, cf. section 64 (c.6 s. 43 p. 2 & 5 Barneloven 7/1981).
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Appendix III.ii.g Folketrygdloven 19/1997

Lone parents are offered a plus one benefit so that for instance a single mother with two children would receive the equivalent benefit paid for three children in homes where both parents reside. This supplement is lost if the parent remarries, cohabits for more than 12 months or has a baby with a cohabiting partner.

Lone parents are entitled to an extra allowance equivalent to that of one additional child than the number of children they actually have. Cohabitants who have children together or have been living together for at least 12 of the last 18 months are not entitled to the extra allowance.

Single parents with children under the age of 3, who, according to the Family Allowance Act, are entitled to allowance for one child more than they actually have, and in addition are entitled to a full transitional benefit according to the National Insurance Act, are entitled to an annual supplement. This supplement is granted per provided regardless of how many children under the age of 3 he/she has (s. 15, p. 4-5, Folketrygdloven 19/1997).
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Appendix III.iii UK

Appendix III.iii.a White Paper: A new system of child maintenance

help tackle child poverty by ensuring that more parents take responsibility for paying for their children and that more children benefit from this;

promote parental responsibility by encouraging and empowering parents to make their own maintenance arrangements wherever possible, but taking firm action – through a tough and effective enforcement regime – to enforce payment where necessary;

provide a cost-effective and professional service that gets money flowing between parents in the most efficient way for the taxpayer; and

be simple and transparent, providing an accessible, reliable and responsive service that is understood and accepted by parents and their advisers and is capable of being administered by staff.

It will create a new organisation to deliver child maintenance, it encourages parents to make their own arrangements, makes changes to the child maintenance assessment process, promises tougher enforcement; increasing efforts to collect and reduce debt. Implements the idea of joint birth registration (add more here) to use latest tax-year information as a basis for calculating a child maintenance liability, unless current income differs by at least 25 per cent (Department of Work and Pensions, 2006, p. 5).

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\(^{1}\) *The 1601 Act for the Relief of the Poor* also known as the *Elizabethan Poor Act*