



To be or not to be a rights holder: Direct and indirect effects of perceived rights on psychological adjustment through group identification in care

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ABSTRACT

This study explores how young people in residential care perceive their rights and the relationship with their adjustment, through the role of group identification. Data from a non-random sample of young people ($N = 356$; aged 11–18 years) in Portuguese residential settings was analysed and a set of mediation effects was found. Findings revealed a set of mediation effects on the relationship between Participation and Protection and Positive Self and between Respectful system practices and behaviours and Emotional Distress, Anger Control and Antisocial Behaviour. Higher scores of these rights perceptions were associated with lower psychological problems, through the indirect effect of group identification (i.e., the sense of belonging to the group in residential care). These findings are discussed based on social and developmental insights together with empirical evidence on residential care. These results provided important practical implications in residential care, namely, assuring the young people's participation, the promotion of professional practices based on the respect for young people and their families, non-discriminatory behaviours and equal opportunities.

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1. Introduction

1.1. The conceptualization of young people's rights

Young people's rights have been defined in different ways for decades and the emergence of the Convention on the Rights of the Child (CRC; [United Nations General Assembly, 1989](#)) brings a full continuum of rights, including legal entitlements adopted worldwide by signatory countries and also other elementary claims that remain unfulfilled (for instance, some basic educational privileges) ([Peterson-Badali, Ruck, & Bone, 2008](#)). Actually, the recognition of young people's rights has raised an empirical and practical interest mostly since the approval of the CRC. It is, however, relatively scarcely explored in the scientific literature ([Kosher, Jiang, Ben-Arieh, & Huebner, 2014](#)). The Convention has been viewed not only as a legal instrument that allows the protection and promotion of young people's rights but also as a possibility of recognizing children's abilities, identity and freedoms ([Doek, 2014](#)).

In fact, progress in young people's rights conceptualization includes the distinction between protection (nurturance) and participation (self-determination) rights. If the nurturance rights involve providing basic care and protection, the self-determination rights refer to the effective

involvement and participation of young people ([Peterson-Badali et al., 2008](#); [Ruck, Peterson-Badali & Helwig, 2014](#)). If initially the concern about children's rights was particularly focused on childcare and protection, progressively more emphasis has been placed on young people's opportunities for participation. If the nurturance rights involve a more passive position for young people (i.e., as receivers of caring and protection practices from their caregivers); on the other hand, the self-determination rights mean a more active position for them by engaging and empowering them in their lives. Nevertheless, more than a dichotomy between these two types of rights, a balance of both must be achieved given that they are necessarily related to the young people's development as well as their well-being ([Peterson-Badali et al., 2008](#)). Specifically, considering the young people in residential care, the literature has been providing proposals and standards on how to promote a residential care service of quality. In this context, the literature suggests that not only must the young people's basic needs be fulfilled but also their self-determination rights be protected, namely, their participation in decision-making processes that are intimately related with their lives (e.g., their case plan definition and monitoring, the identification of rules of functioning in residential setting) ([Del Valle & Fuertes, 2015](#)). In sum, the conceptualisation of young people's rights has shown a paradigm shift also progressively involving dimensions of agency, empowerment, autonomy and self-determination.

Conceptually, young people's views about their rights could be framed according to a set of main conceptual approaches. Firstly, a

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developmental approach focused on children's social reasoning (based on proposals from moral and cognitive development theories) suggests that the young people's conceptions about rights developmentally changes from an authority-based approach (i.e., the main role of others in the children's conceptions) to a principles-based perspective (i.e., the main role of children's autonomous reasoning in their conceptions and rights being conceived as abstract ethical principles) (Helwig, 2006; Ruck, Peterson-Badali & Helwig, 2014). Secondly, a social-cognitive approach underlines the role of social environments in terms of how children think about their rights, specifically considering that events are socially situated and interpreted according to multiple factors present in the situation (Ruck et al., 2014). Essentially, more than a linear pattern of developmental progressions, rights conceptions "may be better understood in terms of increasingly sophisticated applications of rights in complex social situations" (Helwig, 2006, p. 194). Finally, a children's studies perspective is focused on the assumption that childhood considerations may vary cross-culturally, emphasizing that it is socially constructed as well as the importance of children's agency capacity (Ruck et al., 2014). Integrating these theoretical assumptions, this study will be focused on the adolescents' capacity of thinking about their rights, taking into account their developmental progress and greater autonomous reasoning about rights. Adolescence is a crucial developmental phase to explore rights perceptions, since there are significant changes in terms of moral and cognitive development allowing for more elaborate reasoning and knowledge of one's rights (Melton, 1980; Ruck & Horn, 2008). Moreover, we emphasize the need for studies focused on young people's voices about issues related to their lives and the importance of their agency and empowerment opportunities. Finally, considering that adolescents' reasoning about their rights is socially contextualized, we focused on their views in a particular life developmental context: the residential care setting.

1.2. Young people's rights in residential care

Residential childcare varies significantly worldwide in terms of its nature and functioning (Quiroga & Hamilton-Giachritsis, 2014). However, a fact that seems relatively consistent across countries is that this group of children and young people has a history of vulnerability, namely due to the lack of widespread recognition of their rights (Ashton, 2014). Given the risks placed by previous negative life experiences (Collin-Vezina, Coleman, Milne, Sell, & Daigneault, 2011) and current mental health difficulties (Erol, Simsek, & Munir, 2010; Simsek, Erol, Öztop, & Münir, 2007), it is critical to ensure young people's rights within and beyond welfare systems. Actually, little is known about how disadvantaged young people think about their rights (Ruck et al., 2014) and the inherent impact on their well-being outcomes. However, the Council of Europe has provided specific recommendations for guaranteeing the rights of children and young people in care, namely, their participation, contacts with relatives, privacy and equal opportunities (Council of Europe, 2005).

Despite the need for a rights-based approach in research and practice, the rights conceptions of children and young people in care have been scarcely explored (Peterson-Badali et al., 2008). The literature with young people in care tends to be focused on their ability to participate either in terms of decision making processes and experiences in care (Atwool, 2006; Cashmore, 2002), but more evidence is needed to support a rights-based approach in this population. Actually, a rights-based approach in this study means, not only a system of ideas based on treaties and legal covenants (Chilton & Rose, 2009) but also a more comprehensive approach to young people's adjustment that includes the operationalization of child rights (Berglas, Constantine, & Ozer, 2014). Finally, it involves using this system of ideas to understand young people's psychological functioning comprehensively, by engaging and empowering them through their participation in the research agenda (Beracochea, Weinstein, & Evans, 2010).

The scarce evidence focused on young people's conceptions of their rights in care (Peterson-Badali et al., 2008) revealed that both nurturance and self-determination rights were self-generated by these participants, namely, civil liberties, psychological needs, participation in decision-making, basic needs and safety issues. Additionally, despite young people's negative and stressful past experiences, they tend to be focused more on rights related to their actual needs (e.g., current contacts with family) than on aspects related to their historical circumstances of abuse and neglect (Peterson-Badali et al., 2008). Actually, "children with histories of maltreatment who are living in care may find abuse and safety issues less salient than non-maltreated youth because they have already experienced violations of their rights to physical and emotional integrity and have had to live with the consequences of those violations, including separation from their parents and original home" (Peterson-Badali et al., 2008, p. 114).

In spite of these important findings, no explanatory models of young people's adjustment from a rights-based approach have been developed in residential care. This is a main issue, given that young people in residential care are deprived of a fundamental right, such as living with their family. The state, therefore, has the responsibility to restore some important rights that have been infringed in the family context (e.g., the right to be well treated and to be cared for according to the necessary conditions of an adequate development). In addition, the literature suggests that these young people seem to be particularly vulnerable to social exclusion, given that their placement in residential care derives from some factors framed on social exclusion processes (e.g., poor health and housing, poor parenting skills, family unemployment) (Kendrick, 2005). If they experienced a set of social disadvantages that may compromise their ability to understand and reason about their rights; on the other hand, their circumstances of life and particularly in the welfare system can provide them with greater sensitivity to think critically about their rights (Peterson-Badali et al., 2008). As such, it is important to understand how young people's ability to reflect on their rights during the residential care experience is associated with their psychological adjustment. Furthermore, living in residential care involves dealing with a set of challenges that differ from the family context, namely, their social integration in a peer group (Peterson-Badali et al., 2008). For this reason, group and social processes in residential care must be analysed and discussed, not only in relation to how young people function but also considering the role of rights fulfilment in social identity processes. These adolescents have to share this new life context with their peers, which entails additional challenges for the way they conceive their rights in care (e.g. aspects related to their privacy, highly structured rules and routines that may undermine their normalizing conditions of life). Similarly, these perceptions about rights in residential care may influence the young people identify with this group, and, consequently, their developmental outcomes.

1.3. Group and social processes in residential care

Adolescence is a developmental stage where relationships with peers are particularly important in terms of social development and friendships are viewed as developmentally significant (Durkin, 1995). Considering the young people in care, the removal from their family context and the placement in care may be associated with the loss of significant others (friends and adults), which could threaten their adaptive development and well-being (Sinclair & Gibbs, 1998). Thus, the establishment of meaningful relationships in care is even more important for these adolescents, considering a set of developmental functions derived from those relationships that should not be ignored. "The resident group serves a number of functions for young people in residential care. Underpinning this is the notion that the group operates to monitor and secure residents' safety and acts as a means of maintaining group culture" (Emond, 2003, p. 334). For that reason, the social context of residential setting must be considered in research and practice, and

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