

International Perspectives on  
Early Childhood Education and Development 35

Adrijana Višnjić-Jevtić  
Alicja R. Sadownik  
Ingrid Engdahl *Editors*

# Young Children in the World and Their Rights

Thirty Years with the United Nations  
Convention on the Rights of the Child

 Springer

# International Perspectives on Early Childhood Education and Development

Volume 35

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Alicja R. Sadownik • Ingrid Engdahl  
Editors

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# Chapter 1

## Introducing Human Rights for Young Children



Adrijana Višnjić-Jevtić , Alicja R. Sadownik , and Ingrid Engdahl 

**Abstract** Thirty years ago, world leaders made a historic commitment to the world’s children by adopting the United Nations Convention on the Rights of the Child (UNCRC). The UNCRC marks a new way of looking upon children: children are not just objects who belong to their parents and for whom decisions are made. Children are not just training to become adults, they are human beings, citizens and, individuals with their own rights. The aim of this book is to use the 30th anniversary of the UNCRC as a reason to analyse “What do the children’s rights mean today?”. How are the goals of provision, protection and participation implemented? Are children’s voices heard, and do children now participate in their societies as actors and agents for change?

A wider purpose of this book is to elevate the obvious links between the UN Sustainable Development Goals and the UNCRC. Almost all of today’s children will be adults by 2030, or very soon after. As a theoretical framework for performing this analysis, Davis’ theory about five dimensions of rights for early childhood education is used.

The authors in this book come from 14 countries and all regions of the world. They write about their own country through a lens of their own professional field and expertise, which for most of them is within Early Childhood Education (ECE). Thus, the contributions may serve as contemporary, complementary, and rich examples of early childhood. By comparing the lived rights of the child in various contexts, we want this book to be a source of knowledge and an inspiration to many child rights activists, students, and professionals.

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This book presents the UNCRC from three different perspectives, policy, children's perspectives, and education, which at the same time make up three parts in the book. In this introduction, we introduce the UNCRC and present the different chapters.

## Introduction

Thirty years ago, world leaders made a historic commitment to the world's children by adopting the United Nations Convention on the Rights of the Child (hereafter UNCRC) – an international agreement on childhood' (UNICEF 2019). This convention is a treaty, an international legal framework, between the UN member states. The UNCRC marks a new way of looking upon children: Children are not just objects who belong to their parents and for whom decisions are made. Children are not just training to become adults, they are human beings, citizens and individuals with their own rights. The Convention has become the most widely ratified human rights treaty in history, and today 196 member states have ratified the UNCRC. Following the UNCRC, childhood is separate from adulthood, and lasts until 18; it is a special, protected time, in which children must be allowed to grow, learn, play, develop and flourish with dignity.

The aim of this book is to use the 30<sup>th</sup> anniversary of the UNCRC as a reason to analyse "What do the children's rights mean today?". Freeman (2011, p. 21) shows that the language of rights 'makes visible what has too long been suppressed'. We are asking what the rights of the child make visible today and what is important today, in the modern world, in some of the countries that have ratified the UNCRC. The UNCRC has helped transform children's lives and great progress has been made over these 30 years. It has inspired governments to change laws and policies and make investments, thus *promoting* children's wellbeing. Precautions have been taken in order to *protect* children from violence and exploitation and State parties are *providing* more education and health care and of higher quality. Additionally, one major contribution is that the UNCRC enables more children to have their voices heard and to participate in their societies as actors and agents for change. State parties must, to the maximum extent possible, do all they can to ensure children's survival and development (Article 6), and to protect them from all forms of exploitation and violence.

However, as will be shown by the authors of this book, there are also many issues left to be resolved, to reach out to all children in their best interests (Engdahl 2019). The UNCRC is still not widely known, not by all children and not by professional working with children, a fact that this book may help to change (UNICEF 2019). Additionally, as we write this book, the coronavirus COVID-19 has spread around the world and caused the largest pandemic in our times. Most countries have responded with harsh measures, as e.g. lockdowns of many important sectors of society, including education. In most countries, also preschools are closed, and young children are too often spending their time in-doors, and in isolation. This rapid development of a pandemic is mentioned here and reflected upon in the

concluding chapter. However, the invited authors had already written their contributions in February, when WHO declared the Corona a pandemic.

We live in times of great global changes, where e.g. climate and environmental change, pandemics, prolonged conflict, and mass migration change and challenge the existing childhoods (IPCC 2019). Today's children face new threats to their rights, but they also have new opportunities to realize their rights. Thus, a wider purpose of this book is to elevate the obvious links between the Global Goals (UN 2015) and the UNCRC. All the Global Goals are relevant for children, not only those which specifically refer to children. Almost all of today's children will be adults by 2030, or very soon after. Children have the right to directly engage in achieving the Global Goals. Thus, the distinction between child- and adult-specific approaches is very fluid. The intention is to bring out comprehensive connections beyond the most obvious links between the UNCRC and the Global goals (UNICEF 2016). The relationship between the two international treaties and their potential for mutual advocacy and implementation will be elaborated on in the concluding part of this book. As a theoretical framework for performing this analysis, we will introduce Davis' five dimensions of rights for early childhood education in the light of the challenges of sustainability (Davis 2014).

The authors in this book come from various countries and regions of the world, albeit of course they do not represent the whole world. They were asked to write about their own country through a lens of their own professional field and expertise, which for most of them is within Early Childhood Education (ECE). Thus, the contributions may serve as contemporary, complementary and rich examples of early childhood. Following Neuman (2011), we argue that a comparative orientation can improve conceptualisation through the detection of hidden biases, assumptions and values underpinning local/national conceptualisations and performances of certain phenomena. The legal phenomenon, the UNCRC, is ratified by 196 nations, resulting in multiple and diverse socio-cultural, institutional and interpersonal contexts for its implementation. By comparing the lived rights of the child in various contexts, we want this book to be a source of knowledge and an inspiration to many child rights activists, students and professionals.

This book presents the UNCRC from three different perspectives, policy, child perspective and education, which at the same time make up three parts in the book. Although the contributions sometimes touch on more than one of these perspectives, we have assigned the chapters to the most relevant part of the book. In this way, comparisons may be supported. Together we may also detect and highlight obstacles, sometimes hidden within discriminating assumptions. Adopting a critical approach, we may reveal issues that unconsciously are blocking real implementation of the UNCRC, of special interest is our commitment to unpack different understandings of children's right to participation. Liebel's (2012) perspective on the rights of the child strives at getting close to how the children themselves perceive the rights. However, we balance this approach by pointing at the adult responsibility of organizing the societal institutions with the perspective of the child in mind. Early Childhood Education (ECE) settings could thus be seen as societal institutions that on a daily basis balance the adult perspective of organizing a service with the children's direct presence and right to participation, placing the children's best interests at the core.

## **A Treaty About Human Rights**

Article 1 in the *Universal Declaration of Human Right* states that “All human beings are born free and equal in dignity and rights” (UN 1948).

The UNCRC is a treaty about human rights, directed towards children. Human rights treaties state that everyone, everywhere has the same rights as a result of our common humanity. We are all equally entitled to our human rights without discrimination. Human rights belong to each and every one of us equally. Human rights are standards that recognize and protect the dignity of all human beings. These standards honour the following principles:

- **Universality and inalienability:** All people everywhere in the world are entitled to them
- **Indivisibility:** Whether civil, political, economic, social or cultural in nature, they all have equal status as rights. There is no such thing as a ‘small’ right. There is no hierarchy of human rights.
- **Inter-dependence and inter-relatedness:** The realization of one right often depends, wholly or in part, upon the realization of others. For instance, the realization of the right to health may depend on the realization of the right to education or of the right to information.
- **Equality and non-discrimination:** All human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.
- **Participation and inclusion:** Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, political, economic, social and cultural development, through which human rights and fundamental freedoms can be realized.

## ***Short History About Children’s Rights***

During the twentieth century, there were many initiatives to promote children’s wellbeing, and many philanthropists working for children and for a common understanding of children’s rights. One of them was Eglantyne Jebb, who during the First World War founded of the Save the Children Fund. In 1924, the League of Nations (The predecessor to United Nations) adopted the Geneva Declaration on the Rights of the Child, drafted by Jebb. The rights included in this declaration were for all people to owe children the right to: means for their development; special help in times of need; priority for relief; economic freedom, protection from exploitation; and an upbringing that instils social consciousness and duty.

During the first part of the twentieth century, Janusz Korczak, a Polish-Jewish doctor, educator and child rights protagonist, wrote many books about children’s



rights, and especially about children's rights to full participation in their lives. His books are still of outstanding value, especially *How to Love a Child* (1919) and *The Child's Right to Respect* (1929). Korczak lived according to his views, and during the Second World War, he founded homes for children, where he practiced children's rights, before they were all marched off to concentration camps and death.

After World War II, the United Nations were formed (1945), and with special responsibility for children, UN established in 1945 *United Nations Educational, Scientific and Cultural Organization* (UNESCO) and in 1946 *United Nations Children's Fund* (UNICEF). In 1948, the United Nations General Assembly passed *the Universal Declaration of Human Rights*, in which Article 25 entitles mothers and children to 'special care and assistance' and 'social protection'. In 1948, Organisation Mondiale pour l'Éducation Préscolaire (OMEP, World Organisation for Early Childhood Education) was founded as one of the first NGOs linked to UN with the aim to defend and promote the rights of the child (from Birth to 8) with special emphasis on the right to education and care worldwide.

The next international treaty was adopted in 1959 by the United Nations General Assembly: *The Declaration of the Rights of the Child*, which recognizes, among other rights, children's rights to education, play, a supportive environment and health care. UN declared 1979 as the International Year of the Child. Following this special year and an initiative by the Polish government, a working group with representatives from governments, NGOs, experts and UN specialized agencies developed the treaty to become the UNCRC.

*The Convention on the Rights of the Child* was adopted in 1989 by the United Nations General Assembly and widely acclaimed as a landmark achievement for human rights, recognizing a wider image of human rights for children, civil, cultural, economic, political and social rights, and the children as actors. The Convention guarantees and sets minimum standards for protecting the rights of children in all capacities. The UN has later made three amendments to the UNCRC. In 2000, the General Assembly adopted two Optional Protocols, obligating State parties to take key actions to prevent children from partaking in hostilities during armed conflict (176 ratifying State parties) and to end the sale, sexual exploitation and abuse of children (170 ratifying State parties), and in 2011, an Optional Protocol about the right to field complaints of child rights violations and undertake investigations (46 ratifying State parties).

### ***This is the UNCRC***

The UNCRC is an international treaty with 54 articles. Articles 1–42 describe children's rights and articles 43–54 describe what the State parties must do to fulfil their obligations after ratifying the UNCRC. The human rights stated in the UNCRC are universal, indivisible, interdependent and interrelated, and to be interpreted in a holistic way. This implies that all articles together make up the rights of the child. You cannot pick and choose between the articles; they are all important. Since

1989, the UN General assembly has made three amendments in three *Optional protocols*. With an optional protocol, UN may regulate in more detail, than in the UNCRC, a specific issue. Some years after adopting the UNCRC, it became possible to expand children's rights in a certain field. An optional protocol does not automatically become valid, for this to happen, the State parties must ratify the optional protocol. The optional protocols elaborate on three different topics:

OP 1 (2000) on the sale of children, child prostitution and child pornography,

OP 2 (2000) on the involvement of children in armed conflict and

OP 3 (2011) on a communications procedure.

There are four articles known as the *General Principles* through which we can interpret all the other articles and realise all the rights in the UNCRC. The guiding principles of the UNCRC are non-discrimination (Article 2); the best interests of the child as a primary consideration in all actions concerning children (Article 3); the child's inherent right to life, and State Parties' obligation to ensure to the maximum extent possible the survival and development of the child (Article 6); and the child's right to express his or her views freely in all matters affecting the child (Article 12). Of special interest for us are also Articles 28–31 about children's rights to education, leisure, play and culture.

In Articles 43–44, the monitoring body and process are described. Within the *Office of the High Commissioner for Human rights in Geneva* UN has appointed *The Committee on the Rights of the Child* (hereafter CRC). CRC is the body of 18 independent experts that monitors the implementation of the UNCRC by its State parties. All States parties are obliged to submit regular reports every 5 years to the Committee on how the rights are being implemented. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of *Concluding observations*. The CRC also publishes its interpretation of the content of the UNCRC with *General comments* on thematic issues and organizes days for general discussion. As of today, there are 24 General comments that further explore the content of the articles in the UNCRC. Of special interest for this book are No 7 On implementing early childhood (2005), No 12 On the right of the child to be heard (2009), No 14 Article 3 On in the best interests of the child (2013) and No 17 Article 31 On leisure, play and culture (2013).

## Part One: Policy Perspectives

Broadly speaking, the UNCRC addresses children's interests across three Ps, children's rights to provision, protection and participation. Theobald (2019, p. 252) describes as a paradox a tension because 'the framing of rights – being individualistic or with a group focussed standpoint'. The UNCRC promotes a view of the rights as *shared rights*, not rights in a self-interested manner. Theobald points out that children's rights are intertwined with adult knowledge and continues: "There is an underlying assumption that children, in order to have rights recognised, must have some kind of responsibility associated with their allocation of such rights"

(2019, p. 253). This is a common layman misconception. Human rights, as e.g. the children's rights, are not contingent on obligations or responsibilities. Engdahl (2019) analyses what we know about the effects in legislation, policies, and curricula in different parts of the world from the first 30 years with the UNCRC. She argues that the position and the status of the child has changed, and that as a result of the 30 years with UNCRC, children today are recognised as citizens. 196 countries have ratified and to various degrees integrated and implemented the UNCRC, and 94 nations have also incorporated it as national law. This decision has further strengthened the overall position of the child, and makes a real difference, especially for vulnerable children, and for the children most in need of support.

In this part of the book, we present authors from Argentina, United States of America, North Macedonia, Uruguay, and China:

**Mercedes Mayol Lassalle**, first among the authors in the policy part of the book, gives a thorough introduction to the historic background of the UNCRC, including the role of OMEP (World Organisation for Early Childhood Education). The UNCRC states a new vision on the children's citizenship and on the recognition of boys and girls as rights holders. The different nations – the State parties – are responsible for implementing and guaranteeing these rights. In her presentation of the UNCRC, Mayol Lassalle introduces the UN Committee on the rights of the child (CRC), and includes important CRC documents, e.g. General comment No 7 on Early childhood. The chapter then continues by giving the current state and status of the UNCRC in the region of Latin America. The persistence of welfare policies focused only on poorer and groups with violated rights, confirm that arguments, prejudices, and practices associated with old paradigms still persist. In many countries in Latin America, ECE is mandatory or compulsory, however, the access for children under 3, is not as positive. Although the Latin American States have made efforts transforming their legal frameworks and defining public policies consistently with the UNCRC, there are still great inequalities and injustices that raise the need to define more decisive definitions and actions. Therefore, it is necessary to continue deepening the understanding and application of the UNCRC in the development of public policies towards early childhood education and care (ECEC).

**Judith T. Wagner** examines child rights as a concept and as lived reality for American children from historical, political, and advocacy perspectives. It is of special interest to read about child rights in the United States of America, since it is the only UN member state that has not ratified the UNCRC. Wagner describes that direct and unambiguous references to child rights are nearly invisible in American social, political, and educational discourses, though some related concepts, such as equality and inclusion, sometimes appear. Although human rights were permeating the founding constitution of the United States, this is yet to become the guiding rule for the children of the nation. Wagner reports about unequal conditions for children between different states, and between different groups of children, are disadvantages often due to children's socio-economic status (Articles 2, 3, 6, 22, 28). One major issue has to do with children's status in relation to adults, and the place and space for children. Wagner also touches on the joint efforts made to make the USA someday joining the world community by ratifying the UNCRC.

**Alma Tasevska** brings up the current status of ECEC in North Macedonia. A thorough presentation of policy and implementation processes of the UNCRC, including the dialogue with the UN Committee in Geneva, gives an insight into plans and progress made in the country. The chapter specifically describes policy goals, the possibility for children to access ECEC (Articles 28–31) and issues depending on split national responsibilities and lack of preschools and educators. There is high expectance of cooperation locally between institutions, municipalities and associations, and opportunities for local initiatives, in order to offer ECEC to all children.

**Gabriela Etchebehere Arenas** introduces a slow but steady process of implementing the UNCRC in Uruguay. It has been a process of transforming attitudes and actions towards children that respect and guarantee their rights. In the field of early childhood care and education in Uruguay, some research shows that these difficulties are reflected by the low recognition of the teachers. Step by step the history of establishing child rights is described, and in 2008 a path of priority to early childhood (Articles 28–31) began to be drawn. Since then, many educational actions, especially those related to promotion of progressive autonomy, are in line with the principles of the UNCRC. To conclude, the chapter discusses research, programs and policies that mark the advances and pending challenges in order to guarantee the rights of children in Uruguay.

**Peng Xu** writes about policy and implementation of the UNCRC in China, a multiple process with different influencers from Confucianism and the Soviet Union. Among these discourses, children's rights are viewed as a Western discourse, which has brought new ways of speaking and thinking about young children and their education to China. Taking a historic perspective, Peng shows some contradictions about young children's rights, and how a rights-based approach gradually has been highlighted within policies, establishing a legislative link between children's rights and their citizenship. Key progress has been made within ECE in China, especially from 3 years of age, including national curricula and policy statements. More attempts to construct a context-specific approach to young children's rights are necessary and potential areas for future research are proposed and discussed.

## Part Two: Children's Perspectives

Sommer et al. (2010) state that “the UN's *Declaration of the Rights of the Child* has been influential for the growing adoption of the child perspective and for maintaining respect for children's perspectives of their world” (p. 12), which resulted in adopting the UNCRC in 1989. During the last 30 years, children's status and positions as citizens and subjects with their own rights have been widely achieved (Engdahl 2019; UNICEF 2019). For the next coming years, enhancing children's' collective, agentic and ecocentric participation, across generations and cultures, is the most important endeavour to achieve. By this, we mean recognition of children as actors entering and participating in various intergenerational and intercultural settings, but

also recognition of children's perspectives in relation to ecocentrism. Following Davis (2014), we understand ecocentrism as an approach that, in contrast to anthropocentrism, does not put the human regards as the most important entity on the planet, but holds that all Earth's biological species as well as non-living elements (such as carbon, air, water, landscapes) are equally valuable. Adopting the children's perspective here, builds on the fact that children's survival and wellbeing demand a healthy Earth (Davis 2014). How the children's perspectives, as well as various authors' contributions to this part of the book, refer to diverse aspects of sustainability, will be discussed in the concluding part of the book.

In this section, we discuss the UNCRC in relation to the perspective of the individual child and of children. That is why we first need to elaborate over the differences between a child perspective and children's perspective. Sommer et al. (2010) address the differences in the following way: child perspective is seen "as perspective which adults with great knowledge about children and their lives can take up by asking themselves: what is best for children if I take my own knowledge about children into consideration?" (pp. 17–18). Children's perspectives "is not something an adult can take up without children being present. Children act and express themselves and adults interpret what children express as their meaning and their voice" (pp. 17–18). Lansdown (2005) argues, with reference to articles 12 and 13 in the UNCRC, that taking the perspective of the child starts with recognition of children as "experts in their own lives", "skilful communicators, employing a huge range of languages with which to articulate their views and experience", "active agents, influencing and interacting with the world around them" and "meaning makers constructing and interpreting meaning in their lives" (Lansdown 2005, p. 1). She underlines that this refers to all children, regardless of age, as from birth, children, even babies and toddlers, "are capable of both holding and expressing views, although the forms of expression will necessarily alter as the child grows" (p. 1). The reasoning includes the importance of being heard in all matters that affect them as well as being taken seriously.

Child rights researchers are stressing one important aspect, that "child perspectives are created by adults who are seeking, deliberately and as realistically as possible, to reconstruct children's perspective, for example through scientific concepts concerning children's understanding of their world and their actions in it" (Sylva 2010, p. vi). Hence, we may conclude that a child perspective must lean on child-centredness, but we need to keep in mind that it always represents adults' objectification of children. On the other hand, the child perspective may operate as an eye-opener for the adults' objectification.

While trying to realise the intention of Article 3, in the best interests of the child, there is a tension included in the UNCRC. Adults' perception of what is best for a child or for a group of children, may not be verified by the very children themselves. So, the UNCRC, but also this book, represent adult voices, advocating for the children. The voices are trying, with methodologies or conceptual toolkits, to get close to the child's understanding of the world, but still they are adult voices objectifying children. Following this reasoning, the UNCRC may be a treaty of human rights, rewritten from an adult child-centred standpoint, trying to open adult eyes on how the world may be experienced by children. From this standpoint, it is

possible to objectify the child as vulnerable and adult-dependent in terms of survival and development, but also as competent and of equal value in terms of civil rights and participatory rights in the local and global community. The focus on the child as a dependent and vulnerable one, seems to take the child perspective in terms of securing the child's biological and socio-emotional needs, fulfilling of which facilitates development, and brings health and well-being. Focusing on the competent child with her/his own identity, voice and expression rights is on the other hand "an appreciation of the child as an inviolable person whose thoughts and opinions matter and whose interests must be protected" (Sommer et al. 2010, p. 13).

Thirty years after the convention was adopted, in this section we look at how the socio-political, institutional and cultural respect for children and their perspectives may be approached, by showing examples from various parts of the world, Croatia, Poland, and Aotearoa New Zealand:

**Katarina Bogatić** discusses the children's right to play (Article 31) in relation to research on time use in the ECEC settings and children's homes. Play is highly important for children, it is their way to experience the world, or simply children's way of being (Lillemyr 2013). Asking about safeguarding time for an activity is asking about the implementation of the child's right to play, as well as taking the child perspective. Bogatić thereby takes the child perspective on the structures of children's adult-organized days and their lives. How long the children may play, is a question of great importance in times of academisation of ECEC and of increasing overprotective attitudes among parents, as shown by Bogatić in the context of Croatia.

**Ewa Lewandowska**, with examples of Polish history, shows the dialectics between the political and ideological climate, and the State's ability to recognize the perspective of the child. Additionally, she presents children's perspectives on their own rights, described in Articles 12–15. In a study, she asks the children both about how much they know about these rights, as well as how they experience their realization both in family and ECEC contexts. Serious consideration of child and children's perspectives and actions is in this chapter linked to sustainability, which requires intergenerational cooperation. Child participation is shown to be linked to children's positive utterances on partnerships with adults in order to 'do good things', especially in relation to social and ecological aspects of sustainability.

**Glynn Mackey** and **Diti Hill-Denee** approach the child perspective by discussing the implementation of the UNCRC in Aotearoa New Zealand in relation to diverse groups of children, like infants and toddlers, children at risk, and indigenous children. The authors approach Article 6 that entitles the child to life, survival and development, as well as Article 19 that protects the children from violence, abuse and neglect. The Article 26 of social security is not of a lower importance when presenting the reports on children's wellbeing. Moreover, Articles 12 and 13 may be seen as presented when discussing participation rights of toddlers, the youngest children. Article 30 is mentioned when the historical and present perspective on education and agency of indigenous children are discussed. The child perspective is thereby approached by showing interrelations of the rights crossing societal situations of various groups of children. By showing the heterogenic character of the children in a group, and the complexity of everybody's well-being, Mackey and



Hill-Denee indirectly approach Articles 2, 4 and 41, as non-discrimination is about applying the UNCRC to each child, regardless gender, culture, religion, ethnicity, abilities, economy or age. Moreover, the authors here link the discussion of rights to Davis (2014), where collective and biocentric/ecocentric dimensions of rights are important. This again, points at the importance of active recognition of indigenous people.

**Ivana Visković** approaches the child perspective as objectified in the UNCRC and discusses its implementation in the context of Croatia. The author relates various UNCRC Articles: 3, 6–8, 24, 27–29 and discusses challenges in their realization in relation to the local family and educational policies. Doing this, she relies on another objectification of the child that is delivered by psycho-sociological research, pointing at what is good for the child. Additionally, she relates knowledge presenting important factors for the well-being of a child, including the family socio-economic status and the parenting styles. Within these, the child perspective is double mediated, on one hand by the adult-created rights and on the other by the adult created knowledge on what is good for children.

The children's status and how the rights of children are respected still need to be discussed. Even though "research is often portrayed as objective and value-neutral (...) there's still an ongoing struggle to define and parent what constitutes 'good', 'proper' childhood". "One should bear in mind, therefore, that the interest in the child perspective is part of this struggle for hegemony and the power to define 'the best interests of the child'" (Sommer et al. 2010, p. 14). This section of the book reports about this struggle in socio-historical and political contexts, as well as in the children's own terms of play and their own perception of their rights. In the concluding part of this book, we take up the struggle and critically analyse definitions of 'the good, proper childhood' by relating the UNCRC to the children's agentic participation rights, collective rights, intergenerational and ecocentric rights (Davis 2014).

### **Part Three: Educational Perspectives**

Education has long been considered as one of the fundamental human rights. Children's right to education has individual and societal importance. It may well be presumed that education has impact on the well-being of individuals. Therefore, individuals will contribute to developing a better society. However, society and culture have impact on the understanding and implementing of children's rights. The importance of education in early childhood related to children's rights could be discussed in two ways: (1) as a right to education and (2) as a prerequisite for developing children's ability to enjoy their rights (Maleš et al. 2003). Another approach to child rights in education may be discussed as a devotion to develop children's rights and the values that respect those rights amongst people. Quennerstedt (2011) finds four reasons to discuss an educational perspective on children's rights: (1) education about human rights; (2) education about change; (3) children's right to participation; and (4) differences between children's rights and parents' rights.

Discussing children's right to education, UNCRC (Article 28–31) points at the four A of education – availability, accessibility, acceptability and adaptability. All A-aspects are related to the State parties' responsibility to ensure children's right to education. However, governments do not invest enough in education, especially not in early childhood education (UNICEF 2020). Most of the low-income countries do not meet any of these A-aspects (OECD 2020). Even within member states of the European union, there is no universal access to ECE settings (EACEA 2019). In relation to other parts of the educational system, early childhood education faces several challenges. ECE is most often not compulsory or mandatory, although in some countries (i.e. some European and Latin American countries), children should attend some ECE program for at least 1 year before starting primary school. For younger children, attending ECE settings is most often optional. Consequently, attendance in ECE settings is not free of charge. Thus, children living in poverty do not get the chance to attend ECE settings. Most of the socially excluded children (i.e. migrant children, minority children, children who are living in war areas or even in rural areas), do not have the chance to enjoy their rights to education. It may be concluded that, although policy ensures that every child has the right to education, in practice that right does not always exist.

Learning about children's rights and developing behaviour that acknowledge respect and responsibility starts from birth. Among other rights, children's participation in their own learning should be enhanced in educational institutions. Quennerstedt and Quennerstedt (2014) stated that children's participation is one of the main achievements of the UNCRC (1989), but societies commonly reduce children's participation. Limitation of child participation might especially be seen in education, due to the hierarchical organisation of educational institutions, where adults are responsible for delivering knowledge to children, who are positioned as passive recipients. In ECE today, a child is (most) often seen as a competent learner, capable to understand and change the world (MacNaughton et al. 2008). Bašić (2011) also sees the child's capability to develop his/her own theories about the world and therefore organize his/her own learning. Despite the contemporary image of the child, the long-lasting traditional paradigm doesn't recognize children as active participants with agentic rights in their own education.

Turning towards education and national curricula, Engdahl (2019) argues that State parties, such as Finland, Iceland, Korea, New Zealand and Sweden, are aware of the importance of education and care in the early years. References to children's right to play and the importance of listening to young voices in education are also common. While most of the child-oriented curricula in ECE are supporting children's right to play, some curricula are still oriented towards readiness for school, and advocate the usefulness of learning predominantly academic content (Bennett 2009). A respectful idea of child participation should be maintained in all aspects of education. Usually adults listen to children's ideas and thoughts about issues connected to children, but they rarely engage children in decision making related to i.e. the development of the curriculum (Chan 2010). Davis (2014) argues that ECE teachers should offer active participation to children. Educational institutions are mostly adult dominated which is contrasting the participating culture



promoted by the UNCRC (1989). ECE is the first stage of the process of education, well suited for trying to change a participation perspective from top-down to bottom-up (Davis 2014). Changes in ECE institutions could have impact on and lead to changes towards a participating culture in the whole educational system.

Looking through lenses of economy, ECE is the most effective investment for economic development, and therefore the most influential part of education (Heckman 2011). Heckman (2012) especially highlights the importance of ECE for children at risk. While Heckman (2012) argues for investments in education, UNICEF (2020) shows that the investment rate is low, and lowest for the children at risk. Despite the benefits of Heckman's research for the status of ECE (2011, 2012), Vandebroek (2017) suggests that we should rethink the investment approach, and rather step away from an economic discourse of education. The United Nations asserts the importance of ECE in the Sustainable development goal No 4.2 (UN 2015, p. 17), by stating that every child "should have access to quality early childhood development, care and pre-primary education". This goal should lead to, not just accessibility, but also to availability, acceptability and adaptability for every child to ECE of high quality.

Following the UNCRC and the Sustainable development goals, all involved in ECE (children, parents, professionals, policy makers) should work towards achieving children's rights. The right to ECE differ across the world. In this part of the book, authors from Australia, Spain, Argentina, Norway, The Republic of Korea, and the United Kingdom give us insight in processes for realisation of children's rights.

**Ann Farrell** is rethinking challenges in applying UNCRC in Australian contexts of ECEC. In her chapter, she is oriented towards identifying main challenges to ensure provision, participation and protection of children's rights. Australia has a long history of advocating for children's rights in educational policy. Farrell analyses research of different aspects of children's rights in ECEC in relation to the National Quality Framework for ECEC. Children's rights should protect children, and most of all, the vulnerable ones. Despite this policy, the author finds that disadvantaged groups of children usually experience a lot of challenges. The author finds many layers of barriers to respecting children's rights in Australian ECEC. She describes possible enablers proposed to promote children's rights: (1) assurance of equity of access to provision; (2) a systematic approach to teaching and learning of children's rights; (3) competent ECEC professionals. Australia seeks to follow UNCRC requirements for ensuring children's rights in ECEC provisions. To meet the highest standards, there is a need for establishing collaborative partnerships at the level of government, system and ECEC services.

**Concepcion Sanchez-Blanco** discusses issues and challenges related to young children's primary needs and care in Spanish nursery schools. Sanchez Blanco points at the importance of welfare and protection, especially during infancy. She problematises the media's approach to bodily care practices as part of ECE. The teacher role may be affected with social attitudes against some care practices, so teachers avoid risky situations. Risky situations aren't just found in children activities but may also be children's initiatives. It is questionable how to respect children's interest and participation while avoiding a child's initiative. Teachers

should promote responsiveness to children's needs and interests. The author promotes adopting an attitude that integrates education and care, with no boundaries between them. A change in education is necessary to implement children's rights. The care showed towards the youngest members of society is a form of education and, as such, should be treated as a global ecological imperative, with agreed collective commitments and goals among all countries.

**Analia Mignaton** approaches early childhood education through multiple educational scenes and analyses the complexity of its dimensions, its processes, unveiling some ways and meanings of its own. Mignaton highlights respect in education as a right for all children, regardless of their age. The teaching of content in nursery school is a process in which adults and children participate in a joint venture. Adults offer their support and build bridges and children, in an active way, adjust their level of responsibility by participating in the decision process in the situation, as they are conquering new learning. Mignaton discusses the role of ECE institutions as supportive for families and children in parenting, emphasizing both children's and parents' roles, in the concept of parenting. Offering cultural spaces, rich in experiences and exchanges that promote and support integrated (not fragmented) learning processes, would contribute to the subjective construction of each child, and, in this way become an arena for respecting children's rights.

**Berit Bae** focuses on how children's right to be heard and participate is written into national policy documents and discusses how the legal provision has led to changes in curricular documents as well as in in-service training programs and research projects. Research has shown that in the practice field, children's participatory rights might be understood in different ways. Several pitfalls and dilemmas become visible, as the view of the child, understanding of democracy and the role of play. These and other factors influence the realisation of children's participatory rights in practice. Bae compares legislative acts with practices, questioning whether relationships, interaction and communication in ECE settings are possible, and points to the need for critical thinking about theories on teacher-child relationships. She concludes by asking whether children's rights to be heard and to participate are at risk.

**Eunhye Park, Nayong Kim, Hee Kyoung Nam, Inyoung Kim, Sunhwa Park, Jieun Kim and Kyoryoung Kim** describe the Korean context for sustainable development goals, UNCRC and International Development Cooperation. This chapter describes a project set out to develop minimum standards for international development cooperation projects in South Korea that reflect children's rights, and to create a toolkit that can be practically applied to projects. It is expected to be used in three aspects of South Korea's international development cooperation projects: (1) to directly or indirectly judge whether children's rights are considered at all stages of South Korea's international development cooperation projects; (2) to raise the awareness of implementing a child rights perspective in projects for those involved in international development cooperation initiatives; (3) to be used as educational data to reflect children's rights in international development cooperation projects. Based on the results, it is necessary to establish minimum standards for children's rights that consider children at diverse levels in the future.

**Verity Campbell-Barr** approaches the child perspective by discussing the concept of childhood(s), deeply anchored in various historical and local contexts, that has managed to develop the more universal principles of protection, provision and participation. These principles, even universal when it comes to protecting a romantic uniqueness of childhood, advocating for equal access to ECEC (provision) and participation, are not free from tensions. Campbell-Barr discusses the various possibilities of interrelations between these principles resulting in one being upheld by the other. These relates also to tensions between a child perspective and children's perspective, e.g. the perspective of the individual child and that of a larger group. What is the perspective of the child, and which of the rights of the child are the most important to obey in a particular moment? These questions constitute dilemmas and insecurities that professionals working with children meet every day. This happens both when trying to approach the child perspective in the daily context of ECE, and when negotiating their professional knowledge on children with the so-called common sense in society.

This book is a result of a rethinking of and re-questioning children's rights after 30 years of UNCRC implementation. Scholars approach the rights of the child from different cultural, national and societal aspects within policy, children's perspective and education. The common trait of all here presented papers is deliberation, how to ensure sustainability of children's rights in a changing world. This publication does not set out to provide solutions and answers to be copied, but it is a call for creating a world where all children have a possibility to enjoy their rights.

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**Part I**  
**Policy Perspectives**

## Chapter 2

# Early Childhood Education and Care Policies in Latin America: A Pending Debt



Mercedes Mayol Lassalle

*Education is the point at which we decide whether we love the world enough to assume responsibility for it, and by the same token save it from that ruin which except for renewal, except for the coming of the new and the young, would be inevitable. And education, too, is where we decide whether we love our children enough not to expel them from our world and leave them to their own devices, nor to strike from their hands their chance of undertaking something new, something unforeseen by us, but to prepare them in advance for the task of renewing a common world.*

(Arendt, [1954], 2006, p.193)

**Abstract** This chapter relates the UNCRC, particularly the child's right to education, to the ECEC policies in the Latin American countries. It shows the complexity and interdependence of legal frameworks and policies, financial mechanisms and intersectoral collaborations that are being activated through the child's right to education. The author justifies why the child's rights to education must include the child's right to ECEC. This is followed by argumentative explanations on how legal frameworks and policies must be developed in order to safeguard children's access to ECEC services in the region. However, existing ECEC services, in which some of the children are enrolled, do not represent good enough quality. Random and inadequate pedagogical offers anchored in low qualifications and competences of the ECEC staff characterise the main elements of low-quality services. The author points at the necessity of intersectoral collaboration where both legal frameworks and policies, financial mechanism together with teacher education and research sup-

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porting existing ECEC settings, need to work together in order to safeguard children's access to high quality ECEC services, and thus the implementation of the UNCRC.

## Introduction

The Convention on the Rights of the Child (UNCRC) installed, in 1989, a new vision on the children's citizenship and on the recognition of boys and girls as rights holders. It also obliges the States as the main guarantors of the protection, respect, and realization of all rights. Likewise, a set of General Comments (GC) delivered by the UN Committee on the Rights of the Child, strengthens this legal body, explaining and defining, with greater precision, the scope of the contents of the UNCRC in various dimensions. Among the GCs, the *General Comment No. 7 on the realization of the rights of children in early childhood (2005)* stands out. In this document the citizenship of the youngest children is reinforced, as well as the obligation of the States to acquire a greater role in the defence of their rights.

Although the Latin American States have made efforts transforming their legal frameworks and defining public policies consistently with the UNCRC, there are still great inequalities and injustices that raise the need to define more decisive definitions and actions with a coordinated, comprehensive and multisectoral approach for early childhood, especially for children under the age of 3. The persistence of welfare policies focused only on poorer and groups with violated rights, the overlap of programs, the fragmentation of systems, the diversity of institutions, as well as the social representations linked to child-rearing, allow us to confirm that arguments, prejudices and practices associated with old paradigms still persist. Therefore, it is necessary to continue deepening the understanding and application of the UNCRC in the development of public policies towards early childhood education and care (ECEC).

## The UNCRC and the Youngest Children's Human Rights

The UNCRC is the international treaty that allowed the recognition and strengthening of all children's human rights, highlighting those related to their status as persons who require special protection, as they experience a fundamental life cycle of development and growth. The UNCRC is the first specific legal instrument that defines children as right holders, i.e. as citizens from birth, gathering, in a single text, their civil, political, social, economic and cultural rights. The UNCRC was adopted by the United Nations on November 20th, 1989, and in a few years, 196 countries ratified it while only the United States of America has not endorsed it. Its adoption was the culmination of more than 70 years of efforts to gain recognition



from the international community to the specific needs and rights of children. One of its background was the *1923 Geneva Declaration*, which was endorsed by the Fifth Assembly of the *League of Nations*. Later, in 1948, the *United Nations General Assembly* approved an expanded version and in 1959, the *Declaration of the Rights of the Child* was unanimously adopted by 78 Member States in the United Nations (UN). The principles and guidelines for the drafting of the UNCRC were negotiated for 10 years by governments, non-governmental organizations, human rights activists, educators and other experts around the world. OMEP was actively involved in its drafting by acting within the NGO Task Force for the Development of the Convention on the Rights of the Child, working with UNICEF (UNICEF 1989). The result was a consensual document that considers the importance of traditional and cultural values for the protection of rights, the harmonious development of the child, the consideration of legal systems, and the recognition of the specific contexts of the countries.

The UNCRC also sets out broad definitions from the international human rights framework, which establish the obligations that State parties and communities must respect. This system is composed of several international human rights treaties and other instruments that have been adopted by State parties since 1945 and confer a legal basis on inherent human rights. In the case of the UNCRC, the background is mentioned in its *Preamble*, which contains the most relevant premises of the *Universal Declaration of Human Rights*, UN (1948) the *1924 and 1959 Declarations on the Rights of the Child* and the *International Covenant on Economic, Social and Cultural Rights*, 1966 (UN 1989).

Human rights are *universal legal guarantees* that protect individuals and groups from actions or omissions that impede freedoms, their fundamental rights and human dignity. They are universal, inalienable, focus on the dignity of every human being, all have the same value and are, therefore, indivisible and interdependent. Rights may not be suspended or withdrawn and impose obligations on State parties and their agents. All of these are guaranteed in regulatory frameworks, for all people under the international system of protection of human rights, without discrimination.

Among all human rights, the *human right to education* presents a special quality as it is both a *right* and a *tool* that enables the enjoyment of other rights. We can therefore affirm that *education* is a *social good* and a *right* from which no one can be excluded, mainly because the right to education makes possible the concretion of other rights and the full exercise of citizenship. The right to education cannot be reduced to the *schooling* of the child, the educational process is permanent, that is, throughout life, it is crossed by multiple actors and has the fundamental purpose of achieving the full development of each person. In this regard, the UNCRC addresses and defines the rights of all children (from birth to 18 years) and includes the right to education in several of its articles. It is important to note that the first GC (CRC 2001), was devoted to the right to education. This is how *GC No. 1 The aims of education*, broadens and clarifies the senses of the goals of education. Among its valuable concepts, it incorporates a central clarification to understand education as a humanistic process of integral development in a broad context.



*Education* in this context goes far beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society. (CRC 2001, p. 2)

This statement also defines and guides the action of State parties, which cannot be limited to providing formal education.

## The Human Right to ECEC

In addition to detailing the human rights of children and the obligations of protection of States, the UNCRC creates and organizes the *Committee on the Rights of the Child* (CRC), which is a body of independent experts that oversees the implementation of the UNCRC and the optional protocols, by States parties. Periodically, the Committee produces General Comments (GCs), which are documents to assist in the proper interpretation and application of children's rights and are a tool to energize and enrich the spirit and the experience of the UNCRC. The GCs help to address those aspects, in the country action and reports, on which the Committee finds that attention is lacking, that contain erroneous or insufficient interpretations, or when the need arises to address new issues and concerns, related to the situation of children.

In 2005, the CRC issued *General Comment No. 7: Realization of children's rights in early childhood*, because: "In many cases, very little information has been offered about early childhood, with comments limited mainly to child mortality, birth registration and health care" (CRC 2005), considering it was necessary to study the broader impact of the UNCRC on young children. Analysing the impact of each UNCRC principle in early childhood, it shows the interdependence between care and education for the integral development of the child. Following GC No. 7, State parties must "render appropriate assistance to parents, guardians and families in the performance of their child-rearing responsibilities (arts. 18.2 and 18.3), including assisting parents in providing living conditions necessary for the child's development (art. 27.2) and ensuring that children receive necessary protection and care (art. 3.2)". In §21, the Committee proposes that the best way to provide adequate assistance to parents will be within a framework of *comprehensive policies for early childhood*, through health care and ECEC. In addition with the importance of social security and health care, one of the conditions set out in §28 is the *right to early childhood education*: "The Committee interprets the right to education during early childhood as beginning at birth and closely linked to young children's right to maximum development (art. 6.2)". In §29, it is stated that parents (and other caregivers) are the first educators of children, and therefore urges the State parties to work in partnership with them, including programs with active cooperation between families, professionals and other actors. Guiding future strategies, in §30, the CRC convenes State parties to provide education in its broadest sense, supported by articulated programmes for children during their first years of life, offered by the

state, the communities and civil society. It also highlights the importance of providing quality education as it has a positive impact in the:

(...) transition to primary school, their educational progress and their long-term social adjustment. Many countries and regions now provide comprehensive early education starting at 4 years old, which in some countries is integrated with childcare for working parents. (CRC 2005, §30)

The Committee recognizes that traditional divisions between *care services* and *educational services* do not address the principle of the *best interests of the child*. For this reason, it proposes the concept of *Educare* that involves the offer of integrated services and reinforces the recognition and application of coordinated and multisectoral approaches. With this concept, the Committee dissolves possible speculations or disagreements, regarding the content of ECEC programmes.

## **Building Legal Frameworks and Public Policies to Guarantee the Right to ECEC**

As soon as the UNCRC was adopted and ratified, the Latin American States have been fulfilling their obligation to redefine and implement new legal frameworks, adopting special codes and laws for the protection of children's rights, adjusted to this international instrument. In 2005, new General Education Laws were approved in most of the countries, recognizing the right to education from birth, as Argentina, Bolivia, Brazil, Colombia, Cuba, El Salvador or Dominican Republic, and others from 3 or 4 for example Costa Rica, Honduras and México. Great progress was also made in accessing and enrolling children aged 3–5 years, falling infant morbidity and mortality rates and reducing malnutrition levels. Various programmes to support families with young children through conditional cash transfer (CCTs) (subsidies implemented by States, which condition its reception on compliance with health controls, vaccination plans or school participation) and other social projects were also implemented.

A study of the Economic Commission for Latin America and the Caribbean (ECLAC 2018) indicates that between 2004 and 2015, significant progress was made regarding access to education for children aged 3, 4 and 5 years, as a result of the States' great efforts to expand enrolment.

While differences across countries of the region persist, the regional averages indicate that nearly nine out of every ten 5-year-olds attend preschool (...). Attendance rates for 4-year-olds and 3-year-olds are considerably lower (64.6% and 38.2%, respectively). (ECLAC 2018, p. 29)

While progress is visible, the challenges that remain in terms of the effective enforcement of children's rights are undeniable. Multiple structural factors affect this situation: mainly the *infantilization of poverty* and the huge economic, social and cultural inequalities. Ergo, multiple poverties are observed in a growing number of young children, compared to other population groups. Several violations of rights

can be observed specially in indigenous, afro-descendants, migrants and displaced communities. Some specialists warn that:

The eradication of poverty and extreme poverty, as well as the reduction of inequality in all its dimensions, continues to be a core challenge for the countries of Latin America. Although the region made great strides in this regard from the start of the last decade to the middle of the present one, setbacks have occurred since 2015, particularly in extreme poverty. (ECLAC 2019, p. 13)

To reverse this situation and comply both the obligations agreed by the UNCRC and the commitments made in the *2030 Agenda for Sustainable Development of the United Nations* (UN 2015), it is necessary that countries consider not only formal changes in legislation but strengthen public policies for the protection, promotion and restitution of rights.

The Committee on the Rights of the Child has already recommended, in GC No. 7, that, in order to implement these comprehensive, strategic and time-bound plans for early childhood within a framework based on laws, State parties should increase and ensure the allocation of human and financial resources to early childhood services and programmes:

The Committee acknowledges that States parties implementing child rights in early childhood do so from very different starting points, in terms of existing infrastructures for early childhood policies, services and professional training, as well as levels of resources potentially available to allocate to early childhood. (UNCRC 2006, §38)

In formulating concrete public policies, States should consider that all GCs contain rich guidance for the definition of policies for ECEC. For example, *GC No. 17 on Article 31, the right of the child to rest, recreation, play, recreational activities, cultural life and the arts CRC*, (2013), orients actions related to the *acceptability* and *adaptability* of early childhood education (Tomasevski 2004). The CRC is concerned by the poor recognition given by States to the rights contained in article 31:

Poor recognition of their significance in the lives of children results in lack of investment in appropriate provisions, weak or non-existent protective legislation and the invisibility of children in national and local-level planning have almost no reporting or developing public policies that guarantee the enjoy of these rights to all children. (CRC 2013, I)

While explaining the significance of article 31 in children's lives, it says that:

Play and recreation are essential to the health and well-being of children and promote the development of creativity, imagination, self-confidence, self-efficacy, as well as physical, social, cognitive and emotional strength and skills. (UNCRC 2013, III)

However, State parties do not always take this criterion into account when they develop policies or when they report to the CRC. GC No. 17 also reveals the importance of the human right to *culture*, and in this sense, it is essential to address *cultural literacy* within early childhood education – differentiated from the idea of *early childhood stimulation interventions* – by posing that it is a question of activating a process of *humanization*, offering children the knowledge, attitudes and skills that help them to organize the knowledge about the world, to be with others, to live in society, to build citizenship, to develop language and artistic creativity, etc.

(Mayol Lassalle 2016). It is therefore essential to note the pedagogical value of this GC No. 17, since it also addresses the *conditions* that promote access to the right to rest, play, recreational activities, cultural life and the arts, as problems that defy public policies and pedagogical practices.

In *GC No. 19 on the development of public budgets to give effect to the rights of the child (art. 4)*, the Committee (2016) proposes that:

(...) legislation, policies and programmes cannot be implemented without sufficient financial resources being mobilized, allocated and spent in an accountable, effective, efficient, equitable, participatory, transparent and sustainable manner. (UNCRC 2016, B)

However, in the Latin American Region, it is recognized that the investment in early childhood rights protection is insufficient, heterogeneous, has low financial relevance in proportion to the total public expenditure in each country, and also shows a high dispersion between countries. The main investment observed are those related to health, ECEC and in conditional cash transfers (CCTs) (IPE/UNESCO Buenos Aires et al. 2015).

Furthermore, despite the power of the concept of children as *rights holders* established by the UNCRC, and the valuable regulations of the right to ECEC, these guidelines seem to be insufficient for the development of regional public policies. Recent studies (Mayol Lassalle et al. 2018a, b) verify that laws also emphasize the responsibility of States to guarantee the exercise of the right to education from early childhood with different starting points: some from birth such as Argentina, Bolivia, Brazil, Colombia, Cuba, El Salvador and the Dominican Republic, and others from the ages of 3 or 4 as Costa Rica, Honduras and Mexico. Complementary laws for early childhood care are also developed within social and health governmental sectors. In other words, there are many normative bodies that affect practices and policies for ECEC. This variety of rules raises discontinuities and contradictions in the construction of governance, hampering the necessary articulations between areas and actors of the State: obstructing the efficient use of resources, sustainability, effectiveness and transparency of financing, as well as the construction of policies that comply with the principle of *integrality* of human rights.

There is also great heterogeneity in the identity, definition and practices of institutions, which affects their coherence with the principles emanating from the UNCRC. Additionally, public policies for ECEC are highly heterogeneous and fragmented: into sectoral or cross-sectoral sectors and different levels of government; in the basis of their practices; in the target population; in ages and ways of grouping children; in the profile of the adults in charge and in the formats of their proposals, schedules and calendars. Many policies have a partial scope: some are focused in a *welfare approach* aimed most of all to sectors in risk. Others are centred on *academic achievements* and *schooling models* for the oldest children. In social representations and policies for children, arguments, prejudices and practices associated with the old paradigms persist, based in the irregular situation doctrine, as well as an overlap and fragmentation of programmes. Therefore, proposals are either classically educational, or focused on social protection, while the *Educare* approach, proposed by the CRC (2006), is an exception.

The offer is also fragmented, so children aged 4–8 are often participating inside the educational sector, in public or private schools, while, the offer for children from birth to 3 is, in the Region, principally covered by social protection areas, community initiatives or private/market action. Despite the expansion of enrolment in the Region, inequalities of access persist; 5-year-old children, in households with high socioeconomic status, reach 30 points above the access of children from poorer homes (SITEAL- SIPI 2015). These inequalities increase in those aged from 3 to 4 years. It should be noted that the lack of reliable and enough information on access to the ECEC is widespread in the Region and prevents from knowing the real extent of the problem, especially the situation of children under 3 years of age.

One condition for accessibility to the right to ECEC is that it should be universal and for free. In Latin America, laws have established that early childhood education is mandatory: it is from 5 years old in Colombia, Costa Rica, Honduras and the Dominican Republic; 4 in Argentina, Brazil, Uruguay and Guatemala, and 3 in Mexico and Venezuela. These regulations have obligated States to invest resources in order to ensure coverage. Therefore, we can affirm that compulsory education has promoted the expansion of free and public educational offer. However, the private sector continues to actively participate in non-compulsory ages. Access is therefore strongly determined by the economic possibilities of families to finance it, which transforms education into a privilege for some, rather than a right of all children, particularly from birth to 3. Regarding the availability of the right to ECEC, it can be observed that there are still different obstacles: insufficient establishments and equipment, inadequate and unsafe building conditions, lack of regulations for their operation, partial normative for the implementation of legal registration and poor oversight systems.

## Inequity in Pedagogical Quality

Another challenge faced by the Region, is the inequity in *pedagogical quality*, conditioned, among other factors, by three major problems (Mayol Lassalle et al. 2018a, b):

- (a) *Lack of equity in the offer*: As already mentioned, proposals vary between those focused on the *most basic care* and *readiness for school* (both inadequate, per se). Low-quality is often correlated with experiences offered to children living in contexts of multiple poverties, so injustice is enhanced. Meanwhile, the most privileged children have access to educational opportunities at home and at schools.
- (b) *Inadequate pedagogical perspectives*: Not all the ECEC services apply pedagogies according with the rights and the needs of children, valuing play, different languages, art, cooperation, affection, creativity, self-confidence, autonomy, active learning and participation of children. There is an increase of perspectives focused on academic learning achievements linked to assessments, stan-

standardized learning proposals and tests and exams in Latin America, most of them driven by international organizations or private consultants.

- (c) *Insufficient and nonprofessional early childhood educators*: To guarantee the right to *Educare* it is necessary to have enough educators with adequate qualifications. In the Region, there are large disparities in teacher education and certification requirements. Professors and teachers with higher education are often recognized at work and better paid, but there are a lot of educators working in undignified conditions. Also, the number of children attended by each teacher (ratio) is also uneven. To ensure a comprehensive education, related to the rhythms and needs of young children in their development process, it is necessary to maintain an adequate ratio, which is not widely achieved.

## Conclusions

While acknowledging the progress in Latin America since the adoption of the UNCRC, it is still necessary to reorient and strengthen legal frameworks, public policies and practices for ECEC, from the human rights paradigm, taking the spirit and regulations emanating from this important pact.

The *legal frameworks* must be improved, facing contradictions and omissions in order to build a comprehensive and strategic structure for ECEC.

The *public policies* aimed at ECEC must:

- (a) overcome *fragmentation* to guarantee the principles of integrality and intersectorality. The articulation and coordination must be ensured among the different government sectors and the diverse territorial levels, building coherent, long-term policies and assuring the participation of families and communities. It is also necessary to tackle and articulate ECEC with children's right to health and food security.
- (b) reduce *inequity*, by ensuring free and universal access, for all children for birth to basic education, without discrimination. It will imply the creation of a variety of institutional formats and programmes, because children and their families live in different contexts and have diverse needs.
- (c) assure *quality*, which is an attribute of the right to education and a central dimension for its realization. This includes a wide range of actions, from investing in buildings, facilities and material conditions, to insuring professional, ethical and humanizing practices. To guarantee quality in ECEC, public policies concerning the educators, are a priority: States must attend their continuous education, fair remuneration, dignified work conditions and determine ratios, according to the age of children.
- (d) ensure *financing*: Public budgets should clearly raise the investment in ECEC. Throughout the region, a strong political decision is required to reorient public budgets towards the youngest, to overcome the current fragmentation, exclusions and inequities, prioritizing children deprived of their rights.

- (e) strengthen *research* on ECEC policies and practices: It is necessary to consolidate information systems and data collection, for the implementation and monitoring of policies and procedures, especially those focused on children from birth to 3. This will allow the development of solid diagnoses and contribute to the design of more informed public policies, adjusted to diverse realities and the child rights perspective.

To sum up, the debt to Latin-American early childhood is undeniable. It is essential that the States, stakeholders and societies, develop a strong system for ECEC, with new legal and political framework, implementing adequate pedagogical approaches and effective actions for social, cultural and political inclusion of children, as rights holders. In order to build a fair, peaceful and democratic world, all society must heed the ethical call of human rights of the UNCRC, demanding States to fulfil their commitments; but at the same time, all the communities have to hold the responsibility of the rights, life, well-being and happiness of the *newcomers*.

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# Chapter 3

## Child Rights in the United States: Dilemmas and Questions



Judith T. Wagner

**Abstract** Little scientific research has been done on child rights implementation or instruction at any level of education, preschool through university, in United States (US). Direct and unambiguous references to child rights are nearly invisible in American social, political, and educational discourses, though some related concepts, such as equality and inclusion, sometimes appear. The US remains the only United Nations Member State that has not ratified the Convention on the Rights of the Child (UNCRC). Despite strong emphasis on equality and rights in the country's founding documents, life circumstances vary dramatically for its children due to such well-entrenched factors as (1) primacy of state governance over national governance; (2) lack of far-reaching national child policies, regulations, and funding; (3) wide disparities in children's socioeconomic status, often correlated with significant, long-lasting disadvantages for racial and ethnic minorities; and (4) conflicting views about children's "place" in society, especially in relation to adults. From historical, political, and advocacy perspectives, this chapter examines child rights as a concept and as lived reality for American children. The chapter concludes with speculations about the potential for making child rights a higher priority in the US and, perhaps, someday joining the world community by ratifying the UNCRC.

*We hold these truths to be self-evident, that all men are created equal,  
that they are endowed by their Creator with certain unalienable Rights,  
that among these are Life, Liberty, and the Pursuit of Happiness.*

Thomas Jefferson, *Declaration of Independence*, 1776

The introduction to America's *Declaration of Independence*, adopted in 1776, states unequivocally that *all men* are created equal and that their rights are *unalienable*. The founders undoubtable chose the very strong word, *unalienable*, deliberately to make it clear that these rights must be viewed as absolute, inherent, immutable, unassailable, and undeniable – all synonyms for "unalienable." Not

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surprisingly for the times, though, these founding *fathers* were literally and exclusively talking about men, *white* men. Ironically, even as Thomas Jefferson penned these inspirational words about equality and rights, he was a slave owner, as were several other founders. According to noted historian Stephen Ambrose, Jefferson sometimes wrote about equality as a virtue; but, at the same time, he listed human beings – the people he enslaved – as his property. He disparaged black people and Native Americans as inferior and untrustworthy. He was virtually silent on equality for women, even when pushed on the subject. “Of all the contradictions in America’s history, none surpasses its toleration first of slavery and then of segregation” (Ambrose 2002, p. 2). (To Ambrose’s list of contradictions, we add the suppression of women and girls.) The founding fathers left the new country’s moral, racial, and equality dilemmas for future generations, creating the landscape for contemporary discussions about child rights in the United States (US).

Life circumstances vary dramatically for today’s children in the US due to such well-entrenched and interrelated factors as (1) primacy of state governance over national governance; (2) insufficiently far-reaching, rights-based, national child policies, regulations, and funding; (3) wide disparities in children’s socioeconomic status, often correlated with race, ethnicity, and gender; and (4) conflicting views about children’s “place” in society, especially in relation to adults.

*On average*, American children do not suffer hardship to the same degree as children living in abject poverty without basic necessities for survival. *On average*, they are more privileged than most children around the world. However, these averages mask the realities for American children on the misery side of average. Recent global comparisons (described below) rank the US behind other developed countries on key indicators of child wellbeing. Child rights in the US must be examined within the long-standing context of broad disparities in wealth, food and housing security, access to affordable medical care and childcare, and educational outcomes – all reflecting the historical contradictions between the country’s stated aspirations and its realities.

Two related, deeply ingrained, and rarely scrutinized premises in the American psyche also contribute to the variation in life circumstances and, therefore, affect the rights of children. First, equal *opportunity* is frequently trumpeted as a hallmark of American democracy, while actual, lived equality is not a reality. Second, there is wide, if tacit, acceptance of the premise that there will inevitably be “haves” and “have nots” in American society. This phenomenon is typically explained away as a function of a capitalistic system, combined with individuals’ willingness to put forth the energy and initiative required to make the most of the (supposedly) equal opportunities bestowed on them at birth. These premises lurk just under the surface of quintessentially American folk wisdom about “pulling oneself up by the bootstraps.” In contemporary vernacular, this means to lift oneself up through one’s own efforts. In the context of conservative political discourses, however, the saying means to succeed through self-reliance, without burdening others, especially the government. It is sometimes a subtle (or not-so-subtle) reference to stereotypical and derogatory ideas about the “laziness” of racial and ethnic minority groups who, according to this viewpoint, could do as well as “everybody else” if they just tried

harder – with “everybody else,” in this case, being the White, middle class (see Bologna 2018). The premise applies to children when it appears as text or subtext implying, without regard to their life circumstances, that certain children or groups of children could do better if they and their parents just put forth more effort.

*Equal opportunity* is not the same as *equal life*, the much higher, aspirational, rights-based goal evident in many advanced societies, and highlighted especially in the Nordic social welfare states (see Wagner et al. 2019; Wagner and Einarsdottir 2008). Equal opportunity, a myth from the start, inevitably results in “haves” and “have nots.” As long as large numbers of adults accept these presumptions as inescapable truths, American children will continue to experience inequality in the realization and exercise of their rights to protection, provision of goods and services, participation in matters that affect them and to develop to their full potential – all principles enshrined in the United Nations Convention on the Rights of the Child (UN 1989).

## Global Perspectives

According to international studies, actualization of child rights in the US ranges from satisfactory to failing, with variation largely a function of the comparison group and ranking criteria. For example, a global ranking system called the Realization of Children’s Rights Index (RCRI) (Humanium n.d.) uses data from respectable sources to rank countries on child mortality, education, poverty, rights, and freedoms, among others. RCRI consistently ranks the US in the “satisfactory” category, while also making this incongruous statement: “American children’s rights are adequately protected, but considerable problems still exist regarding health care, child abuse, juvenile law, etc.” (How can children’s rights be *adequately* protected when there are still so many problems?)

Additionally, Save the Children International’s *End of Childhood Index* (2019) compares 172 countries on poverty, health, nutrition, education, gender gaps, discrimination, and early marriage indicators, among others. The report indicates that at least six million American children live in “deep poverty” in the US (p. 7), infant mortality rates among indigenous populations are about 40% higher than the national average, and more than 200,000 child marriages took place between 2000 and 2015, involving girls as young as 12 from all walks of life (rural and urban, poor and wealthy, migrants and non-migrants, religious and non-religious) (p. 24). The report concludes:

The United States, Russia, and China may well be the three most powerful countries in the world – in terms of their combined economic, military, and technological strength and global influence – but all three badly trail most of Western Europe in helping children reach their full potential. (Save the children 2019, p. 3–4)

Similarly, in UNICEF’s assessment of 29 economically developed countries (2013), the US ranked in the bottom five along such rights-related dimensions of children’s wellbeing as material circumstances, health, safety, risks, housing, and environment.

In other words, in spite of significant problems, the US generally receives average or satisfactory rankings in global comparisons but failing grades in a comparison with other economically developed countries. It is important to note that these studies often rely on averages from aggregated data that do not fully account for children's age, sex, geographic location, socioeconomic status and other situational variables. Therefore, they do not present a complete picture of rights as American children experience them in their daily lives. In any case, however, there is no reasonable justification for child rights to fare so poorly in the world's richest and most powerful country, regardless of the comparison group or assessment criteria.

## **Historic Perspective on Child Rights: Has Much Changed in a Hundred Years?**

With few exceptions, child rights perspectives are far from center stage in current political, social, and educational discourses in the US. This is nothing new. In 1892 noted American author and educator, Kate Douglas Wiggin, wrote: "The subject of Children's Rights does not provoke much sentimentalism in this country" (p. 3). She went on to say that adults equate child rights with the privileges children enjoy, even if these privileges amount to little more than basic life necessities and slightly better conditions than the previous generation experienced. In Wiggin's view, children recognize that adults block their access to their inherent rights and that justice is the price they pay for it. She wrote

A multitude of privileges can exist [for the child]...with a total disregard of the child's rights...The child might say, "I will forego my privileges, if you will only give me my rights... please, more justice!". (Wiggin 1892, p. 4)

Historically, views about the child's place in society vis-à-vis adults were evident in familiar expressions like, "children should be seen and not heard." While this refrain is rarely spoken aloud these days, parental authority remains a lynchpin in American public policy and law, often pushing child rights perspectives to the back burner, if not clear off the stove.

### ***Legal Context***

"The US does not have a comprehensive set of federal laws or any uniform statutory framework for child rights; rather, provisions on children's rights are scattered across several state laws" (Child Rights International Network 2018). Although some strong federal laws deal specifically with trafficking, adoption, and the education of children with disabilities and special needs, national laws generally provide guidelines and restrictions on how states can spend federal funds. They are not

policy directives per se. Through these funding statutes, the national government shapes public policy at state and local levels.

As a result, the delivery of child welfare services—which includes child protective services, family support services, foster care, kinship care, dependency and termination proceedings, guardianships, adoptions and adoption support—involves a complex interweaving of federal and state laws (Greenburg 2017).

The country's founders emphasized the primacy of state's rights over national governance. This, along with the lack of strong, national child policies, leads to dramatic differences in children's life circumstances from state to state and even among local jurisdictions within states. For instance, only a few states provide government-funded preschool for all children (called universal pre-K). Additionally, across the US, preschool teacher qualifications range from high school diplomas to bachelor's degree. Within some states, qualifications also vary between program types (e.g. state funded, private non-profit, private for-profit, church sponsored, home-based, etc.). These variations result in further inequities among children even before they are old enough to enter the public-school system around age 5.

Disparities in socioeconomic status create hurdles for millions of American children, potentially impeding them from birth throughout the life course. Depending on the data sources and their criteria, in 2018 between 16% and 20% of America's children lived below the poverty line, as identified by the national government. Poverty in the US is highly correlated with race and ethnicity. For instance, the 32% of black children, 31% of American Indian, and 26% of Hispanic/Latino children lived in poverty, compared to 11% of White children (Kids Count Data Center 2019). By other calculations, one in every six children lives in poverty and 2.5 million children a year experience homelessness. Approximately 11% of American households experience food insecurity (PovertyUSA.org 2019). Children living in rural areas experience higher rates of poverty than do children in urban areas.

### *Opinions on Child Rights*

Personal and political opinions on children's rights vary broadly in the US. Some insist that children's rights are as central to America's founding principles, core values, and constitutional guarantees as are the rights of all other citizens; and, therefore, there is no need to highlight them or segregate them in public policy. Others argue that children's rights are nearly invisible in America's national, state and local policies, and, perhaps, in the public consciousness as well; and, therefore, they are rarely in the foreground of daily practice in home, school, community, or legal settings. Still others argue that children under 18 years of age are not entitled to any rights other than those their parents bestow upon them. Regarding this last perspective, Wiggin again foreshadowed an idea with staying power. In a section entitled, 'Who Owns the Child?' she described how the primacy of parental authority frames the entire question of child rights in the US: "If the parent owns the him,

we must adopt one line of argument; if, as a human being, he owns himself, we must adopt another” (Wiggins 1892, p. 5). Echoes of this argument reverberate in the decades-long resistance to ratification of the UNCRC.

## The US and the UNCRC

### *History*

Wiggin’s (1892) prophetic statements about lack of interest in children’s rights in the US, primacy of adult authority, and children’s awareness of restrictions on their rights came three decades before the League of Nations adopted the first child rights declaration, the *Geneva Declaration on the Rights of the Child*, and six decades before the UN added language about children’s right to identity, a family, education, and freedom from discrimination. Wiggin made her visionary observations nearly a century before the UN adopted the UNCRC in 1989.

Only one UN member state has not ratified the CRC – the United States of America. The failure of the US to join the world community by ratifying the UNCRC is, in many ways, quite shocking. During more than a decade of negotiations over its content, the US “influenced nearly every substantive provision and proposed more articles – on freedom of speech, association, assembly, and privacy – than all other governments combined” (Human Rights Watch 2009).

The UNCRC is not a “self-executing” treaty, meaning that national governments must take legislative action to ratify it before implementation. Largely as a symbolic gesture, the US signed the UNCRC in 1995, but no US president from either major political party<sup>2</sup> has ever brought it to the Senate for ratification, either because he did not believe the US should become party to the treaty or because he knew it would not receive enough votes in the Senate.

To date, US ratification of the UNCRC has always been a longshot. The US is generally reluctant to become party to multinational treaties due, in large part, to concerns about sovereignty. The UNCRC has little political cachet because, among other reasons, it is not a priority among major donors who fund political campaigns. Additionally, only a few nationally prominent figures have consistently pushed the child rights agenda. Notable among them are Marian Wright Edelman, founder of the Children’s Defense Fund; Hillary Rodham Clinton, who began working for children’s rights in the early 1970s; and a few big-name movie stars.

Support for the UNCRC among teachers and their unions has been effective in many other countries, including Sweden, Iceland, and Norway where the treaty has been codified into national law. However, in the US, there has been little sustained or systematic advocacy by teachers or their unions. Judging from their websites, the three strongest teacher unions have little or nothing to say about the UNCRC and few direct references to child rights, though they do mention rights-related ideals, such as equality, inclusion and diversity. A similar pattern is evident throughout the

country in school mission statements where child rights are rarely mentioned directly. The treaty's strongest and most persistent advocates are predominately from the lower-paid and loosely organized early childhood sphere.

### *Legal Context*

The US Constitution and Bill of Rights include broad human rights provisions that can be seen as equivalent to those in the Universal Declaration of Human Rights from 1948 and more recent international human rights treaties, especially in the area of political and civil liberties. Additional rights protections have developed through Supreme Court decisions and Congressional actions, including laws prohibiting discrimination based on race, gender, religion and disability (The Advocates for Human Rights [n.d.](#)).

From the 1970s onward, several lines of inquiry emerged among a handful of legal scholars regarding child rights in the US, including children's limited status under the law, their competence to participate in personal decision making, and the weight of their rights vs. parents' rights in resolving legal disputes (Lindsey and Sarri [1992](#)). As Hillary Rodham (later, Clinton) argued decades ago, the goal remains to further transform existing legal rights into enforceable rights, with children's needs and best interests at the center (Rodham [1979](#)). Enforceability – or, more to the point, determination to enforce at all – is key, with and without the UNCRC. As just one example, underage sex trafficking remains a major part of the illicit underground economy in several large cities, including San Diego, California (Carpenter and Gates [2016](#)), even though US law strictly prohibits child trafficking and the US has ratified the UNCRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. In recent years sustained energy around children's rights has perhaps been most palpable in the legal realm regarding child abuse, privacy, adoption, and disabilities.

Despite unwavering efforts by a few organizations, the overt push for ratification by US-based professional groups and advocacy groups ebbs and flows with political realities and with prioritization of other immediate issues. Since 2009 advocates have focused on domestic priorities, such as affordable health care and child care. However, America's treatment of migrant, refugee, and asylum-seeking children captured the world's attention in 2018 after news reports of children, including babies, living in cages after being separated from their parents at the US-Mexico borders. In addition, 20,000 unaccompanied children entering the US were apprehended in spring 2018 by government authorities and their affiliates (Sharp [2019](#)). Many of these children were detained in overcrowded, cage-like enclosures in violation of US law and international human rights treaties.

According to US law on irregular migration (called *illegal* immigration in the US), unaccompanied and separated children are supposed to be detained under established timelines and humane conditions. However, these provisions were clearly insufficient to protect children in the 2018 migration wave, The Congressional



Research Service (2019) reported that as many as 3000 family separations resulted from President Donald Trump's zero tolerance immigration policy, under which the government would criminally prosecute all adults caught crossing the border illegally, with no exceptions for those with minor children. As parents were sent to federal criminal detention, their children were often placed in over-crowded detention centers or whisked away to undisclosed locations to wait for placement in licensed group settings or foster homes.

Furor over treatment of children at the border led to several executive orders from the president, as well as ongoing court battles, resulting in an often-changing variety of conflicting and/or unrealistic policies and strategies. For example, one presidential order claimed it would end family separation even though suitable facilities would not be available in the foreseeable future. In addition, a federal court mandated that separated children be reunited with their families promptly, a task that proved challenging due to poor record keeping about the children's identity and whereabouts, as well as difficulties in verifying familial relationships necessary for reunification.

As with most child rights matters in the US, opinions about child detention and family separation vary considerably. The Trump administration and advocates for strict immigration enforcement argue that border separations are similar to what citizen children experience when their parents are sent to jail in the criminal justice system. Besides, some contend, these are not *American* children, so their plight is neither our fault nor our obligation to rectify. On the other hand, immigrant rights advocates point out that "migrant families are fleeing legitimate threats from countries with exceptionally high rates of gang violence" so family separations "are cruel and violate fundamental human rights" (Congressional Research Service 2019, p. 1).

One can argue that these horrendous situations for children and families could have been avoided if child rights had been more central to American political discourses and public consciousness when the immigration wave occurred. The situation remains fluid, with no permanent solution in sight for future immigration spikes.

## *Pros and Cons*

Even rights-friendly policymakers often question whether the UNCRC would be the most effective way to promote and protect children's rights. Concerns about state's rights have also been voiced repeatedly because "perhaps more than other human rights treaties, CRC addresses areas that are usually considered to be primarily or exclusively under the jurisdiction of state or local governments, including education, juvenile justice, and access to health care" (Blanchfield 2013).

Over the years, campaigns against the UNCRC by far-right political and religious organizations have remained energized, but consistently fraught with misinformation. The most outlandish arguments suggest that ratification would diminish national sovereignty by superseding existing federal and state laws. Another



frequent concern is that UNCRC would dictate how parents should raise and discipline their children, undermining parental authority and ultimately enabling children to speak impertinently to adults, access objectionable media content, associate with undesirable people, and leave the family church in favor of another religion. These arguments indicate a lack of knowledge and understanding of UNCRC articles on children's right to freedom of expression and access to information (article 13), freedom of association (article 15) and freedom to manifest one's religion of beliefs (article 14). The arguments ignore UNCRC's strong emphasis on parental rights and responsibilities and repeated statements about governmental obligations to respect the rights and duties of parents and to consider the age and capacities of the child (e.g. articles 3, 5, 12, 14). They also ignore the ability of all signatories to the UNCRC to enumerate reservations, understandings and declarations (RUDs) laying out how and to what extent the US would interpret and apply provisions in the treaty.

Professional, advocacy, and watch-dog organizations, such as the National Association for the Education of Young Children (NAEYC), OMEP-USA, the World Forum Foundation, the Children's Defense Fund and the Campaign for Ratification of the Convention on the Rights of the Child, led the call for ratification in the early years, while keeping an eye on the next national elections in hopes of more ratification-friendly legislators. Both OMEP-USA and the World Forum Foundation feature child rights prominently on their websites, publications and presentations. These organizations have also sponsored various grass-roots child rights projects to inform parents, teachers, and children about child rights, in general, and the UNCRC. The Children's Defense Fund website provides information to assist voters in understanding the implications for America's children of various policy proposals by government entities and political candidates.

## Conclusion

As the most powerful democracy in the world, the US falls short of its leadership potential and obligations when it comes to children, as evidenced by its poor performance on international child rights rankings. UNCRC advocates are left with this sad truth: "The United States' failure to ratify the Convention on the Rights of the Child is an embarrassment. It damages the US's reputation as a human rights leader and undermines its ability to improve the lives of children around the globe" (Human Rights Watch 2009).

Assertions about widespread support for UNCRC principles (e.g. Blanchfield 2013) seem more like wishful thinking than reality, given the absence of child rights perspectives in public, political, and educational discourse, as well as scant evidence that the topic of child rights is well represented at any level of education, from preschool through graduate professional programs in education, social services, political science, or health and mental health sciences. However, some stalwart individuals and groups power on in hopes of bringing child rights from the sidelines

toward the center of the American consciousness and conscience. Even if UNCRC ratification remains a longshot, American children's ability to exercise their fundamental rights must not be.

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# Chapter 4

## Implementation of the Rights of the Child at the Level of ECEC Institutions: Policies and Practices in North Macedonia



Alma Tasevska

**Abstract** To implement the recommendations of the UN Committee on the Rights of the Child (CRC), the Government in North Macedonia adopted a decision establishing a National Commission and drafting the National Action Plan on Children's Rights. Significant activities of the Commission which should be implemented according to the National Action Plan on Children's Rights are the following: Initiative for amendments to the Law on Trade and the Law on Catering Activity; Preparation of a brochure on children's rights: Creating a simulative environment and providing an open floor for talking to children about their rights (for pre-school aged children which are part of the ECEC institutions, and for I, II and III grade primary school children), which the Commission published and distributed to all ECEC institutions. From the aspect of the practice, ECEC institutions have the opportunity to create their own program which can increase the capacities for implementation of the United Nation's convention on the rights of the child.

With a view to enhancing the trust and advancing the cooperation between the Government, ECEC institutions and citizen's associations, the Strategy on Cooperation was adopted, accompanied with an Implementation Action Plan. The Strategy sets forth seven mutually connected strategic goals, which support the cooperation with, and the development of the civil sector. Participation of the civil sector in the policy design is an especially important area in this respect.

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## ECEC Contexts in North Macedonia

Around 136,650 children are below the age of compulsory education in the Republic of North Macedonia, but only about 36,000 of them have access to early childhood services. Given the importance of early childhood education for the country's economic growth and social wellbeing, the government has prioritized increasing enrolment of children 3–6 in quality and inclusive pre-school education programs as reflected in the Employment and Social Reform Programme and the Comprehensive Education Strategy 2018–2025 (Ministry of Education and Science 2018).

The care and pre-school education of children below the age of compulsory education have been positioned high on the agenda of European policies since 1993, where the more recent documents of the European Commission show that investment in this segment is important for ensuring respect for children's rights, opportunities for equal access to education and quality social cohesion (Council of the European Union 2011).

In the European region, 95% of the children at the age between 4 and 6 years are foreseen to participate in any form of pre-school education, by 2020 (Council of the European Union 2011). According to an OECD Report (OECD 2015), more and more countries in the region are getting closer to this standard by introducing comprehensive systems for monitoring the scope and quality of these services.

According to data provided by MLSP, in the Republic of North Macedonia, in 2016 the total number of children in institutions for care and child development – kindergartens/centres for early childhood development – was 27,468, which is an increase by 1% compared to 2015. Despite the positive trend of increased coverage, this percentage is low compared to countries in the European Region (Table 4.1).

During the past years, the Ministry of Labour and Social Policy (MLSP) in partnership with UNICEF, through its activities has articulated its commitment for reforming the system for early childhood development and pre-school education in the light of increasing the coverage and enhancing the quality of these services.

**Table 4.1** Pre-school enrolment rate (Ministry of Labour and Social Policy)

Year	Children age 0–6 enrolled in all types of pre-school institutions	Coverage in %
2009	22,832	16
2010	23,083	16.9
2011	25,527	18.6
2012	27,308	19.5
2013	29,752	21
2014	30,329	21.5
2015	30,409	18
2016	27,468	19
2017	33,126	20
2018	36,169	2.5
2019	36,331	27

The early childhood education and care system is heavily geared towards urban, densely populated areas and to working parents. The urban enrolment rate is over six times higher (37.2%) than in rural areas (5.9%) (Ministry of Health et al. 2011). Of 80 municipalities in the country, 15 have no facilities and offer no ECEC provision. The ECEC system is seen to reinforce inequalities between poorer and wealthier areas and population groups. In 2013, only 0.3% of children from the poorest quintile benefited from ECEC, in contrast to over half (55.9%) of the wealthiest children (World Bank 2015a). In addition, in 2016, the proportion of 0–5-year-old children in kindergartens was about 32% for the East and Southwest regions, but only 8% for the Northeast region (World Bank 2018).

Parents pay user fees, approximately 32 USD/month to cover costs of meals in kindergartens. Children who attend facilities for less, for example attending 5 days per month, than the provided period of care and education pay no fees. Although affordability may be a barrier for low income families, there is no evidence that cost is a deterrent factor. Nevertheless, in order to promote equity in access, the Government has decided that as of March 2018, single parents do not need to pay for ECEC services.

Reasons for not enrolling in ECEC facilities seem mainly demand-sided, as parents/guardians consider that children aged 3–5 years are too young to attend pre-school. Approximately, 96% of 3–5-year-olds who don't attend pre-schools do so because they are considered too young by their relatives. This behaviour is found both in rural and urban areas (World Bank 2018).

Despite these attitudes, given the lack of facilities, neither user charges nor parent attitudes affect the high demand for places. On the contrary, 13% of the providers report that they cannot accept any new children and a further 50% already have children on waiting lists (World Bank 2015a). In the Republic of North Macedonia, in 2018 there were 66 public kindergartens, distributed in 55 municipalities and situated in 273 facilities (which means that one kindergarten has a main building and additional several buildings in the neighbourhood) (MLSP 2018). Of 66 public kindergartens, 17 are in the territory of the City of Skopje. The fact that the 17 kindergarten has been established in the City of Skopje as a city with biggest population in North Macedonia, means that they work with more children than the prescribed capacity. At the same time, a strategy should be developed for increasing the utilisation of capacities of public kindergartens which are located out of Skopje and expanding the network, thus providing access to some other alternative forms of pre-school education and care in rural areas and smaller towns (World Bank 2015b). This does not necessarily imply construction of new facilities, but utilisation and adjustment of unused existing facilities.

The lack of facilities and other spatial conditions in rural areas have direct impact on the possibility for increasing the coverage of children from rural areas. Organisation of education programme in rural areas within the existing kindergartens (small and medium-sized kindergartens) would ensure better utilisation of the staff. This means that instead of creating groups in urban areas so as to retain the staff, some of the current staff could work with groups in rural areas, which will provide for better coverage of children with pre-school education from smaller municipalities.

At the same time, organisation of education programme for pre-school children in other spatial conditions creates opportunities for utilisation of existing unused capacities of schools or other municipal buildings (World Bank 2015b). Hence, the access to kindergarten/school will improve the conditions and quality of life in smaller towns and villages in the Republic of North Macedonia. Opening kindergartens and providing opportunities for pre-school care may also have impact on the economic conditions in municipalities. Having someone to care for children below the age of compulsory education creates opportunities for parents to seek work more actively and/or opportunities for mothers to engage in some additional activity in addition to upbringing children.

In 13 out of 60 municipalities in the Republic of North Macedonia, there is no form of public institution for early childhood development whatsoever. This imbalance in distribution of kindergartens indicates that the existing system does not provide opportunities for equal coverage of pre-school children at the age of 0–6 years on the level of the Republic of North Macedonia. The system supports and stimulates only the municipalities where there have already been established institutions for early childhood development, which leads to neglecting the remaining municipalities (World Bank 2015a).

It is necessary to build facilities that will ensure greater coverage of children in the early childhood education and care system. This implies construction of new and adaptation of alternative spatial conditions, providing relevant didactic materials and strengthening the human resources in these institutions.

As part of the overall education system of the Republic of Macedonia, ECEC has the goal of providing education and care to children from their birth until they enter primary education (the age of 6). The existing structure of ECEC makes a clear distinction between provisions for children from birth to the age of two (nursery), and for children from the age of three until the start of primary education (pre-school). The focus of the former component is on care, while of the latter the focus is on care, early learning and stimulation. Early child education and care have been part of the child protection system and is governed through the Law on Child Protection (MLSP 2018). The country has established many elements of a strong pre-school education system, including professional requirements for educators, and service delivery and infrastructure standards. This is in line with some of the key principles of the European quality framework for early childhood education and care (European Commission 2014).

In the last decade, projects, strategies and action plans (for increasing the quality of preschool education and care), in fact has failed in the Republic of North Macedonia from various aspects which threaten the implementation of the Rights of the Child. Analyses by UNICEF show that "It is evident that there is no systematic gathering of data for quality assurance in ECEC" (UNICEF 2018, p. 5). The report of the European Commission on North Macedonia (2019) states that the country should in particular improve access to quality education for all, in particular preschool enrolment, children with disabilities and children from Roma communities. The Council of the European Union (2019) underlines the importance of positioning tracking and evaluation of quality as central aspects of preschool education, which

furthermore is in the best interest of the child. To encourage active participation of all participants engaged in improvement of quality through processes of tracking and evaluation is emphasized. Promotion of transparent and balanced procedures and tools for self-evaluation, as well as questionnaires and guidelines for observation within the framework of quality management are also recommended, on the level of the system, institution, preschool group and each child individually. Therefore to conclude, it is necessary to establish a strong analytical system in North Macedonia, which can provide evidence based ECEC policy and practices, well aligned with the implementation of the Rights of the Child.

## **ECEC Workforce in Republic of North Macedonia**

Currently, there is a total of 3347 managerial and professional staff such as educators and caregivers in charge for provision of core early childhood education and care services. Of which 207 directors and specialists such as pedagogists, psychologists, social workers, special educators, logopedics, physicians or dentists, 74 are professional associates, 1857 caregivers engaged in child care in pre-school institutions, and 1209 educators engaged in learning activities in pre-school institutions and 1364 persons responsible for administrative and auxiliary-technical issues.

These are regulated professions meaning that there are official educational and qualification requirements to become a pre-school caregiver or educator. The existing legislation (MLSP 2018) provides for employment of caregivers with completed secondary education, without relevant vocational training for working with children at the age of 0–6 year. Hence, there is a need for establishing Pedagogy and Medicine Studies intended for caregivers in kindergartens.

A recent report shows that in our country, there is a lack of fully equipped teams in the professional services in kindergartens (Ministry of Labour and Social Policy and UNICEF 2018). The report states the following:

It is necessary to emphasize that only in a small number of kindergartens in the Republic of North Macedonia there are expert associates and professional services, or at least one professional member in this type of service, whereas in the remaining kindergartens (majority of them) such professional teams do not exist, which can be considered as an anomaly in the natural process of programme implementation. This remark should be taken quite seriously, and efforts should be made to overcome this situation and equip the kindergartens with professional teams. (MLSP and UNICEF 2018, p. 8)

The legislation defines the types and qualifications of various professionals and ancillary staff comprising the ECEC workforce, with responsibilities for: *management* of facilities and standards of provision, *educational work* – teaching; *care* of children, *specialist professional support* to staff (pedagogue, psychologist, and music pedagogue), and administrative and other support (hygiene, meals, and administration).

Next to pre-service qualifications, personnel working in pre-schools have the right and obligation to continuous professional development, which covers general



topics and topics specific to Early Learning and Development. However, employees do not have equal access to professional development and up to this point, in-service training has mostly been implemented, in collaboration with UNICEF and other partners. There is no system for career advancement and there is a lack of organized orientation and professional support to novice pre-primary teachers.

The quality of staff has also been promoted through the licensing of staff, which however mostly focuses on theoretical knowledge, indicating that the licensing model needs a revamp to guarantee a high-quality workforce supply.

Regarding the working conditions, the child/staff ratio is imbalanced, particularly in larger towns, which affects the possibilities for intense interaction with the children, especially those in need of special education support. Recruitment of new staff in the ECE institutions is underway. Since October 2017, the salary of pre-school personnel has been increased and regularly adjusted as one way to make this job more attractive. The existing legislation provides for employment of caregivers with completed secondary education, without relevant vocational training for working with children at the age of 0–6 year. Hence, there is a need for establishing Pedagogy and Medicine Studies intended for caregivers in kindergartens.

## **Policy Contexts on Children's Rights in North Macedonia**

One of the key factors for enhancing the quality of pre-school education and care is the curriculum for kindergartens. In the Republic of North Macedonia, the educational activity in kindergartens and centres for early childhood development is based on two key national documents: *Curriculum for early learning and development* (MLSP 2014a, b) and the accompanying document *Standards for early learning and development of children from 0 to 6 years of age* (MLSP and UNICEF 2009).

The curriculum for early learning and development was adopted in 2014 by the Bureau for Development of Education under the Ministry of Education and Science of the Republic of North Macedonia. The curriculum is based on humanistic, pedagogical and psychological processes in treating a child's personality and promotes a holistic approach in early learning and development of pre-school children. As a programme document, the curriculum gives recommendations for learning by playing, continuous interaction among children, stimulation of research processes, solving various problematic situations, as well as stimulation of motoric, language, cognitive and socio-emotional skills. The curriculum relies on several principles, such as: equal opportunities and respecting the differences among children, multiculturalism, democracy, playing as a dominant activity and principle of connecting with the reality, active learning and stimulation of various ways of expression, harmonisation with age characteristics, principles of individuality, completeness and integrity, openness of educational process, monitoring and stimulating the children's development, developmental and process approach, critical evaluation, as well as continuous professional development of educators.

The curriculum also provides directions for daily organisation of time, the role of the educator, cooperation with parents, and spatial conditions required for delivering the curriculum. The implementation of the curriculum is based on the holistic approach, but the content structure is segregated in the following domains: access to learning, socio-emotional development, language and communication and development of literacy, cognitive development and acquiring general knowledge.

The curriculum (MLSP 2014a, b) is based on the Early Learning and Development Standards (ELDSs), which define what children from birth to age 6 should know and be able to do across a range of developmental domains, including physical health and motor development; socio-emotional development; development of approaches to learning; language development, literacy and communication; cognitive development and general knowledge acquisition. No special programs address or target vulnerable groups.

Standards of facilities regulate the organization of space and number of children in the kindergarten groups. Although not directly addressing teacher-child ratios, they should, at least limit the number of children in a group, which increases progressively in proportion to the age of the children, ranging from maximum eight children (in the age group below one year) to maximum 25 in the final year before transition to primary school. However, given the high demand for places, especially in dense urban areas, these numbers are reported to exceed 35, adversely affecting quality of care and learning (MLSP 2014a, b).

## Cross-Departmental Cooperation

In line with the *Law on Child Protection*, the main document on ECEC in the country, the primary responsibility for ECEC is in the hands of the Ministry of Labour and Social Policy (MLSP). MLSP regulates and ensures adherence to prescribed requirements (e.g. on infrastructure, heating, hygiene, etc.) as well as the care and organisation of the work of pre-school institution in cooperation with municipalities. The educational part falls under the Ministry of Education and Science (MoES) and the Bureau for Development of Education (BDE) that ensure the competence of employees and the relevance of curriculum.

The Ministry of Labour and Social Policy (MLSP) is entrusted with policy making and monitoring of the overall system of child protection. The MLSP is involved in the procedures for establishment of childcare facilities and services; it coordinates the licensing of pre-school staff, keeps a database of all kindergartens and inspects the respect of the rules, etc. The Ministry of Education and Science (MoES) and its affiliated/subordinated institutions, such as the Bureau for Development of Education (BDE) or State Education Inspectorate (SEI), are mainly involved in relation to the design and implementation of the standards and programmes for early child development and education as well as for teacher professional development. The Ministry of Health (MH) is responsible and competent for the health care part (Table 4.2).

**Table 4.2** Division of responsibilities (MLSP and UNICEF 2013)

<i>Ministry of Labour and Social Policy</i>	Supervision of professional work related to implementation, care, upbringing, stay, care and nutrition, and measures and activities for leisure and recreation.
<i>Ministry of Education and Science</i>	Supervision of educational activities
<i>Ministry of Health</i>	Supervision of health care.

The coordination between these institutions has improved recently, however, it is not clear which mechanisms are in place to ensure efficient and effective coordination. *The Strategy for Education (2018–2025)* notes that responsibilities of different structures responsible for the pre-school education system, are overlapping. Thus, the process of monitoring and quality assurance in pre-school education, as an essential factor for enhancing the quality in this sub-sector, is not systematic and structured. This is a result of the segregation of competences among several institutions, that is, several relevant ministries.

Child progress is monitored through teacher-compiled child development portfolios, assessing achievement of required outcomes defined in the ELDS by documenting the child's strengths, abilities, and interests. Its purpose is to help teachers individualize their approach to delivering the program and to ensure transfer of information on school readiness to primary school teaches, as well as alert to possible developmental delays. However, there is no evidence of the effectiveness of this approach, nor of the impact of the introduction of the ELDSs, making it difficult to identify positive developments or shortcomings.

In the Republic of North Macedonia there is no coordinated system for monitoring and assessing the quality of work of kindergartens and centres for early learning and development. There are overlapping of competences and jurisdiction between all involved institutions. Hence, the pre-school education should provide a clear picture of the level and type of competence of each institution, with a precisely defined Programme document of quality assurance, and protocols for operation that will produce outcomes from the monitoring and quality assessment (UNICEF 2018).

Given the positive effects of pre-school education and care on all the children, in particular those from vulnerable groups, several initiatives have been implemented for promotion of diversity and multiculturalism (Ministry of Education and Science 2018). Introduction of inclusive practices in kindergartens is hampered by the limited accessibility of pre-schools, shortage of places and insufficient preparedness and support to teachers to work in an inclusive way. Furthermore, parents are recognised as potentially important partners in the practice of pre-school institutions. Parents are members of the executive boards, various activities are carried out in order to strengthen the involvement of parents, and parent counselling services have been introduced in some kindergartens.

## Overview of the Report to the Committee on the Rights of the Child (CRC)

In the Republic of North Macedonia, there is a lack of data regarding the UNCRC. Official information are included in the latest report (Ministry of foreign affairs, Republic of North Macedonia 2019), which cover the period from 2010 to 2018. The report was prepared in pursuance with the CRC Treaty Specific Reporting Guidelines regarding the form and content of periodic reports to be submitted by States Parties, under Article 44, paragraph 1(b) of the UNCRC (CRC/C/5), adopted by the Committee at its 65th session (13–31 January 2014). The report contains answers to the Concluding Observations of the CRC (2010, CRC/C/MKD/CO/2).

The following institutions were involved in the preparation of the report:

- Ministry of Labour and Social Policy (MLSP),
- Ministry of Justice (MoJ),
- Ministry of the Interior (MoI),
- Ministry of Education and Science (MES),
- Ministry of Defence (MoD),
- Ministry of Health (MH),
- State Statistical Office.

The following text will analyze the main aspects which are included into the policies and practices level according to the report of the UNCRC at the level of ECEC in North Macedonia.

### 1. Definition of child in context of ECEC

According to Article 19 of the Law on Children Justice (Official Gazette No. 148/ 2013), a child is any person under the age of 18.

### 2. Non-Discrimination

The non-discrimination principle has been incorporated in Article 8 of the new Law on Children Justice (Official Gazette No. 148/13). According to Article 8, in the application of the Law, courts and other institutions shall respect and ensure the rights of the child without any discrimination on grounds of sex, race, colour of skin, gender, belonging to a marginalized group, ethnic affiliation, language, nationality, social origin, religion or religious belief or on any other grounds set forth in law or in a ratified international treaty.

### 3. The best interests of the child

According to Article 3 of the *Law on the Protection of Children* (Official Gazette No. 23/13.), children are protected by ensuring the exercise of their rights, and by applying various forms and means of protection. According to Article 9 of this Law, protection is to be provided by parents, the family, guardians and foster families, as well as by institutions for children, educational, social, health care and cultural institutions and their professionals, central state institutions and units of local

self-government, organizations and other natural and legal persons, whose activities are related to providing support and assistance to children. The principle of the best interests of the child has been incorporated in all legislative, strategic and administrative documents and procedures relating to children.

#### **4. Right to life, survival and development**

According to Article 10 of the North Macedonian Constitution: The death penalty shall not be imposed on any grounds. With a view to ensuring to the greatest extent possible the survival and proper development of children, the state provides for special care and protection of the family, motherhood, children, children without parents and children without parental care. The Constitution sets forth parental rights and duties to provide care and upbringing for children, as well as the right to health care, social security and social insurance.

#### **5. Respect for the views of the child**

Article 4 of the *Law on Children Justice* (Official Gazette No. 23/13) stipulates that the child has the right to be informed by all institutions that come in contact with the child about the child's rights, as well as about duties and responsibilities deriving from the UNCRC and other international instruments on the rights of the child, as well as about rights and duties arising from this Law and other laws. Article 5 of the Law on the Protection of Children defines that "The State shall ensure the right to the child to express his/her opinion on issues affecting him/her and that due attention shall be paid to such views in accordance with the maturity and age of the child" (Official Gazette No. 148/13).

#### **6. Abuse and neglect**

In following with the necessity of applying a multi-sector approach, the Government adopted a decision establishing a National Coordination Body for the protection of children against abuse and neglect, tasked with monitoring and coordinating relevant activities. The Body is led by the MLSP and is composed of representatives of all in-line ministries, civil society organizations and international organizations. *The 2013–2015 National Action Plan for the Prevention of and Addressing Abuse and Neglect of Children* was adopted in 2013, accompanied by operative plans for implementation of the activities. Several activities for protection of children against violence and abuse have been implemented by the MLSP, with the support of the UNICEF and the European Community, and with the involvement of civil society organizations (Official Gazette No. 23/13).

#### **7. Family environment and parental care in a manner consistent with the evolving capacities of the child**

In order to include a larger number of children with developmental disabilities in child institutions, a *Programme for Early Learning and Development for Children with Developmental Disabilities* was adopted in 2015. It governs the theoretical bases and principles for early learning and development of children with developmental disabilities, based on the ELDS. The Early Learning and Development

Standards include goals, activity examples, expected results and the cooperation with the parents. In terms of programmes, the following programmes have been adopted: *Early Learning and Development Programme* (Official Gazette No. 23/13), *Programme for Education of Pre-school Children at Institutions for Care and Education of Children*, with the Process of Growing and Consuming Health Food (Official Gazette No. 98/14), *Guidelines for Planning Activities under the Programme for Early Learning and Development for Acquiring Healthy Living Habits and Safe Behaviour in Pre-school Children at Institutions for Care and Education of Children* – adopted in 2015, and the *Guidelines for Carrying Out the Early Learning and Development Programme and Achieving the Early Learning and Development Standards by Including Traditional Games at the Institutions*.

## Concluding Remarks

To conclude, I would like to stress that in the last decade, projects, strategies and action plans, for various aspects of a quality ECEC system and for implementation of the UNCRC, have been developed and adopted in the Republic of North Macedonia. However, these measures mainly focused on the legislative framework, policy, curriculum, and the competences of pre-school teachers. The improvement of good practices in ECEC in North Macedonia is still a challenge.

The low ratio of teachers within the overall workforce seems to confirm the general opinion that the system is geared towards care and less towards early learning and stimulation. Significant percentage of staff not directly involved in working with children might be seen as indication of relative internal inefficiency.

In the Republic of North Macedonia there is no regulated system for professional development which would enhance the quality of educational activity, ensure overall effectiveness of kindergartens and introduce new concepts for development of future education policy in the country. Therefore, it is necessary to establish a system which will involve both the governmental institutions and civil society, in order to ensure the following:

- Monitoring the real needs for professional development,
- Accreditation of relevant curricula for professional development
- Establishment of a system and mechanism for monitoring and certification the professional and career development of kindergartens workforce in the Republic of North Macedonia
- Development of indicators for monitoring and assessing the quality of work in kindergartens.

Educational policy in North Macedonia is following the UN (1989) recommendation on access to quality ECEC. On the other hand, to reach high quality ECEC practice, some demands need to be fulfilled. First of all, there is a big discrepancy in attendance ECEC services regarding social and geographical characteristics. Despite the fact that research indicates correlation of attendance of quality ECE

programs and better social and academic outcomes for children at risk, there is lack of ECEC settings in North Macedonia for those children. ECEC professionals are responsible for high quality education of young children and yet, they are underpaid and undervalued in the North Macedonian society. It may be assumed that it is difficult to reach the best interest of the child if professionals are worrying about their own status. Respect of the children's rights to quality ECEC is imperative for policy, but for the practice still it is the challenge.

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## Chapter 5

# Advances and Pending Challenges of Uruguay in Guaranteeing the Rights of Early Childhood



Gabriela Etchebehere Arenas

**Abstract** Today, 30 years after the UN Convention on the Rights of the Child (hereafter UNCRC) was proclaimed, the process of transforming attitudes and actions towards children that respect and guarantee their rights, is still slow. In the field of early childhood care and education in Uruguay, some research shows that these difficulties are reflected by the low recognition of the teachers' role as a guarantor. However, many educational actions, especially those related to promotion of progressive autonomy, are in line with the principles of the UNCRC. On the other hand, at a normative level, it was not until 2004 that a new Childhood and Adolescence Code was approved after a slow process of changing norms and decrees. However, in 2008 a path of priority to early childhood began to be drawn. With regard to education, this is seen by the implementation of a new law (2008) and a curricular framework for early childhood care and education (2014) with a clear perspective on rights. It also highlights the beginning of a new early childhood teacher training plan (2016). In summary, this chapter will discuss research, programs and policies that mark the advances and pending challenges in order to guarantee the rights of children in Uruguay.

## Introduction

The UN Convention on the Rights of the Child (hereafter UNCRC) promulgated in 1989 by the United Nations Organization (UNCRC (ONU 1989)) consolidates a paradigm shift in relation to childhood, children, their conception and their rights. This paradigm moves away from the idea of the child as an incapable or lacking being and emphasizes its potentialities as a person in progressive development of its

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autonomy (personal, social and legal). Although the more the postulates of the UNCRC have been integrated into the discourses on childhood, the more difficulties in their application, implementation and interpretation are being observed, as can be seen in the variations of laws, norms, attitudes, attitudes actions and practices that guarantee the fulfilment of children's rights (UNICEF 2009).

Although Uruguay ratified the UNCRC in 1990, the process of adaptation of practices towards children has been very slow, as slow as process of changes in regulations and decrees. It was not until 2004 that the Code of Childhood and Adolescence was approved as the legal instrument guarantor of the rights of child in our country. The approval of this Code is "the beginning of a long process of change that, in order to complete a true adaptation to the UNCRC, must be very deep in Uruguayan society" (UNICEF 2005, p. 7). This change begins to deepen as of 2008 with a series of reforms and reorientation of policies aimed at children in the framework of the definition of what was called the National Strategy for Childhood and Adolescence 2010–2030 (ENIA 2010). This Strategy was defined based on agreements between the different political parties and civil organizations, in response to the situation of child poverty and its increase as a result of the economic crisis that Uruguay experienced in 2002.

Therefore, this article aims to give an account of the country's progress in the agenda of children's rights, with special emphasis on what the right to education implies in early childhood, stating the successes and pending challenges.

### *Childhood on the Agenda*

Childhood, and specifically early childhood, is becoming increasingly important in the international academic agenda, as well as in the public policies and recommendations of international organizations, given the abundant empirical evidence on how crucial this stage in human development is. In this regard, UNICEF proposes that:

UNICEF's mandate is to ensure full compliance with the rights of children and adolescents, as established by the UN Convention on the Rights of the Child. This frame of reference provides that public policies should be aimed at ensuring the rights of all children, without distinction. The right to a good start in life is part of a set of obligations that States have assumed in ratifying the Convention. For the boy and the girl, a good beginning of life determines the development of cognitive, creative, communicative and emotional abilities. (UNICEF 2010, p. 8)

Prior to that, in 2007 the UN Committee on Children's Rights (here and after CRC), proposed its call for general debate with the theme of "Realization of the rights of children in early childhood", an event that had great attendance and participation (more than 30 papers) and which gave rise to General Comment No. 7 of the Committee in relation to this stage. The introduction to the recommendations arising from the debate states:

The Committee reaffirms that the UN Convention on the Rights of the Child reflects a holistic perspective on early childhood development based on the principles of indivisibility and interdependence of all human rights. Therefore, all rights recognized in the Convention apply to every human being under 18, including younger children (article 1). (CRC 2007, p. 28, own translation)

Specifically, in relation to education, the Committee recommends that State Parties consider the possibility of including early childhood education as part of primary education with the aim of promoting the evolution of the faculties of the child (CRC 2007). Also, UNESCO, in the Education for All document (UNESCO 1990) defines that “learning begins from birth” and that, based on a comprehensive concept of well-being, care and education are inseparable concepts. At the World Conference on Early Childhood Care and Education (ECCE), convened under the slogan “Build the wealth of nations”, ECCE is reaffirmed as a right and as a critical condition for child development and welfare worldwide (UNESCO 2010). Currently, the world education agenda (Education 2030) is part of the 17 objectives that make up the United Nations 2030 Agenda for Sustainable Development (SDG). SDG No. 4, Education to transform lives, states: “guaranteeing inclusive, equitable and quality education, promoting lifelong learning” (ONU 2015). Within this framework, UNESCO defines specific goals in ECCE to meet this objective, where Goal 2 proposes to ensure that all children have access to quality educational services (UNESCO 2016). In this context, a vision of childhood is assumed stating that guaranteeing the development of the child’s potential implies contemplating the complex network of interactions of biological, social and affective aspects, considering the child as an active, imaginative, competent and capable human being (Etchebehere et al. 2008). This position implies the recognition of children as persons, as citizens with the capacity to exercise their rights from an early age, if the opportunities for this are guaranteed from the environment, as set out in the UN Convention on the Rights of the Child (UNCRC). It can be argued that “[...] early childhood, and in particular the period covering the ages of zero to three years, is qualitatively more than the beginning of life; it is, in fact, the foundation for it” (Bedregal and Pardo 2004, p. 9). As reflected in this quotation, there is, therefore, an explicit recognition of the importance of this stage where the early link is essential to favour integral development. UNICEF also points out that the stage of early childhood is key to the exercise of the rights of children, given that in these first years the foundations of physical and psychic health for the development of skills, cultural identity and security are laid (UNICEF 2005). In this sense it can be emphasized that “There is enough data to show that in this critical or sensitive period of development the foundations of learning and socialization are laid down (GIEP 2008) and that the quality of the environment and early experiences play a decisive role (Knudsen 2004)” (Cerutti et al. 2014, p. 50).

As early childhood is a crucial stage for the child’s cognitive, affective and social development, ECCE requires public policies, actions and professionals that ensure quality care to promote that development. “An education is of quality if it offers the resources and assistance that everyone needs to be in equal conditions to take advantage of educational opportunities and exercise the right to education” (UNESCO 2007, p. 8). Thus, the quality

of life that boys and girls enjoy in their childhood influences the abilities they might develop as adults. These will be given according to the experiences and living conditions in childhood: educational opportunities, adequate nutrition and health care, stimulation of skills through play, among others. (Bula 2009)

Therefore, progress from the prioritization of early childhood is discussed below.

## The Prioritization of Early Childhood in Uruguay

Following these guidelines, since 2008 in Uruguay we have witnessed a reorientation of policies towards early childhood. However, it should be noted that childhood, and specifically early childhood, remains the group with the highest poverty rate (17.4%, INE<sup>1</sup> 2017) and, in some ways, postponed in the allocation of public spending, beyond the sustained effort that has been made since the reorientation mentioned. The priority in the political and academic agenda of early childhood marks a current situation that favours the encounter and communication between inter and extra universal social actors, which fosters dialogue for the integral development of Uruguayan children (Etchebehere 2017).

As mentioned before, the path to prioritizing early childhood in Uruguay begins to be traced in 2008 with the *National Strategy for Children and Adolescents* (ENIA 2010), which defines several expansion and improvement actions in relation to care of early childhood:

Guaranteeing equity at the beginning of life and during early childhood constitutes, without a doubt, a high priority guideline. It involves not only children living in contexts of poverty, but also the universalization of access to quality care services from conception. Guaranteeing children adequate food, health care, early stimulation and initial education are essential for their integral development. But it is also important to strengthen the care of pregnant women and their children from the early stages of pregnancy. This requires universal quality services aimed at pregnant women and children aged 0 to 3 years and consolidate and expand the instances of articulation between the different means of attention, community organizations and, of course, families. The organization of this set of elements may operate as a “shield” that ensures the protection of early childhood. (ENIA 2010, p. 39)

At the same time, in that same year – 2008 – it is worth highlighting as another advance, the entry into force of the new Education Law in Uruguay that decrees initial education as compulsory starting from the 4 years old level.

Article 7 (Mandatory). Initial education for children of four and five years of age, primary education and basic and higher secondary education are compulsory. For this purpose, the extension of pedagogical time and curricular activity will be ensured to primary and middle school students. (General Education Law, No. 18 437, ANEP 2008, p. 2)

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<sup>1</sup>The INE is the public institution whose objective is the preparation, supervision and coordination of national statistics.

This adds to the mandatory education for the 5 years old level that has been in force in Uruguay since 1998 (Law No. 17 015, ANEP 1998). Also, the new Education Law of 2008 defines the role of initial education:

Art. 24 (Of the initial education) The initial education will have the task of stimulating the emotional, social, motor and intellectual development of the children of three, four and five years. An integral education will be promoted that foments the social inclusion of the students, as well as the knowledge of themselves, their families, the community and the natural world. (General Education Law, No. 18 437, ANEP 2008, pp. 4–5)

This path of progress is continued and has another key moment with the implementation in 2012 of the “Uruguay Crece Contigo” (Uruguay Grows with You) Program. It is defined as a public policy of national scope, aimed at strengthening a comprehensive early childhood protection system with universal and focused components. The latter includes work in the vicinity, based on the work of technical teams in children’s own homes. Its objective is to guarantee adequate care and protection for pregnant women, as well as the integral development of children under 4 years old, from a rights perspective.

In 2015, new actions are geared towards the realization of a National Care System (SNC), which has the following objective:

Guarantee the right of people in situations of dependency to receive care in conditions of quality and equality, promoting the development of autonomy, care and assistance to people in situations of dependency, as well as child development, within a framework of a co-responsibility model between families, State, market and community, as well as between men and women. (SNC 2015, p. 11)

In relation to one of the target populations, the early childhood, the SNC 2016–2020 plan states: “Increase both coverage and quality of early childhood care services to stimulate the development of children, facilitate their access to education and provide households with a co-responsible alternative for care” (SNC 2015, p. 11). Among other actions, the extension of educational attention to children under 3 years old stands out. To this end, the increase in the number of Centers for Child and Family Care (CAIF Plan, described later) is proposed, as well as the universalization of initial public education for 3 years in the CEIP (Council for Initial and Primary Education) under the orbit of the National Administration of Public Education (ANEP).

It should be noted that the institutional actions aimed at early childhood in Uruguay, have a strong historical background in two particular areas: the formal education system as part of the universal educational policies and the non-formal educational initiatives developed as a result of other focused social policies. Based on this, in Uruguay currently many different public and private institutions with a wide variation in their proposals for ECCE coexist.

## Early Childhood Care and Education in Uruguay

The organization of early childhood education in Uruguay, particularly regarding the CAIF plan and the CEIP centres, is described in the next paragraphs:

The CAIF Plan emerged in 1998 within the framework of a new generation of proposals aimed at early childhood, regarding the public sphere, considering the association between the State and the Civil Society as a key component of its management. In its founding document, the objective is to improve and expand the coverage and quality of social programs for population care in conditions of extreme vulnerability, with innovative strategies to address children, their mothers and families, based on intersectorality, community participation and decentralization (Cerutti et al. 2008). As of December 2007, the CAIF Plan begins a process of transformations that involves increasing coverage and improving care for children from 1 to 3 years old, as part of the priority policy of ECCE of the Uruguayan government. As a result, in 10 years, coverage raised from 42.652 children in 2008 to 57.093 in 2018. (MEC 2018)

For children of 4 years or more, public coverage is concentrated in institutions under the orbit of CEIP of ANEP. The ANEP is an autonomous entity whose mission is to elaborate and implement educational policies at the levels under its responsibility (initial, primary, secondary, technical and teachers training). It is one of the member organizations of the National Education System of Uruguay that, as defined by the General Education Law No. 18 437, involves the set of integrated and articulated educational initiatives for all the inhabitants of the country (Ministry of Education and Culture, here and after MEC 2014). The MEC is not responsible for delivering education at different levels or for the design and execution of public education policies. But, according to the new education law, the MEC is responsible for the coordination and convening of the Early Childhood Education Coordinating Council (CCEPI) that makes up the different programs that attend this stage and were already mentioned.

As part of its supervision role, the MEC prepares a Statistical Yearbook of Education. From the information it provides, the growing and strong public leadership stands out since the State supervises and/or provides education in centres that serve 61.8% of all children in this age group. That is, 5 out of 10 of 3, 4 or 5 years old attend a public centre of CEIP (46.1%), and 2 out of 10 go to private centres also supervised by CEIP (15.3%) (MEC 2017). Coverage in 4 and 5 years old can already be considered universal, while the level of 3 years old is increasing year by year. Thus, for 3 years old the coverage in 2006 was 46.3% and in 2018 it amounted to 74.5% (MEC 2018). This places the country among those with the highest coverage achieved at the regional level. This achievement is a direct result of the implementation of the aforementioned Education Law, which is one of the few at the regional level that includes early childhood education (0–36 months) from a perspective of education as a universal basic right, from birth and for a lifetime (General Education Law, No. 18,437, ANEP 2008).

The current curriculum covers from initial education to primary education; that is, spanning 9 years from 3 years old to the sixth year of primary school. It is structured in six areas of knowledge: languages, mathematics, artistic, social, nature and

body. In the area of social knowledge, the field of knowledge of citizenship construction is included, considering the school as a trainer of autonomous, critical and responsible subjects. Human rights education is also included, as well as an explicit reference (although without deepening) to the UNCRC and its conception of the child as a subject of rights (ANEP 2008). These aspects of the program seem to grant a framework of rights to the educational actions of early childhood teachers and their role as promoters of children's rights. In turn, it is highlighted that a new *Curriculum framework for the care and education of Uruguayan girls and boys from birth to six years of age* has also recently been implemented (Uruguay Grows with You/ Coordinating Council for Early Childhood Education. UCC/CCEPI 2014). In accordance with this framework, curricular programs are clearly inscribed in a child rights perspective and include a conception in line with it:

The child is a subject of rights, a proactive person, bearer of a rich potential and endowed with initiative, with the ability to make their own options in personal development and learning processes, in relation to adults, peers, objects and the natural and cultural environment of which it is a part. (UCC/CCEPI 2014, p. 8)

## Teacher Training and Role Characteristics

Uruguay was not only a pioneer in Latin America with the opening of the first public kindergarten in 1892, but also in the identification of the need for a specific training for early childhood education teachers. At that time, the solution identified was the teacher Enriqueta Compte and Riqué, who received her training in Europe and came back to Uruguay, to train other teachers specifically for early childhood education. Later, in 1957, the training for preschool teachers was conceived as a post degree specialization: once the basic teacher training was completed, the duration of which was 4 years, the preschool specialization began with a 2-year extension. Later modifications (1974) in the training program reduced the post-degree specialization to 1 year. In what is considered an important reduction in the quality of the initial education teachers training program, after 1992 a 3-year general teacher training plan enters into force, including a third year where the future teacher must opt for initial or primary education. In 2000, this plan is reformulated and in 2005 the teacher training program was increased to 4 years. In 2008 a new, unique, 4-year training plan for early childhood and primary teachers entered into force. Additional, specialized, courses were provided for teachers working in early education. Accordingly, with the country's progress in early childhood education (0–6 years), the creation of a specific early childhood teacher career with an intermediate degree (technical degree) is projected. As of 2013, the 2-year Technical Assistant in Early Childhood (ATPI) career is implemented. In 2016, the early childhood teacher training plan was approved, with courses beginning in 2017. It should be noted that this plan is part of the process of creating a University of Education that will allow granting Graduate Diplomas (careers with university level, 4 or more years of duration, instead of



Bachelor degrees of 3 years or less) to Uruguayan education professionals, enabling the creation of postgraduate careers, as is the international trend today.

Going through the different teacher training plans of Uruguay, it is observed that they do not include expressly the perspective of children's rights. Only the 2005 plan includes a reference to education as a human right and, in 2008, a reference to education and citizenship. However, in one of the recommendations made by the CRC in its General Comment No. 7, it urges the State Parties to invest in training and research from a rights perspective. This means to emphasize the importance of training and systematic education on the subject to all professionals who work for and with children (CRC 2007). This is taken by Uruguay in the plan approved in 2016 for early childhood teachers, which includes in its initial foundations the perspective of children's rights: "Early development attention, which includes a comprehensive educational action, is intended to offer children the most favourable conditions to move through this valuable stage of human life in the enjoyment of their rights" (ANEP/CFE 2016, p. 8). The need for specific training is based on the importance of educational agents in generating opportunities for the integral development of children, from the basis of a solid and well-founded knowledge.

In this sense, the role of the early childhood teacher implies "promoting learning by accompanying developments" (Ivaldi 2004, p. 2), actively and committed to the child's processes. The teacher must be able to assess the child's mastery of perceptual, communicative and motor skills because early intervention is highly preventive of major difficulties (Ivaldi 2004).

With respect to the role of educators and teachers, the Curricular Framework mentioned earlier defines that:

Adults who, from various roles, are part of the educational center or the program in which the child participates must become facilitators of development and organizers of learning meetings, promoting the acquisition of values and knowledge through the establishment of affective links and the promotion of exploration, experimentation and environmental research carried out by children. (UCC/CCEPI 2014, p. 9)

Therefore, the training of early childhood teachers requires the integration of knowledge about the social/family environment, as well as the biological, psycho-affective and socialization processes of the child. But it also requires knowledge of the institutional context and educational policies that necessarily go through and define the role (ANEP/CFE 2016). The new plan states that:

The training proposes the development of knowledge, experiences and languages that make this interaction feasible with children and with the agents involved: families, health agents, social workers, among representatives of other institutions that work with early childhood, contributing to generate the best conditions for educational action in the coexistence environment in which children socialize during this stage. (ANEP/CFE 2016, p. 11)

It aims to train early childhood education professional with a bachelor's degree, with a strong base of didactic and pedagogical knowledge, as well as about the different aspects that define integral development. This base supports educational actions that favour the exercise of the right to education of children (ANEP/CFE 2016).



## Early Education Teachers as Guarantors of Children's Rights

General Comment No. 7 of the CRC, issued in 2005, refers to the prioritization of the family as the main actor in the care and education of children, and to the co-responsibility of the State in guaranteeing these rights raised by the UNCRC. This prescription places the early education teachers as guarantors and implies educational policies that involve teachers performing guarantee interventions. "The effort to cover the gap between the commitments made and the reality, as well as to fully realize the rights, demands a radical change in social and political practices" (Liwski 2007, p. 9).

It is worth mentioning, however, that in these texts, as well as in the CRC, although co-responsibility is mentioned, the term guarantor applies only to the State, when it is something that belongs to all adults in relationship with and care to children. From this point of view, the role of educators implies guaranteeing the rights of children, although it has not yet been specifically explained in the literature. This is precisely one of the issues addressed in the study *The application of the Convention on the rights of children from early childhood teachers: a study around the principle of progressive autonomy* (Etchebehere 2012), which is oriented to deepen the articulation of the fundamentals of educational practices with the principles posed by the UNCRC.

This qualitative work describes and explores how the discourses and practices related to the notion of progressive autonomy, present in the early education teachers, were carried out. Through discussion groups it was investigated how the principle of progressive autonomy (PA) is interpreted by the teachers and what actions they take to guarantee it. At the same time, the perception of the role of rights guarantor (RG) that teachers have and whether they promote the PA associated with a specific right to guarantee was explored. The groups were defined considering the following variables: age, seniority in the function, training plan and social/cultural context where the education center is located.

The results of the study show that teachers relate the promotion of progressive autonomy with the educational objective of stimulating the integral development of children, but not as a right that must be guaranteed. This is also linked to the low perception of their role as guarantors of children's rights and the difficulties in exercising that role. Despite this inadequate perception, several educational actions performed by the teachers to promote some of the rights (specifically related to progressive autonomy) were identified (Etchebehere 2012). Therefore, to the extent that the principle of progressive autonomy is simultaneously a guiding principle of the UNCRC and a theoretical reference that guides educational actions, it can be a fundamental basis for a greater integration of the perspective of children's rights in the Initial education (Etchebehere 2012).

This implies, as in so many other areas, the need to incorporate a psychological and psychosocial analysis that complements other perspectives (legal, economic, historical, etc.) that would help in the understanding of all the complexity involved in the development of the perspective described in the UNCRC. Also, this multi-perspective approach would aid in the implementation of effective strategies and

initiatives that formally assure the role of the rights guarantor (Lansdown 2005; UNICEF 2005).

## Conclusions

The facts presented in this article show the sustained progress that Uruguay has had in recent years in the fulfilment of its commitment with the UNCRC. This is observed in the orientation given to public policies assigning priority to children and specifically to early childhood as a crucial stage in their development. It is also reflected in the increase of public spending for children, that has enabled the implementation of actions that guarantee children the exercise of their rights.

The rights perspective has been incorporated more slowly into the practices of adults towards childhood, integrating this perspective into the training of educators. This highlights the need to implement spaces for the analysis of educational practices from the perspective of children's rights.

However, the recent change in the government of Uruguay, with a different political orientation compared to the last 15 years, opens the question of whether these advances will be sustained and consolidated. Or will it be the contrary, as the first measures that the new government proposes would mean backing down from the progress made. This reaffirms the importance of States enacting laws that guarantee the rights of children, regardless of the government in power. This reaffirms the importance of States enacting laws that guarantee children's rights regardless of the color of the government in power.

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# Chapter 6

## Rethinking Children's Rights in Chinese Early Childhood Education Provision: Progress and Prospects



Peng Xu

**Abstract** Current early childhood education (ECE) in China is a hybrid of multiple discourses which mainly consist of traditional Confucianism, Soviet socialist values and Western educational theories. Among these discourses, children's rights, as one of the influential Western discourses, bring new ways of speaking and thinking about young children and their education to China. Based on a child right perspective, this chapter briefly reviews ECE policies in China in the last 30 years, summarizing key progress of Chinese government in achieving children's rights in ECE. One example of progress is that young children's rights have been gradually highlighted within policies, establishing a legislative link between children's rights and their citizenship. Another example of progress is that a rights-based perspective is now being infiltrated into ECE curricula and practices through a series of policies, which emphasize children's well-being, individuality and their rights to be heard. This paper argues that ECE in China has been influenced by multiple discourses, and therefore some contradictions about children's rights exist. More attempts to construct a context-specific approach to young children's rights are necessary and potential areas for future research are proposed and discussed.

### Introduction

The Chinese government signed the United Nations Convention on the Rights of the Child (hereafter UNCRC, United Nations, 1989) in 1990. Since then, children's rights have been an increasingly recognized and accepted discourse within national policies (Committee on the Rights of the Child [CRC] 1996, 2013; Jiang 2019). As an influential international agreement, UNCRC has contributed to children's protection and education in China (Liu and Feng 2005; Qiu et al. 2015), including laws,

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policies and curriculum guidelines that ensure young children's rights to protection, provision and participation in early childhood settings (e.g. Ministry of Education 2001, 2012a, b; National People's Congress 1991; State Council of China 2010b).

Previous studies of children's rights in China have primarily focused on primary and secondary education (e.g. Cheng and Ge 2017; Naftali 2009), and ECE policy reviews in China (e.g. Feng 2017; Liu and Feng 2005; Li et al. 2016) have not addressed young children's rights in much detail. This article therefore seeks to review how young children's rights in China have gained expressions within policy discourses, from 1989 to the present, focusing on early childhood education (ECE).

A child right perspective is applied which is based on the established framework that children's rights are grouped into three categories: protection, provision and participation (Alderson 2008; Gaches and Gaffney 2019). These rights are closely related to children's citizenship which is "an entitlement to recognition, respect, and participation" (Smith 2010, p. 103). Once their citizenship rights are recognized, the above three categories of rights should be emphasized in the context of ECE policy, and their rights to exercise agency should be supported as well (Te One and Dalli 2009). As pointed out by Smith et al. (2009), agency for young children "involves a dynamic and reciprocal process of connecting to, and interacting with, other people" (p. 18).

The article encompasses three aspects: an analysis of the cultural and sociopolitical contexts that frame children's rights in China, a historical review on the progress of young children's rights in China over the last 30 years, and a discussion about prevalent and controversial discourses in order to reflect upon the challenges and prospects ahead.

## **Current ECE in China: A Hybrid of Cultural and Socio-political Threads**

Nowadays China operates the largest ECE system in the world. In 2018, the gross enrolment ratio in kindergartens was 81.7% and around 46.56 million young children were enrolled in nearly 267,700 kindergartens (Ministry of Education 2019). There are mainly three types of ECE institutions in China: (1) nurseries for infants and toddlers from 0 to 3 years old, (2) kindergartens, the most common providers for young children between 3 and 6 years old, and (3) pre-primary classes for 5–6 or 7 years old that are usually attached to primary schools (Feng 2017).

The scope of review in this article is primarily children's rights in the context of kindergarten education, which is broadly defined as ECE in China. Based on the source of funding and management arrangements, kindergartens can be generally divided into public and private kindergartens. In both these types, children from different age groups (3–4, 4–5, and 5–6 years old) are divided into classes of around 25–35 children with two full-time and registered teachers, and one daycare worker. Kindergartens normally operate five school days per week and all teachers are

required to have qualification certificates and at least high school diplomas (Ministry of Education 2016).

ECE in China is currently a hybrid of various cultural threads (Li and Chen 2017; Yang and Li 2018a, b). ECE, as well as the construction of children and childhood, is rooted in traditional philosophies such as Confucianism. It has also been influenced by different philosophical and educational theories from other countries, such as Germany and the US (between 1920s and 1930s), the Soviet Union (1950s–1960s), and international educational theories and curriculum models associated with “reform and opening-up” policy in 1978. The discourses underlying children's rights in relation to ECE provision during these eras are briefly outlined below.

### *The Philosophy of Confucianism*

Confucianism has been one of the most influential traditions in political and educational systems for thousands of years in China as well as in other East Asian countries such as Japan, Korea and Singapore (Tu 2002; Wang 2004). Confucianism emphasizes relationships and respect, which can be summarized in The Three Principle Relationships. These relationships contain three moral roles in social relations, which are “the officials should serve the sovereign, the son should serve the father, the wife should serve the husband” (Wang 2004, p. 433). Within the above pairs of relationships, status of all social members, including young children are defined (Wang 2004). For example, sons should be respectful to their fathers and in turn, fathers are required to shoulder the responsibilities of their children's learning and growth. In this regard, a person's rights, responsibilities and identities are secured or located in a complex web of hierarchical and authoritarian social relationships. These relationships also highlight “the integration of the family and the nation” (Wang 2004, p. 433), revealing a strong tendency toward collectivism.

In addition, in Confucian discourse, it is of great importance to teach ethical and moral values (e.g. courteousness, wisdom) from early childhood. The learning content in this period includes forming good moral values and habits (e.g. respecting parents and teachers) and acquiring the essential knowledge and skills to benefit the nation when they grow up (Choy 2017; Xu 2018). In sum, Confucian discourse emphasizes collectivism, ethical and moral values and academic learning from early childhood.

### *Early Influence of Western Ideologies and Pedagogies*

Confucianism dominated education in China for nearly 2000 years until the early nineteenth century, when the government and academics in China started to import educational ideologies from Western countries such as Germany and the US (Li and Chen 2017; Zhu and Zhang 2008). However, Chinese academics soon realized that

these imported theories did not fit the social-cultural conditions in China and therefore began to develop localized early childhood curricula. One prominent example is the curriculum and practice in Nanjing Gulou Kindergarten in the 1920s (see Li and Chen 2017; Yu 2017). Based on John Dewey's educational ideologies such as child-centredness and play-centredness, Chen Heqin and Zhang Zhonglin, the founders of this kindergarten and also pioneers of China's early childhood education, developed a unique Chinese "unit-based integrated curriculum" (Yu 2017, p. 102). This curriculum recognized the importance of learning experiences and daily activities for young children. However, the localized effort by those pioneers was disrupted and replaced by the Soviet socialist values, outlined in the next section.

### *The Soviet Union's Influence*

Chinese political and educational systems have been strongly influenced by Marxist-Leninist ideology especially in the 1950s, a period when the Soviet Union was the socialist partner and role model for China's educational reform (Feng 2017; Li and Chen 2017). At this time, Soviet thoughts dominated all levels of education. In early childhood education, a subject-based and teacher-centered curriculum replaced the previous that was play-centered and child-centered (Li and Chen 2017). The goal of early childhood education was seen as "conducting communist education for young children, helping them achieve comprehensive development before entering primary school, laying a solid foundation for cultivating socialist and communist contributors" (Ministry of Education 1957, as cited in Jiang 2019, p. 12<sup>1</sup>). As summarized by Jiang (2019), under the influence of the Soviet Union, young children were viewed as the property of the country and the successors of the revolution. Their developmental stages were to be respected in education while they were not active social actors, but rather passive recipients of adult teaching and compliant contributors when they grew up. Young children, in this regard, were not recognized as significant or a separate entity. Their rights, consequently, were subdued in relation to the ethics of socialist ideology.

### *The Later Influence of Western Ideologies and Pedagogies*

The reform and opening-up policy, manifested in 1978, signaled China's efforts to connect with the outside world (Li and Chen 2017; Zhu 2015). Like the ECE reform in the early 1900s, foreign educational ideologies and pedagogies (e.g. Bronfenbrenner's ecological model and Vygotsky's social-cultural theory), and

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<sup>1</sup>In this article, all translations from Chinese are my own.



curriculum models (e.g. the American Project Approach and the Italian Reggio Emilia Approach) were introduced and adopted into Chinese context (Li and Chen 2017; Zhu 2015). Current ECE in China is being strongly influenced by all the above mentioned values or theories, while many recent studies (e.g. Lin et al. 2019; Yang and Li 2018a, b) have shown the intentions and attempts to balance Western influences and Eastern traditions in ECE curricula and pedagogies.

## **A Historical Review of Children's Rights in ECE Policies**

This section provides a historical review on the development of children's rights in early childhood education in China over the last 30 years. As pointed out by Liu and Feng (2005), young children's rights "is something entirely different from the Chinese traditional perception of children and did not emerge until the 1990s" (p. 94). In the early 1980s, Chinese academics started to reflect on the Soviet influence on the perception of young children and early childhood education. Additionally, educational ideologies and curriculum approaches from Western countries such as the US and Italy began to be introduced and experimented within China's kindergartens (see Li and Chen 2017; Zhu 2015). UNCRC, and the global discourses of children's rights, contributed to China's ECE reform and brought different perspectives towards young children. One of the most important ideas brought by the rights discourse was "respecting children" (Liu and Feng 2005, p. 94), which contributed to China's ECE reform over the last 30 years.

### ***The Ratification of UNCRC***

The Chinese government signed UNCRC in 1990 and made it officially valid in 1992. The ratification of UNCRC by the Chinese government reveals the willingness and readiness to respect and protect children's rights (Li 1996; Naftali 2009). Since then, young children's basic rights, such as the rights to protection, provision and participation, have been increasingly acknowledged and respected by the Chinese government (Jiang 2019; Pang 2009), who have instated a series of laws and policies to emphasize the importance of protecting young children's rights. One of the key policies in this period was *Law on the Protection of Minors* (National People's Congress 1991) which was the first law in China dedicated to the protection of children's rights. This law defines "minors" as Chinese citizens under 18 years who enjoy the rights to survival, development, protection and participation regardless of their gender, ethnicity, social-economic status and religious belief (National People's Congress 1991). It also places the responsibility for protecting children's rights in the hands of national and provincial governments, and all the social institutions and groups (e.g. family, school, society, judicial and legal



system). Taking protection of children in schools and kindergartens as an example, some responsibilities include:

Teaching and administrative staff in schools and kindergartens shall respect the personal dignity of the minor and may not enforce corporal punishment or corporal punishment in disguised forms, or any other act that humiliates the personal dignity of the minors (Article 15).

Collective activities organized by schools and kindergartens for minor students and children, such as taking part in rallies, recreational activities and social practices, shall be conducive to the sound growth of minors; accidents endangering personal safety shall be prevented (Article 17).

Kindergartens shall do a good job in nursing care and education so as to promote the harmonious development of the children in physique, intellectual ability and moral values (Article 19). (National People's Congress 1991, chapter 3, para 1)

Other national laws such as *Teachers Law* (National People's Congress 1993) and *Education Law* (National People's Congress 1995) were subsequently released and supported the protection of children's rights. All these policies outline young children's rights and the responsibilities of governments, organizations and key stakeholders, laying a solid foundation for the development of children's rights (Wei 1996; Zhu 1996).

### ***The Early Development of Children's Rights in China (1996–2009)***

Since the second half of the 1990s, academics in China have gradually noticed and emphasized the importance of ECE in protecting young children's rights and implementing UNCRC. The second version of *Regulations on Kindergarten Education Practices* (hereafter 1996 Regulations, National Education Committee<sup>2</sup> 1996) outlined the key responsibilities of kindergartens. Compared with the previous version, the 1996 Regulations stated that kindergarten education was a crucial stage of school education system, rather than a preparation stage for primary education.

In 1996, a national seminar was held which aimed at implementing UNCRC in ECE. The curriculum designers in China, Li Jimei, Feng Xiaoxia and Liu Yan, introduced the concept of children's rights into the field of ECE (Feng 1996; Li 1996; Liu 1996). As pointed out by Li (1996),

The accomplishment of the goals in UNCRC not only needs the global and national actions, also requires collaboration among all the social members and organizations. ECE is closely related to children, thus shouldering special and important responsibilities (p. 15).

This seminar marked a turning point because young children's rights were no longer limited to legislation relations between their rights and citizenship. Moreover, just as autonomy and participation are emphasized in UNCRC, young children are

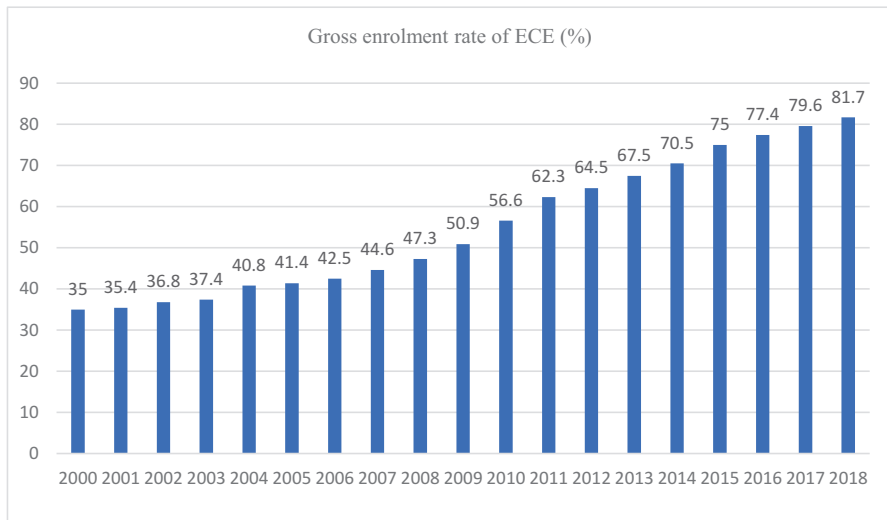
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<sup>2</sup>The Chinese National Education Committee was renamed the Ministry of Education during the restructuring of the State Council in 1998.

therefore viewed as “active and creative subjects with their own rights” (Liu 1996, p. 18). This perspective challenged the traditional Confucianism and Soviet educational theories and contributed to transforming the teacher-centered and subject-centered curriculum model in China. In 2001, the Ministry of Education issued the first national ECE curriculum in the twenty-first century, *Guidelines for kindergarten education practices (Trial Version)* (hereafter 2001 Guidelines, Ministry of Education 2001), which was influenced by Western theories and ideas rather than those of Soviet Union. Respecting young children’s rights was a fundamental principle in this document, as it is stated that:

Kindergarten education should respect young children’s personalities and rights, and respect their development levels and learning dispositions. Play is the fundamental activity in kindergartens. Care and education should be equally emphasized. Teachers should focus on young children’s individual differences and support every child’s development. (Ministry of Education 2001, p. 1)

I tend to regard this period as a preliminary stage in progressing young children’s rights as more than half of Chinese children did not get the chance to receive kindergarten education until 2009 (see Fig. 6.1). As pointed out by Zhou et al. (2016), albeit specific goals for children’s survival in rural areas of China were stated in national documents such as *Chinese Children Development Guidelines (2001–2010)* (State Council of China 2001), providing universally accessible ECE was not mentioned. In addition, the number and quality of kindergartens saw an overall decline as the central government failed to provide sufficient support to the development of kindergartens. Some major problems include insufficient financial support; the



**Fig. 6.1** Gross enrolment ratio (GER) in early childhood education in China, 2000–2018. (Sources: Ministry of Education 2019; NWCCW, NBS & UNICEF 2018)

declining number of qualified teachers; the administrative units of ECE in governments were eliminated or weakened (see Li et al. 2016).

### ***The Post-2010 Development of Children's Rights in China (2010-Now)***

Since 2010, as China entered the “Golden Era” of ECE (Li et al. 2016, p. 10), the protection of young children's rights has been further strengthened and guaranteed. In 2010, the Chinese government released the ten-year educational plan, *Outline of China's National Plan for Medium and Long-Term Education Reform and Development (2010–2020)* (hereafter 2010 Plan, State Council of China 2010a). In this blueprint for China's education reform for the next 10 years, ECE is emphasized, for the first time, as the foundational stage in the national education system. Three missions for ECE are confirmed as: (1) basically universalizing ECE for 3–6 years old young children, (2) clarifying the responsibilities of government, (3) strengthening ECE in rural areas (State Council of China 2010a). Moreover, it is stated that ECE should not only be accessible to all the young children, but also of high quality which could enable young children to play and participate. In order to accomplish the above missions, the State Council of China (2010b) released *Issues Regarding Current Development of Early Childhood Education by the State Council*. This document laid out ten strategies for developing ECE which mainly cover strengthening the role of ECE in the national education system, improving the quality of kindergarten teachers, increasing financial input, and strengthening the management and evaluation of kindergarten education. In particular, this policy emphasized the responsibility of governments to support ECE in rural areas. 400 billion RMB (around 57 billion USD) was invested in ECE from 2011 to 2015, focusing specifically on the rural and less developed areas in China (Ministry of Education 2015b).

Another key pedagogical policy after 2010 was the introduction of a new iteration of early childhood curriculum document, *Early Learning and Development Guidelines for Children Aged 3 to 6 Years* (hereafter 2012 Guidelines, Ministry of Education 2012a). Although this curriculum did not explicitly mention young children's rights, it inherited the key statements from the 2001 Guidelines and represented a further step towards recognizing and guaranteeing young children's rights to high-quality education in early years. As it is stated that:

The Guidelines [2012 Guidelines] aim to help teachers and parents build a solid foundation for young children's subsequent school learning and their lifelong development. The basic goal of the Guidelines is to promote the well-rounded development of young children, including their physical well-being, cognitive growth, moral strength, and aesthetic sensibility. (Ministry of Education 2012a, p. 1)

After that, several policies were released in recent years to further ensure children's access to ECE and improving the quality of working staff, facilities and materials in

kindergartens. These include *Professional Standards for Kindergarten Teachers* (Ministry of Education 2012b); *Professional Standards for Kindergarten Principals* (Ministry of Education 2015a); *Regulations on Kindergarten Education Practices* (hereafter 2016 Regulations, Ministry of Education 2016); *Measures for Supervision and Evaluation of Kindergarten Management and Education* (Ministry of Education 2017); *Standard Design Sample of Kindergartens* (Ministry of Education & Ministry of Housing and Urban-Rural Development 2019).

In addition, recent evidence has shown that the Chinese government and academics started to emphasize early care and education for 0–3 years old in order to ensure their rights and address the declining birth rate (e.g. Ministry of Education 2013; State Council of China 2011, 2019). Despite these policies, 0–3 ECE in China is still in an early period of development and more efforts are needed to support 0–3 childcare services such as clarifying the responsibilities of governments, increasing the number of 0–3 childcare providers and teachers, and establishing quality standards for childcare services (Hong and Tao 2019; Pang et al. 2019).

## **The Progress of Young Children's Rights in China**

Based on the above historical review of Chinese ECE policies over the last 30 years, the progress in terms of children's rights includes: (a) a legislative link between rights and citizenship of young children has been gradually established, (b) a rights-based perspective is now being infiltrated into ECE curricula and pedagogies.

### ***A Legislative Link Between Children's Rights and Citizenship***

One example of progress resulting from rights discourse is that a legislative link has been gradually established between young children's rights and their citizenship, especially their rights to protection and provision. This can be seen, as mentioned above, in a series of laws and policies that highlight young children's rights and clarify the responsibilities of government, kindergarten, family and other social institutions.

The right to education, which has been primarily emphasized and guaranteed within policy discourse in the last 30 years, is fundamental to young children's rights. Before the reform and opening-up in 1978, the proportion of children enrolled in early childhood education was relatively low due to the limited social wealth and economic development. In the recent two decades, along with the significant progress in economic development, primary attention has been paid to guaranteeing young children's rights to provision. The gross enrolment ratio (GER) in early childhood education has steadily increased (see Fig. 6.1), surpassing 50% in 2009 and reaching nearly 80% in 2017. In 2020, this ratio is expected to arrive at 85% (State Council of China 2017). In the long-term educational plan, the Chinese

government aims for 100% enrolment quality early childhood education in 2035 (Central Committee of CPC and State Council of China 2019).

As GER increases, the government also pays more attention to young children in less developed areas. As mentioned above, strengthening ECE in rural areas in China was a key mission of the 2010 Plan and the State Council of China (2010b) proposed to launch the first 3-year action plan at provincial level, which facilitated the national missions of ECE to be accomplished in different regions of China. Currently, all the provinces in China are in the process of the third 3-year action plan and have made significant progress on ECE provision. Taking Gansu, a western and less-developed province as an example, the government of Gansu launched the first two rounds of ECE 3-year action plan in 2011 and 2014, aiming at increasing the enrollment rate and the number of kindergarten teachers. When the second round of the action plan was finished in 2016, the GER increased from 39.8% (2010) to 90% (2016). The number of kindergarten teachers rose from 13,600 (2010) to 39,400 (2016) (Government of Gansu 2017).

In addition, young children's right to high-quality education has been increasingly emphasized since 2010. Recent policies (e.g. Ministry of Education 2016, 2017) have revealed the rationale of quality kindergartens, which comprises:

- conditions of kindergarten (e.g. location of kindergarten, size of class, provision of materials and picture books);
- safety and sanitation (e.g. provision of meals, sanitary disinfection, safety education);
- care and education (e.g. respecting young children and their development stages, young children's daily life is well-ordered, activities should focus on children's experience);
- faculty members (e.g. providing teachers with various type of training program, paying attention to teachers' morality and professionalism);
- kindergarten management (e.g. system of public notice about fees for young children, financial regulations).

All these elements interdependently contribute to positive outcomes and holistic development for young children by improving the structural elements of quality such as the size of class and the provision of teaching materials, then the process quality that focuses on the relationship and interaction between young children and adults. Enabling children to access ECE provision, providing accessible and affordable quality ECE to young children, do not only guarantee children's rights to education, but further promote their chances to "the full and harmonious development" and become "fully prepared to live an individual life in society" (United Nations 1989, p. 3).

### *A Rights-Based Perspective in ECE Curriculum and Practices*

Another example of progress is that a rights-based perspective is now being infiltrated into ECE curricula and practices through a series of curriculum and regulation policies (e.g. Ministry of Education 2001, 2012a, b). Young children's health and well-being, individuality and opinions are emphasized in ECE curricula and practices. This is in line with the statements in UNCRC, especially the principles proposed by CRC in 2005, which are:

- right to life, survival and development
- right to non-discrimination
- best interests of the child
- respect for the views and feelings of the young child.

In Chinese ECE, a key focus is about young children's rights to health and health services. As stated in UNCRC, "States parties recognize the right of the child to the enjoyment of the highest attainable standard of health" (United Nations 1989, p. 8), and to create conditions to promote the well-being of young children in early years (CRC 2005, p. 4). To guarantee this right, education should cover health and well-being to make young children stay healthy, both mentally and physically. In China, children's physical health has been constantly emphasized in ECE policy while mental health did not gain attention until the late 1980s. In 1988, young children's mental health was stated in policy documents for the first time, as it is stated that "kindergartens should promote young children's physical and mental health, ensuring their safety and well-being" (Ministry of Education 1988, cited in Jiang 2019, p. 17). In addition, as discussed above, sanitary disinfection is also a key quality standard for kindergartens (e.g. Ministry of Education 2017). Besides, in both 2001 and 2012 Guidelines, young children's health is listed as the foundation of the five curriculum domains, which covers physical and mental health and social adaptability. As stated in 2012 Guidelines,

Health refers to the well-being of a child's physical, mental, and social adaptability. Early childhood is not only a period of rapid physical and cognitive development, but also a critical stage for fostering optimistic attitudes and a sense of security. Physical development, mental wellness, motor coordination, healthy habits, and acquisition of basic life skills are all important indicators of children's physical and mental health. They also serve as cornerstones for children's learning and development in other domains. (Ministry of Education 2012a, p. 3)

Furthermore, the arrangement of curriculum areas and content should be "respectful of their [children] individuality and growing capacities" (CRC 2005, p. 3). For example, 2012 Guidelines point out,

It is important [for educators] to understand and fully respect the individual difference of young children and allow them to proceed with the development 'ladder' stated in the Guidelines [2012 Guidelines] at her/his own pace with her/his preferred approach. (Ministry of Education 2012a, p. 2)

In this regard, kindergarten teachers are suggested to provide various types of materials for young children to choose. For example, when teachers are designing learning environments, they can provide young children with blank paper and pencils for decoration, and small boxes for making dollhouse furniture (Ministry of Education 2012a). This is also consistent with the statement that young children's learning and development are best supported when they are provided with space, time and guidance to participate in play-based learning contexts with their peers and adults (CRC 2005).

Last but not least, from a child right perspective, young children are provided with opportunities to express their thoughts, share their ideas and ask questions, which is in line with Articles 12 (respect for the views of the child) and 13 (freedom of expression) in UNCRC. In this regard, teachers are suggested to create opportunities for children to speak and express themselves, and to ensure sufficient time available for talking with children. Moreover, young children's ways of speaking and their opinions should be respected regardless of their abilities to express themselves (Ministry of Education 2012a, b). More importantly, young children will be encouraged to join the decision-making progress about the plans and other important issues in classrooms and kindergartens. For example, one of the educational suggestions for teachers in 2012 Guidelines is "asking young children to make decisions through group discussion on major events and plans in their kindergarten and class" (Ministry of Education 2012a, p. 30). Besides, as stated by CRC (2005), ensuring young children's rights to freely express and be heard requires educators to listen to young children patiently and respect their points of view. This can be seen in the statements in *Professional Standards for Kindergarten Teachers* (Ministry of Education 2012b) such as "focusing on young children's daily performance and promoting their initiative and confidence" and "be a good and amiable listener to young children" (p. 5).

## Closing Discussion

Young children's rights, as a foremost Western discourse, bring ECE in China a new pattern of speaking and thinking about young children. This can be seen in an increasingly strengthened legislative link between young children and their rights as citizens, and an advocacy for implementing a child right perspective in kindergarten education. However, it should be noticed that young children's rights are introduced as part of a broader transformation of Western education theories and discourses. As stated by Li and Chen (2017), current ECE in China is a "hybrid" that formed through the interaction and interconnections among traditional Chinese culture especially Confucianism, socialist values influenced by the Soviet Union, and Western values and pedagogies. According to Laclau and Mouffe (2014), all these discourses form an interdiscursive mix on young children where various discourses are constantly struggling to define meaning and to dominate the discursive field of



children's rights, bringing fusions and collisions on the construction of young children and their rights.

Taking play as an example, as stated in Article 31 in UNCRC, young children's right to engage in play and recreational activities should be recognized (United Nations 1989). In China, the importance of play has been realized by the introduction and implementation of Western ECE pedagogies and curriculum models since the 1980s. The 2012 Guidelines and 2016 Regulations have further strengthened the priority of play in kindergarten curriculum and outlined the basic requirements for play in kindergartens such as establishing more play areas, providing various types of play tools and guaranteeing sufficient time for children to play. However, under the influence of traditional Confucianism and the downward pressure on young children results from the exam-oriented education system (Lin et al. 2019, p. 12), Chinese parents still emphasize young children's academic learning over play in order to "avoid being left behind at the starting point" (Lu 2015, para. 1) even though the current ECE curriculum and policies state that, as mentioned above, play should be the basic activity in kindergartens.

The above example of play reveals the contradictions brought by multiple discourses. As discussed previously, Confucianism highlights young children's duties and responsibilities as sons/daughters, brothers/sisters and subjects of the empire, focusing on "what children should do" rather than "what children can do" (Liu 1996, p. 18). This is contradictory to young children as rights holders and active participants. However, Confucianism also highlights "teaching students in accordance with their aptitude" and "teaching benefits teachers as well as students" (Gu 2019, p. 7), which emphasizes children's individuality and the reciprocal relationship between teachers and students. Recent studies (Qi and Shen 2015; Wang and Huang 2019) have attempted to construct a context-specific approach to rights and citizenship based on Chinese traditional philosophies such as Confucianism and Western philosophies, while the possibility in ECE still needs further exploration.

In summary, this article briefly summarizes the progress of young children's rights in the policy context of Chinese ECE over the last 30 years. Future research could usefully explore and address the gap between policy and practice. For example, under the influence of multiple discourses, young children's enactment of rights and adults' opinions towards young children's rights. Besides, more research priority should be given to the rights of children from 0 to 3 years old.

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**Part II**  
**Children's Perspectives**

# Chapter 7

## Time for Play? Researching the Right to Play in Children's Everyday Lives with Time Use Diaries



Katarina Bogatić

**Abstract** The importance of play is often emphasized within the early childhood education and care discourse as well as within the child's rights discourse. At the same time, children and adults involved in their lives are becoming increasingly under pressure to prepare children for the future. This instigates questions about the nature of contemporary children's everyday lives, and, specifically, about the right to play in children's everyday lives. Realization of the right to play can be studied using time use diaries, in terms of gaining insight into the position of play in relation to other activities during the day. This chapter discusses different interpretations of the right to play, time use methodology focusing on time use diaries and provides an example of a preliminary research using time use diaries, focusing on the realization of the right to play.

### Introduction

Time and place have become significant topics of discussion within the early childhood academic community. Within the minority world as well as in countries with transition economies, children are spending increasingly significant amounts of time in various institutionalized places focusing on their care and/or education in different forms depending on specific contexts. The fact that these places are becoming "formalized organizations of learning and achievement control" (Zeiber 2009, p. 129) that are increasingly under pressure to focus on an "academic curriculum" (Pramling et al. 2019, p. 167) is a topic of different discussions with different stances. In practice, there is less time allocated as time away from these institutionalized places. Furthermore, there is more and more pressure to use

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children's time within and away from these institutionalized places by means of "timetabling" and "supervision" (Whitebread 2018, p. 2). In other words, there is a pressure to constructively fill children's time trying to give them a head start in different areas in order to be more competitive in the labour market in/of the future. Thinking about this contemporary context of children's lives, it is important to discuss play; specifically, the interpretations of the right to play and the significance of these interpretations for the realization of the child's right to play. This is especially important taking into consideration the fact that play is considered an "essential and fundamental aspect of human behaviour and culture" (à Beckett et al. 2017, p. 1), in the sense of being children's "leading activity" (Fleer 2009, p. 5), which is characterized by "inquiry and invention" (Engel 2016, p. 558). More importantly, it is necessary to deliberate on the position of play as a *children's project* within this context (Babić 2015).

## The Right to Play

The UN Convention on the Rights of the Child (1989) (hereafter UNCRC), as the "first document approaching children as subjects with rights" (Maleš and Stričević 2000, p. 7; UNICEF 2007) provides rights that should, through their realization, ensure children's development to their full potential. Article 31 of the UNCRC states that

- (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.

Recognizing the right to play is seen as "one of the most innovative aspects" of the UNCRC because it explicitly positions play as a right for the first time (Davey and Lundy 2011, p. 4). However, Van Gils (2007) warns that Article 31 might be interpreted as a "compensatory approach to play", in which play is reduced to a recreational activity providing children with rest after work in the classroom or viewing play as merely a "valve" for releasing energy in order to be able to continue with work (p. 2). However, if the first section of the article is interpreted in relation to the second section, it becomes visible that play is conceptualized as integrated in the part about participation in cultural life and arts. Even broadly, a comprehensive approach to the UNCRC could be applied when interpreting the right to play, within which the UNCRC is not seen as a list of articles, but a coherent unit, in which all articles are intertwined (Van Gils 2007, p. 2; see also Mullen 2014). This is also emphasized in *General Comment No. 17* (UN Committee on the Rights of the Child 2013), where Article 31 is interpreted holistically: in the sense of its constituent parts and in the sense of its relation to the rest of the UNCRC (UN Committee on the Rights of the Child, hereafter CRC 2013, Article 8). On the other hand, Lester

and Russell (2010) discuss play, as explicitly stated in Article 31, as separate from rest, leisure time and recreation and as an intricate part of children's lives escaping adult control. Within this approach, the right to play could be discussed as connected to all aspects of children's development, health and social position. Suoto-Manning (2017) positions the right to play as crucial, stating that denying children the right to play means denying them the right to be children. In other words, "[t]o plea for play is to plea for the rights of the child, and to plea for the rights of the child is among others to plea for play" (Van Gils 2007, pp. 3–4).

On the *one side of the continuum* of interpretations and/or expectations from the UNCRC regarding its explicitness and univocity are, for example, Polić (2017) and Quennerstedt et al. (2018), calling for a continuous rethinking, reconceptualization and reimagining of children's rights as such, in order for the "perception, inscription and mobilization of the rights to change" (Quennerstedt et al. 2018, p. 54). They find that the UNCRC contains incongruities in its view of children, which then translate into the different understandings of children's rights. Vandenhole (2012) calls this "a critical approach to children's rights" (p. 92). Sheridan and Pramling Samulesson (2001) and Bae (2010), for example, could be placed *in the middle of the continuum*, accepting the "general ways" in which the articles of the UNCRC were formulated, nonetheless advocating for a need for their translation and contextualization for a more meaningful realization in practice (Bae 2010, p. 206). *On the other side of the continuum* could be McGoldrick (1991) and Davey and Lundy (2011), for example, calling for more specific definitions of key terms in the UNCRC. For instance, Davey and Lundy (2011) find Article 31 "very broad" and emphasize its missed opportunity to define the notions of *play* and *recreational activity* (p. 3). The definitions of those key terms were provided in *General Comment No. 17*, where play is determined as "any behaviour, activity or process initiated, controlled and structured by children themselves", it is voluntary, intrinsically motivated and a purpose in itself (CRC 2013, Article 14). Key characteristics of play, which is seen as crucial to children's development, are "fun, uncertainty, challenge, flexibility and non-productivity" (CRC 2013, Article 14c). Unlike Davey and Lundy (2011), Lester and Russell (2010), Smirnova (2013) and Van Gils (2007) interpret the UNCRC as conceptualizing play as an activity free from regulation by adults. Along with freedom, Van Gils (2007) finds the following "visions" of play in the UNCRC: self-determination (contributing to the development of social life, health and children's overall development) and play as children's social activity (participation, safety/protection) (p. 7). Smirnova (2013) emphasizes that the UNCRC considers play as emotionally uplifting, in the sense of joy coming from the process and not the product of play; as spontaneous, unpredictable and as an arena where children actively test themselves and the object of play. This kind of play enables children's active participation in their environment, which makes play important in the "formation (...) of their independence, initiative and responsibility" (Smirnova 2013, p. 128).

As visible from the interpretations of play within the child's rights discourse, the emphasis is on the protection of play, in the sense of ensuring conditions for its realization as well as for children's authentic play, as elaborated in *General Comment*



*No. 17* (CRC 2013). Davey and Lundy (2011) find that, even though the importance of play is emphasized as a generic attribute of human beings among academics, the view of play as an educational tool is dominant in childhood policy. The children's right to play could be placed between the two extremes: (1) recognizing play as a right "in itself", and (2) recognizing play as an "important means of achieving other rights (health, development, education)", but also as dependant on and an outcome of the fulfilment of other rights (Davey and Lundy 2011, p. 4) On the other hand, in discussing the right to play, Smirnova (2013) claims that only the conceptualization of play as a generic attribute of human beings could be considered as play contributing to development. Within this conceptualization, adults are positioned as those providing inspiration, conditions and as participants. This is supported by Howard and McInnes (2013), who determined that children's perspective of play and their emotional engagement in their own (in the sense of ownership) play, contribute to the developmental potential of play.

Play practice is "under high pressure" due to the ambiguity of play, its "pedagogisation and commercialisation", as well as overprotection of children (Van Gils 2007, p. 7; see also Frost 2012; Gleave 2009; Murray 2018; Nicholson et al. 2014; Peters and Swadener 2019). If play practice belongs to leisure time, it requires specific (possibly planned) structures of time and place and is subordinated to schedules of adults, educational activities and safety issues (Van Gils 2007). The importance attributed to educational achievements, excelling in internal and external assessments and scheduling of children's daily activities (institutionalized or other) might leave play on the side-lines of children's everyday lives. Despite its highlighted importance in the UNCRC, the children's right to play is "violated more often than other child's rights", the reasons for which might be adults' misunderstanding play as the opposite of "useful activity" and as "optional, and, hence, unnecessary" (Smirnova 2013, p. 127; see also Murray 2018). CRC (2013) provides similar findings after analysing the implementation of the rights of the child provided in the UNCRC – states parties poorly recognize the rights of the child elaborated in Article 31. The states parties that provide funding, fund planned, educational play activities. This could be related to what Sutton-Smith (1997) identifies as an ideology of play as progress:

Play as progress is an ideology for the conquest of children's behavior through organizing their play. What is put to one side, forgotten, neglected, denied, trivialized, or suppressed are all the other ways in which children play by themselves or together with other children. Treating all of this play as frivolousness, as something to be put aside, illustrates and adds momentum to the idea that adults should organize the kind of play through which children are believed to develop properly. (Sutton-Smith 1997, p. 205)

The review of different interpretations of the UNCRC indicates that although play is recognized as an authentic children's project (Babić 2015), play is also used as an educational tool, context for teaching. This positions play as just the scenery of a far more important drama going on in the forefront, thus making all the claims about the importance of play purely declarative.



## Time Use Studies

Time use studies are a means of gaining valuable insight into children's everyday lives as time is seen as an indicator of the normative framework of a specific sociocultural context within which children interact with the world and gain experiences (Belloni and Carriero 2008). More specifically, time is a "social background against which behaviour occurs and decisions are made" indicating "hierarchies of relevance" of children's activities. Time organization is a "system of opportunities and constraints in which, through adults, children participate in society" (Belloni and Carriero 2008, p. 294). Farquhar (2016) and Tesar (2016) see time valued in early childhood as "teleological, linear and sequential" leading to ideas of standardization and development being brought into connection with early childhood and thus advocate an exploration of a "broader idea of temporalities" (Farquhar 2016, p. 409). While Tesar (2016, p. 407) proposes thinking about *events* in relation to childhood, rather than time, Farquhar (2016) elaborates on three different ways of thinking about time in the context of early childhood: (1) "standard account of *linear time*" in terms of "a child progressing in sophistication and maturity"; (2) "*disordered time*" extending to "notions of randomness and anarchy" viewing children as "a continuous reassemblage, allowing for irregularity, inconstancy and creativity"; and (3) "*distended time*" in terms of "fluidity and elasticity valorized to our perceptions of the passage of time" and viewing the "past, present and future" as "overlapping, sometimes co-present, and sometimes one subsumed within the other" (pp. 409–410, *italics in original*). Rethinking the different ideas behind the notion of time leads to the conclusion that in being and/or working with and researching children, adults (parents, teachers, researchers) should take into consideration children's subjectivities in relation to time, i.e. children's own individual perspectives regarding time as such, in terms of the past – future continuum, as well as the experiential aspects of time at home, in kindergarten or other arenas of life (Farquhar 2016). This aligns well with the current emphasis in childhood research on acknowledging "the presence of children and their accounts of life, as an essential element to understanding their worlds" (Harcourt 2011, p. 333; see also Sommer et al. 2010).

Conducting research using time use methodology provides a way to gain insight into children's activities during the day, along with an insight into the participants involved in those activities, their interrelationships (including generational structures), locations where those activities were performed as well as the perceived relevance of children's activities within their lives (Belloni and Carriero 2008; Corey et al. 2014). There are different overviews of methods to researching time use (e.g. Ben-Arieh and Ofir 2002; Gershuny 2015; Harding 1997). For example, Gershuny's (2015) overview includes questionnaires, observations, administrative records and diary methods. The (recall) self-reporting diary method is seen as useful due to being complete and continuous, providing a view into "the complex knowledge of events" in time, and is seen as valid and reliable (Ben-Arieh and Ofir 2002, pp. 235–236; see also Gershuny 2015; Hofferth and Sandberg 2001; Ziviani

et al. 2008). Issues arising when using this method concern the complexity of writing the diary which could result in low response rates, “under-reporting” or omitting some activities and incorrectly noting the time spent in an activity (Gershuny 2015, p. 380; see also Ben-Arieh and Ofir 2002). The design of time use diaries is variable, with two modes of administration being most prominent: the *yesterday* study, involving a process that is led by an interviewer, typically covering the previous day or up to 3 days, and the *tomorrow* study, where the diary is written by the research participant as often as possible during the day or the following day (Gershuny 2015, p. 381). The recording of daily activities can be based on events, prompted by questions or using a schedule with time slots (Gershuny 2015). Some researchers choose to instruct participants to keep time use diaries for one or two weekdays and one or two weekend days (e.g. Corey et al. 2014; Skouteris and McHardy 2009). Specifically, Ziviani et al. (2008) claim that the most representative days for keeping time use diaries are Fridays, one of the days between Monday and Thursday and one of the weekend days. They claim that the three selected days will provide for the differences between the weekdays and the weekend days to be visible, as well as provide for the specificity of Fridays to be visible, as “a mix between the routine of weekdays and more relaxed schedules of weekend days.” (Ziviani et al. 2008, p. 115). On the other hand, Gershuny (2015) finds that shorter diaries of just a few days give a “spurious impression of interpersonal variability which is in fact wholly intrapersonal” and therefore suggest applying diaries kept for more days or a week, despite them being demanding of respondents and leading to low-response rates (p. 381).

Time use research using time use diaries involving children typically referred to as preschool aged children is scarce and time use studies conducted with young people/adolescents are far more common. This is confirmed by Gershuny (2015) stating that “[c]onventional ‘tomorrow’ studies include children from the ages of eight” (p. 381). Some examples of time use studies with children under the age of eight can be found, providing insight into the methodology used with young children as participants as well as insight into how young children spend their time. For instance, Belloni and Carriero (2008) have conducted a time use study with children aged 5–13 years to gain insight into their daily lives. While they used time use diaries when researching daily lives of children from the age of seven onwards, when conducting research with children aged 5–6 years, they used questionnaires filled by parents, interviews with children and children’s drawings. In the time use diaries, children used their own words to note all their activities continuously for 24 h a day, while specifically noting the duration of the activities (both principal and secondary), location of the activities and participants (Belloni and Carriero 2008). Corey et al. (2014) conducted a large longitudinal study aiming to examine the impact of the “unique” Australian context on children’s development and well-being (p. 2). Time use diaries were kept to determine how children spend their time. The diaries were kept for one weekday and one weekend day for the duration of all 24 h a day, divided into 96 15-min slots.

When the children in the two cohorts were babies and toddlers, the diary was completed by the parents (...). As the participating children have become older, the information collected has become primarily about the child from the child, as they progressively spend less and less time with their parents. (Corey et al. 2014, p. 2)

The findings from 4 to 5-year olds who participated in this study indicate that they spend 458 min a day playing on weekdays and 470 min a day playing on weekends (Baxter and Hayes 2007). Children's activities over the period of 24 h were divided into 6 categories: sleep, personal care, play, social and organized activities, travel and taken places, missing data. Play was subdivided into watching television, achievement (e.g. reading, educational games etc.), exercise (e.g. riding a bike) and other play (e.g. listening to music, using the computer, playing with toys etc.) (Baxter and Hayes 2007). Since watching television was subsumed under play, it could be possible to subtract television watching from the total time spent in play, which would then sum up to 320 min of play during weekdays and 340 min of play during weekends. Play is the activity children spend most time doing, after sleep. Within the category of play, the subcategory *other play* takes up most time, which includes, for example, creative play or playing with toys (Baxter and Hayes 2007). Time was spent similarly on weekdays and on weekends, except for social and organized activities, which were more present on weekdays. Also, in the Australian context, Skouteris and McHardy (2009) studied time use with a focus on the time spent watching television. Mothers of 92 children aged 3–5 years kept a time use diary noting how their children spend their time – three weekdays and the two weekend days (Skouteris and McHardy 2009, p. 82). Authors differentiate general play (“[i]ndoor play with toys or siblings that was not described as pretend play”, “nondescript play”, non-educational computer games), pretend play and outdoor play/activity (Skouteris and McHardy 2009, p. 83). Other categories were TV overall, video overall, reading, educational activity, childcare/kindergarten, extracurricular activity. Results indicate that children spend an average of 250.14 min playing on weekends, and 155.56 min playing on weekdays. The participants spend more time playing during the weekend than during workdays. The differences in results between the two studies in the Australian context (Baxter and Hayes 2007; Corey et al. 2014; Skouteris and McHardy 2009) could, among other things (participant's age, instrument used, overall research context etc.), shed light to the importance of the fine-tuned definition of daily activities, especially play. This may then lead to different categories of everyday life, whether the categories are established prior to conducting the research, based on relevant literature, or whether they arise from the obtained data. Hofferth and Sandberg (2001) analysed data from a longitudinal study called Child Development Supplement to the Panel Study of Income Dynamics conducted in 1997. They focused on time use of 2818 children from birth to the age of 12 in the US. Along with a survey and interviews, parents or parents and children kept 24-h time-use diaries for one weekday and one weekend day. The participants noted both primary and secondary activities. Results here referred to as time spent in play per day are interpreted from Table 1 of Hofferth and Sandberg's (2001, p. 300) study which showed the time spent in a certain activity in a week's time. The time spent in play per day was calculated separately for 0–2-year

olds and for 3–5-year olds for variables outdoor, art, sports, and play. Results indicate that children from the age of 0–2 spend on average of 255.26 min playing and children from the age of 3–5 spend an average of 201.14 min playing per day (Hofferth and Sandberg 2001).

The reviewed papers presented results from mostly large-scale studies providing an abundance of quantitative data concerning children's time for play. However, without comprehensive qualitative data on play in these papers, it is difficult to determine the nature of the activities designated as *play*. Therefore, considering the focus of this chapter, when thinking about the data presented in different research about time use, it is necessary to discuss the categories of different activities. For example, Hofferth and Sandberg (2001) included two categories related to being in the household – household conversations and household work. When considering young children, and the idea that playing might be interpreted as their way of being, it is possible that play goes on during household conversations, e.g. puns, language games, rhyming games etc., and takes over the original activity and it is also possible that play goes on during household work – is dusting with a 2-year-old play from children's perspective?

## Preliminary Time-Use Study in Croatia

In order to gain insight into the possibilities for realizing the child's right to play in relation to temporal structures of children's everyday lives, a preliminary study was conducted in a Croatian urban setting. A concurrent purpose of the preliminary study was to gain insight into the methodological issues of conducting a time-use study with young children and their parents. The study was conducted with parent(s) and children aged from 3 years and 9 months to 6 years and 7 months enrolled in a kindergarten with whom the researcher has an already established cooperation and who have previously participated in research studies with the researcher in the past. This research-friendly context was thought to be beneficial for the readiness of the parents and children to participate, especially taking into consideration the instrument of the research, the time use diary, which takes time and commitment to keep. However, of the 60 distributed time-use diaries, only 18 were kept and returned, which corresponds to Ben-Arieh and Ofir's (2002) as well as Gershuny's (2015) accounts about low response rates when using time use diaries.

Children and parents were given instructions on how to keep the time use diary in person and were given written instructions as well. The time use diaries were kept jointly by children and their parent(s) in interaction at the end of the day for the duration of 1 week (5 weekdays and 2 weekend days, as per Gershuny's (2015) view of the benefits of multi-day or a week's long diary). The design of the time use diaries was 'open' – 15 (time) slots were provided with no designated time written – participants could decide how to distribute time in the diary according to their own perspective(s). The idea behind this was to gain insight into the research participants' views of what the acceptable burden of noting activities in a time use diary is for

them. This was intended as a start of the process of building a bridge between the researcher's expectations and reality of what a participant can and wants to do when keeping a time use diary. Along with noting primary activities, participants also had to note a potential parallel activity (if present), participants and location of the activity or activities (Belloni and Carriero 2008; Gershuny 2015). After writing the time use diary, children were instructed to draw (or write, whichever way they felt more comfortable to express themselves) their activities during the day on a blank piece of paper without the intervention of their parents. The joint (parent-child) noting of activities in the time use diary and the child-only drawing of activities was seen as a way to account for a discrepancy in the literature concerning parents as sources of information about their children's time. For example, Skouteris and McHardy (2009) claim "maternal reporting" is "widely used in developmental research" and is found to be reliable (p. 82). On the other hand, Gleave (2009) claims there is "a disjunction between adult's perception of children's use of time and how children's time is actually spent" (p. 10).

This section focuses on the primary activities of children as well as on the methodology. Since this was a preliminary research, with a small sample, and an even smaller response rate, any data will be discussed descriptively indicating only tendencies. Only one diary noted the activities going on in the kindergarten, while the majority of them noted activities before and after kindergarten, therefore, on average, activities before 8.00 a.m. and after 3.00 p.m. This corresponds with Baxter and Hayes' (2007) research results. Since in the preliminary research presented in this section parents were able to choose the time(s) for which they noted their child's activities, possible explanations for this could be found in discussing what time parents consider as the time that is primarily their domain in regards to children; how they see their position in relation to the kindergarten and what are the characteristics of parent-teacher partnership if existent, as well as how much and how parents talk with their children about what they do in kindergarten every day, which relates to how parents see their children in terms of their competence to report on what they did in kindergarten on a particular day.

The average number of time use diary entries per day is 8 for weekdays and 11 for weekends, which is related to the fact that weekend days were kindergarten-free for the children participating in this research, thus leaving more time for parents to note. Sleep takes up most of children's time, on average 9 h a night. Sleep is followed by time spent in kindergarten, which on average amounts to 8 h a day (on workdays). An average of 2 h a day are spent on personal hygiene, eating and getting ready for going somewhere. This number is lower than e.g. Baxter and Hayes (2007), however, the difference could be the fact that Baxter and Hayes (2007) included crying, destroying things, making a mess and being reprimanded in this category. This preliminary research, however, had no note of any such behaviours/activities, which is possibly unrealistic, and speaks of parents (and children?) omitting socially undesirable activities. This issue with time use diaries is elaborated by Ben-Arieh and Ofir (2002) and Gershuny (2015). An average of 2 h a day are dedicated to play, mostly symbolic play, construction play and board games were mentioned in the diaries. Children watch TV or videos on the internet and/or play games on the

internet an average of an hour and a half a day. Ten children are enrolled in some sort of organized leisure time activity, like swimming, dancing, gymnastics, English lessons, etc., where they spend an average of 45–60 min a day. When those children were attending their leisure time activity, as a rule in this limited sample, they spent 1 h less in activities (walking or playing) outside. Children not enrolled in an organized activity, spend an average of 1 h a day walking or playing outside, mostly in backyards and in playgrounds/parks. Playing outside is on some days replaced with e.g. going grocery shopping, visiting someone, etc. Cuddling, conversation along with reading and/or listening to stories with parents and/or other members of the household takes an average of about half an hour.

This preliminary time use study indicates that children's lives are structured, similar to the lives of adults. In this structured life, during the hours children are away from kindergarten, they have 2 h a day for indoor, and 1 h for outdoor play. Children are "strongly shaped by the two main institutions that regulate children's lives – family and school" (Leira and Saraceno 2008, p. 21), or in this case, the kindergarten. Adults who are in positions of power in those institutions, parents and teachers, are crucial for the children's right to play to be realized. Gaining insight into the hours and/or minutes a day designated for play (and putting this information in relation to other activities during the day) provides an important starting framework for the discussion of realizing the right to play. However, it does not say enough about the nature of play in children's lives, especially taking into consideration the indications that children see adults as the ones who deny them the right to play (Children's Parliament & IPA Scotland 2011; King and Howard 2014).

## Concluding Remarks

The debate on the position of the right to play is a debate on (the view of) children and childhood itself. The right to play can be achieved if the children's right to participation is achieved as well, because children view play as an activity where they can choose and decide for themselves, and this is an attribute of play that is even more important to them than play being fun (King and Howard 2014; Te One 2008). Similar to play, time is also a notion that is debated in contemporary early childhood literature, with demands for its re-examination through a more subjective prism, especially taking into consideration children's perspectives. These demands, pertaining to both play and time, gain even more power considering the contemporary layout of children's space and time realities being increasingly restrained through practices of standardization and accountability. In this context the need for research rethinking play, time and its own methodology is visibly necessary. The preliminary research presented in this chapter indicates that children have 2–3 h a day for play, excluding play in the kindergarten. However, the adult perspective of play differs from the children's perspective of play (Barnett 2013; Glenn et al. 2012), therefore it is important to gain insight into how the interaction between parents and children went about in noting an activity as play in the time use diaries. Apart from the



different views of what play is, the power relations between parents and children, their specific relationship as well as the fact that in most cases parents were the ones who actually wrote the activities down in the diaries, play a part here. In future time use studies focusing on the right to play for young children, it would be important for the researcher to be present and support the parent and child in noting down their activities during the day, as well as conduct interviews with the child, their family and teachers (Ben-Arieh and Ofir 2002; Corey et al. 2014; Harding 1997). The interviews with children should not focus only on the child's activities during the day, but also on their views of specific activities as such, especially play. These views should then influence the categorization of activities during time use data processing. Children spend a large part of their day in the kindergarten, therefore in future studies it would be valuable to gather information on activities throughout the day in the kindergarten as well, especially if the informants are children themselves.

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# Chapter 8

## Children's Human Rights in ECE in the Context of a Changing Polish Reality



Ewa Lewandowska

**Abstract** Implementation of children's rights in a country is a complex and dynamic process involving the political system, legal apparatus, culturally anchored values, and institutions formed by these. As both the system and the culture, and thus institutions, change over time, the ways to realise children's rights take different forms, and they develop or regress in particular periods. This chapter starts with a historical overview over certain periods in the Polish history. Significant individuals, particularly Janusz Korczak, are drawn upon in order to show the interaction between the socio-political contexts and the developed pedagogies, that have influenced the ways educational institutions work directly with the children. Three periods, the interwar period, post 2nd world war, and changes of socio-economic and pedagogical paradigm after 1989, are in the author's focus. The last one relates the children's rights to sustainable development and is followed by an empirical study with 6-year-old children on their perception of their rights implied in the UNCRC Articles 12, 13 and 15. The chapter concludes by a call for strengthening the children's voices in matters that concern them.

### Introduction

The process of developing the UN Convention on the rights of the child (UNCRC) as well as its ratification and implementation in a particular country are interwoven in a wider historical process as well as in socio-political and institutional contexts. Neither children's rights nor institutions for children (like for example preschools) exist in a societal or political vacuum. Diverse ideologies and political systems have always been interested in educational institutions as arenas for transmission and implementation of their ideas (Rutkowiak and Szczepska-Pustkowska 1995), and thus more or less promoted the development of particular pedagogies. In this

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chapter, I will show how the dynamics between stronger or weaker democracy interact with the realisation of children's rights, through pedagogical inventions and applied pedagogies. The focused periods are the interwar one (1919–1938), the post 2nd world war (1945–1988) and the period after the societal transformation in 1989. The last period will be supported by a study with 6-year-old on their perception and knowledge about their rights, especially the right to express, and be respected for, their views (Article 12), as well as freedom of expression (Article 13) and of association (Article 15).

## **Children's Rights in Poland During the Interwar Period**

During the interwar period, Poland was independent and lead in a democratic direction, which particularly facilitated the development of children's rights. In this time, the pedagogy-related milieus were fascinated by the reform pedagogy and new thinking in education about the child as a subject and not an object. The newly gained democracy and independence created a supportive context for immediate implementation of these ideas into the educational contexts. Educational settings, following the ideas of Maria Montessori, Célestin Freinet, Friedrich Fröbel, or Helen Parkhurst, were established (Bobrowska-Nowak 1978; Śliwerski and Melosik 2018).

At this time, as these ideas were implemented in Poland, Poles also actively participated in co-creating these changes on the international arena, for example changing the perception of children and childhoods and promoting activism for children's rights (Grochowski 1984, 1987; Krawczyk-Chmielewska 2017). The most recognized Polish activists of that time were Janusz Korczak', Helena Radlińska, who was a sister of Ludwik Rajchman, the founder of UNICEF, Maria Grzegorzewska, who was a pioneer in special education in Poland, founder of the first Institute of Special Education in Poland, where Janusz Korczak was hired as a lecturer. In 1924, the League of Nations adopted the Geneva Declaration on the Rights of the Child, telling humankind to give the child the very best. Since 1921, there were articles in the Polish Constitution on children's right to be taken care of by the state, on prohibition of school children's labour and of women's right to vote (Ciesielska 2018). This was the period of Janusz Korczak's mission and actions.

### ***Janusz Korczak – First Ombudsman of Children's Rights in Poland***

Janusz Korczak was a medical doctor who implemented his upbringing system in The Orphans' Home and Our Home – two orphanages which housed around 200 children. Korczak is commonly recognized as the pioneer of children's rights in

Poland. Two rules were the most important in his upbringing system: citizenship and responsibility (Witkowska-Krych 2015, p. 8).

In two of his houses, parliament, local council, court and *notariat* were functioning. The parliament was supposed to create the rules and guidelines of the organization of the houses, the local council to uphold them, the court settled disputes and claims, and *notariat* formalized transactions conducted among the children. Both adults and children were members of the parliament, local council and court and there were elections to these functions within the community of the house (Korczak 2018). In the houses, there were duties connected to all the activities that needed to be done in order to make the houses function, like cleaning, taking care of a sick person, and for some of the duties the children were paid. The payment was meant to be a preparation for adult life. Duties were being planned for a whole month and were supposed to teach the children responsibility, cooperation and gender equality.

A very important place in all of the houses was the *blackboard*, which was a kind of communication platform among the children. Here you could find pieces from newspapers, information about events, lists of damages, as well as weight and height of the children, the average number of fights and average number of verdicts. There was also a *mailbox* hung on the wall. Thanks to this blackboard, the children could vote, communicate with 100 other children living in the house of orphans, but also postpone a decision or reflect on it. The children could also listen to the others' opinions, complaints, secrets, or apologies, which sometimes was difficult to communicate directly. Additionally, the letter-writing, sending, and waiting for answer were supposed to teach the children about waiting for an answer, and to distinguish between things which were important from the less important ones.

*Meetings* were one of the houses' rituals. These were meetings during which the children were taught to speak in public and express their opinions. The children learned that they will be heard and understood. The court was safeguarding the children's equal rights, respecting their rights and taking their issues seriously. Both adults and children could be taken to the court, even Janusz Korczak. The verdicts were given in line with the established codex.

Another activity fostering children's civic attitudes was to delegate to them the editorial work of a Friday supplement of the weekly newspaper for adults. *The Little Review* (Polish: *Mały Przegląd*) was a kind of social media for children in the years of the interwar period. Children and young people wrote and edited texts on matters important to them – and the child's voice was heard by the adult readers, like never before (Landau-Czajka 2018).

Korczak's perception of children is clearly shown in his publications containing the most famous quote: "there are no children – they're people" (Korczak 2018, p. 107), which was Korczak's pedagogical credo. Being a great and insightful observer of children, Korczak was able to capture small episodes and situations, write down children's narratives and reflect on them, and the way he did this, still provokes reflection. From these observations, knowledge and experiences, he created a catalogue of children's rights in which development is a child's foremost right and duty, but also to work and make an effort (Korczak 2008). Other rights are:

- “a child’s right to die (...), a child’s right to the present day (...), a child’s right to be what a child is, (...) the first, indisputable right of a child is to articulate his own thoughts and take an active role in our discussions and verdicts about him” (Korczak 2018, p. 30),
- “a child’s right to conditions favouring growth and development” (Korczak 2018, p. 158),
- “a child’s right to free acquisition of knowledge (...), a child’s right to work on themselves (...), a child’s right to full citizenship of his own world (...), a child’s right to have their inexperience and weakness acknowledged (...), a child’s right to joy and recreation (...), a child’s right to the democratization of childrearing” (Korczak 2018, p. 159), as well as
- a child’s right to respect for: “lack of knowledge (...), the work of acquiring knowledge (...), failures and tears (...), children’s possessions and their budgets (...), the secrets and vacillations of the hard work of growing” (Korczak 2018, pp. 321–322).

Korczak experimented with the daily life in The Orphans’ Home by co-creating a democratic system of living together with the children. This experience was supposed to prepare the children to live in a new world and a new model of society – a civil society. Practicing citizenship and thinking about children as citizens of a state shaped and changed all of the participants, from Korczak to the children, and then the whole world (Kemmis et al. 2014). This was really a daily experiment of democracy. Korczak’s activities had great influence on the reflection on education and reflection on change made by education (Smolińska-Theiss 2014). Even if Janusz Korczak was not formally participating in the process leading up to the UNCRC, his activity was known in Poland and the world and he was enriching the reform pedagogy with a new perspective on the child and childhood. In Poland, Korczak was recognized as the first proponent of children’s rights and named the first ombudsman of children’s rights, an unofficial title given to him by Marek Michalak (Ombudsman for children’s rights in Poland 2008–2018).

## Children’s Rights in Poland After the 2nd World War

A change in pedagogy and educational practices took place in the post-war period. The reasons were socio-economic changes, the transition to the socialist system and the monopoly of the Polish United Workers’ Party (PZPR) (Kunowski 2011). All the new educational trends which had their beginning in the interwar period lost their legal power and leaders. The new ideal citizen was not one aware of his civil rights, it was not a participant, but rather one that knows his place in the ranks and is obedient to the imposed and only right ideology (Klaus 2013).

In Poland, in this socialist period, the most important issue was the collective teaching and upbringing that was about subordinating the people to the vision created by the state. The instruction-and-transmission based model of teaching was

dominating in the classrooms. Everybody was learning the same in the same time and were formed by the normative-repressive upbringing (Bałachowicz 2017). The children were supposed to listen to the adults according to the saying: "Children and fish have no voice". Preschool education as well as the whole educational system was subordinated to the ruling party and the state (Zwiernik 1999).

Nevertheless, even in this period Poles were supporting children's rights. They sympathized with children, victims of the war. The originator and founder of the United Nations Children's Emergency Fund (UNICEF) was a Pole, Ludwik Rajchman, director of the Health Section at the League of Nations, became the first president of UNICEF, 1946–1950. This was followed by an expression of social justice in 1978, when a delegation of the Polish government presented a proposal, a draft for a Convention on the Rights of Children to the UN, which then initiated to work on the proposal.

## **Children's Rights in Poland in the Period of Societal Transformation After 1989**

The changes of the socio-economic system after 1989 influenced the ways of thinking about pedagogy and educational practices. The transformation of the system brought redefinitions of basic pedagogical categories like upbringing, education, care and children's rights. New pedagogical movements appeared, as for instance anti-pedagogy, critical pedagogy, anti-authoritarian pedagogy, emancipatory pedagogy, antidiscrimination, intercultural, ecological and postmodern pedagogy (Kwieciński and Śliwerski 2003). In a climate of searching for new pedagogical ideas, new actions supporting children's rights occurred. The UNCRC was the first ratified international agreement signed after the transformation of the political system in 1989 (Krawczyk-Chmielecka 2017).

In 1997, the Constitution of the Republic of Poland established the institution of the Ombudsman for Children whose task is to uphold the rights of the child as defined in the Constitution of the Republic of Poland. Since 2000, there have been five ombudsmen for children's rights in Poland. Marek Michalak, who initiated a public discourse on children's rights, was the most expressive one and at the same time the longest acting among all appointed ombudsmen for children's rights. His ten-year-long term of office introduced:

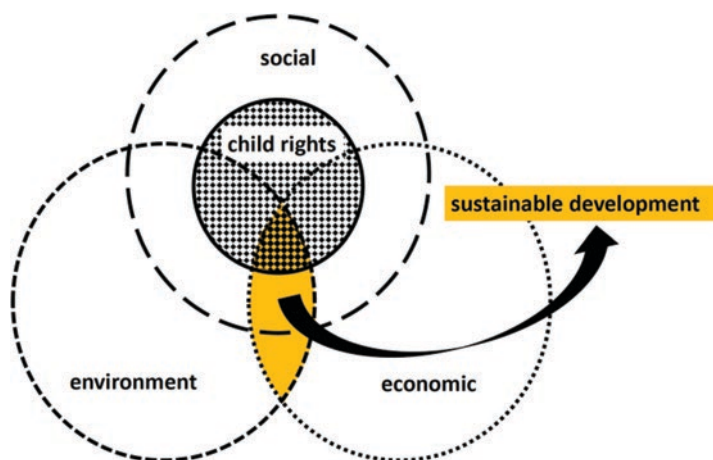
- the notion of children's right to both parents into Polish legislation,
- a total ban on corporal punishment in 2010. The number of people supporting corporal punishment fell from 78% in 2010 to 43% in 2018 (Jarosz and Michalak 2018, pp. 212–243),
- a social discussion regarding the exercise of the right to rest in the context of overloading school duties and students' homework,
- a Children's Helpline run by the Children's Ombudsman, in the form of a 24/7 hotline for children and young people, free of charge,

- the National Day of the Child on November the 20th adopted by the Polish Parliament,
- the 20th September as the National Pre-schooler's Day (Polish: Ogólnopolski Dzień Przedszkolaka)
- a child rights campaign in 2012 and
- a number of publications on children's rights, including five books of Janusz Korczak.

The Ombudsman for Children Michalak undertook over 330,000 interventions and issued over 1140 general statements proposing changes in legal regulations. Taking systemic actions, he joined court proceedings more than 2100 times, where he represented the interest of the child (Michalak 2018). The clear voice of the Ombudsman for Children, which publicly addressed difficult topics regarding respect for children's rights along with developing democracy, was a good basis for further ideas (Bal 2012).

Due to political conditions, Poland did not actively accompany the growing idea of sustainable development. The idea of sustainable development appeared in Poland in the nineties within the area of environmental protection and ecology. This resulted in reducing the perspective of multidimensional interdependence to only ecological activities. Ecology was understood as synonymous of sustainability (Lewandowska 2016).

Although defined actions for the rights of the child have older roots than the idea of sustainable development, they both combine values such as justice and solidarity. Their combination shown in the diagram (Fig. 8.1) is the direction the world should take when transforming into being more sustainable and just. The sustainability expresses the care for the future generations, as in the slogan of the UN Agenda 2030: *Leave No One Behind*.



**Fig. 8.1** Dimensions of sustainable development as a context for the rights of the child. (Inspired by UNICEF 2014, p. 29)



The children's rights, strongly rooted in Polish constitution, are also visible in the contemporary legislation:

Education in Poland is guided by the principles contained in the Constitution of the Republic of Poland, as well as the indications contained in the UNHR, the International Covenant on Civil and Political Rights and the UNCRC. The Christian value system forms basic universal ethical principles for education and upbringing. Education and upbringing shall develop in young people a sense of responsibility and love to the Polish land and respect to the Polish heritage with simultaneous openness to the other cultures' values. The school shall ensure everyone's conditions for development and fulfilling of family and civic duties, in the name of solidarity, democracy, tolerance and justice. (Educational Act 2017, p. 1)

The pedagogical supervision in educational establishments includes, in particular, compliance with the children's rights and the dissemination of knowledge about these (Education Act 2017, Art. 55). Also, in the UN 2030 Agenda, point 4.7, it's written that an urgent need of educational action will increase respect for human rights, justice, equity and peaceful problem-solving strategies; as these are making the connection between civic rights, democracy and sustainable development. Education for sustainable development is related to education for global citizenship (Lewandowska 2017). And in that sense, one can say that activities for the rights of children got a boost of support by the education for sustainable development activism.

Respecting the 2030 Agenda, Poland has introduced into the Education Act a provision regarding dissemination of knowledge about the principles of sustainable development among children and youth and shaping attitudes conducive to its implementation on a local, national and global scale (Education Act 2017, art. 11). However, this provision was not reflected in the Curriculum for Pre-school Education (MEN 2017), and consequently, issues related to sustainable development dimensions are not present in teachers' practice. To observe elements such as ecology does not cover the holistic reasoning of sustainable development.

Polish documents steering the education sector has not yet benefitted from the possible synergy effect of combining education for sustainable development with children's rights activism stated in the UN Agenda 2030. If it had happened, it could have had a significant impact on strengthening and completing the perception of children as citizens with their own rights. The situation is different with children's rights as such. Although not particularly highlighted in the Curriculum for Pre-school education (MEN 2017), they are strongly present in the ECEC practice. The extent to which they will be implemented still rely on the individual teachers. Education about the rights of the child is a separate issue, without the broader context if it were more linked to sustainable development.

Each year, the Ministry of National Education (hereafter MEN) presents the directions and implementation of education policy for the upcoming school year. In the 2019/2020 school year, shaping civic attitudes is one of the main directions of the educational policy. Monitoring educational activities is connected to creating conditions for the pupils to actively and fully participate in kindergarten life, social environment and development of key competences (MEN 2019). Therefore, once

again the rights of children, citizens and civic education contained in higher-order documents such as the UNCRC, Agenda 2030, and the Education Act, are emphasized as important. However, in everyday practice, teachers refer to a lower-order document – the curriculum. It is for teachers a reference point for what to teach and how to teach. And in this curriculum, key competences regarding civic attitudes and human rights education in the sense set out in the higher-order documents do not exist.

## **What Do Children Actually Know About Their Human Rights?**

The discrepancies between the higher-order and the national curriculum became the direct reason for conducting the study reported below. The purpose was to explore what preschool children, who are participants in ECE institutions, know about their rights and what action possibilities that eventually follow the possession of these rights (Śliwerski 2017). The focus of the study was because of practical reasons narrowed to the freedom of expression and the right of association (Article 12, 13 and 15).

### ***Place and Time for the Research***

The research was carried out in two kindergartens in large cities in Poland, public and private, whose directors were really interested in the issue of children's rights. They were also institutions in which children could be provided with the best conditions for conducting interviews. In the private kindergarten, the interviews took place near the room where the rest of the group was. In the public kindergarten, the interviews took place in the kindergarten garden. The children chose the interview site themselves and spontaneously brought a bench so that they could sit comfortably.

The study was conducted in the second half of September 2019. Educational establishments in Poland start the school year on September 1. November 20 is the Children's Rights Day and earlier in October or November, teachers take action with children regarding their rights. But usually not in September. Therefore, when interviewing children, it was possible to count on children's actual knowledge, their opinions on their rights, and not information reproduced by children immediately after the classes conducted by teachers.

## ***Research Method***

As it is partly mentioned above, the chosen research method was a free and open interview (Kvale 2010), a method that allows access to the opinions of children in a for them natural way. Free interviewing allows the use of open questions, takes into account the use of vocabulary understandable by the children and a research situation similar to everyday conversations.

### ***Interview “Guide” in a Free and Open Interview with a Child***

The first question asked by the researcher was *Do children have rights?* After obtaining an affirmative answer, they were asked *What rights do children have?* During the study, it turned out that in children's responses the category of civil rights was absent, hence the flexibility of the researcher to follow up with additional questions, e.g. *Are children allowed to say what they think? Can they share what they think or their opinions with adults? What can they say and what can't they say? Can children do something with other people to change something? What for example?* The questions followed what the children were saying and were formulated in a way that was understandable to children.

## ***Research Participants***

The participants of the study were 38 6-year-old children attending kindergartens (it's their last year in kindergarten). Children who already have exercised the right to preschool education for 3 years can usually speak freely.

## ***Research Ethics***

Following the guidelines of research ethics involving children (Bertram et al. 2015; Graham et al. 2013; Larsson et al. 2019; Lisek-Michalska 2012; PAN 2017):

- directors received parental consent necessary for the researcher (author) to conduct the interviews and record children's voices, the researcher informed the children that she came to talk to children about their rights. She informed them about recording answers in order to “note” the children's statements, and that if they wanted to, she could play them back to the children,
- the interviews were carried out only with those children who agreed to do them,
- the children were informed that the conversation would last as long as they wished and could stop it at any time,

- the children chose the place for the interview,
- the children chose to come to the talk in pairs, alone, or in group.

The research was carried out with the conscious and voluntary participation of children, providing them with a sense of security and comfort. The recorded statements of the children have been transcribed and saved anonymously, by using the following codes: K – kid, P – preschool, followed by numbers.

### ***Findings Linked to the Children's Knowledge Regarding Freedom of Expression and Respect for Their Views (Article 12) and Freedom of Expression (Article 13)***

The children's answers to questions like *Can they say what they think? Can they share what they think or their opinions with adults?* were classified into the following categories

Freedom of expression: "yes, they can say anything" (K6P2).

Lack of freedom of expression: "no, I can't say what I want" (K5P2) which was justified by "they can't, because they will say bad words" (K2P1), and "after all, adults will not listen to me anyway" (K13P1).

Limited expression: "not always, because sometimes there is a secret" (K9P2), "they can speak, but only nice words" (K15P1), "no, they cannot say bad words" (K3P2), "not everything, when it is unpleasant" (K18P2).

According to my understanding of Article 12 and 13, they allow the child to express his/her own thoughts, allow for discussion. In order to make children being able to express their views freely, adults must create spaces facilitating both meaning-making and expressions of them. What is of importance is to take a child expressing him/herself seriously (by the listening adults). The analysis of my research material can relate to diverse qualities of such contexts.

Some, exemplified by the K6P2's utterance: "yes they can say anything" allows to make an assumption that the child enters and participates in contexts where his/her meaning-making and expression of them are safeguarded and facilitated.

The other two categories of lack of or very limited freedom of expression, invite discussions on power relations framing the contexts of children's expression rights. Becoming aware of the presumption made about the child and his/her voice, which is apparently not being taken as equally valid and important, is a starting point for transformation. An example of the restricted freedom appears in an interesting way in the utterances referring to unkind or "bad words". In the statements of children, as in a mirror, one can see the way adults think about children. Repeated answers about "bad words" can raise a question of the adults' pre-assumption that when children can say what they want, at the moment of opening their mouths they will swear and insult others. Anyway, diverse presumptions and pre-expectations transmitted to the children through daily being in the same institutions seem to "teach"

the children self-censorship and keeping secrets. These qualities reconstructed in the study point out there is a lot to be done in recognising the child as an equal communication partner, whose meanings are equally important to listen to.

### ***Findings Linked to Children's Knowledge About Freedom of Association (Article 15)***

When asked whether children can do something together, change things together, the children's answers were classified in the following categories:

Actions to change the well-being of others, such as "do nice things" (K2P1), "do some good things" (K7P1), "make a surprise" (K14P1), "draw a picture for somebody" (K9P2).

Actions for the environment such as "they can plant flowers or trees" (K3P2), "plant a lot of plants so that there is a lot of air" (K8P2), "clean up garbage" (K3P1), "clean the rivers" (K6P1).

Joint activities with adults to improve the fate of other people: "for the people who do not have a house, I can help build a house with my dad" (K4P2).

Lack of sense of agency of joint actions undertaken by the children themselves: "children cannot, parents can" (K18P1).

From the point of view of the children who participated in the interviews, the possibility of joint activities usually concerns nice and good things. This is an area where children know they can have an impact, especially by undertaking joint activities. It seems important for children to perceive the possibilities of joint actions for the natural environment. Not only do they see this possibility, but they know what they could do with other people. An example of partner activities with adults/adult activities is help in building a house. Awareness of other people's problems and willingness to join adults in order to improve the fate of other people is an example of the readiness of the examined children to undertake actions that transform the world.

Answers like "children cannot" may indicate a sense of limited agency, children's conviction regarding their low impact on reality. These answers again invite to a discussion on how the right to association, also intergenerational association, may be introduced into the ECE practice, so that it operates in synergy with for example the right to expression and inspires the children to collective actions (while safeguarding the individual's right to own opinion and voice).

In my opinion the task of adults is to create a common space to experience community activities and to give children the chance to make and express their opinions. It requires however professionals' redefinition of who the child is. Such a redefinition of the child's subjectivity and agency would create a basis for stronger partnership between adults and children as well as greater freedom of speech and respect for children's views. The freedom of association and assembly in kindergarten

could also be expressed if children notice injustice. If the standard ways have failed to resolve this situation, they may take joint action, protest, thus showing disagreement and even disobedience with the situation.

## Conclusion

The first experience of democracy in Poland was during the 20 years of the interwar period. History mapping of this period shows evidence of commitment to children's rights and experiences in practicing civil rights by even the youngest members of society. Today, Janusz Korczak's actions is on the one hand a Polish national heritage, and on the other, proof that even in an orphanage one can be a citizen and practice civic competences every day (Lewandowska and Andrzejewska 2020).

In 1989, Poles decided on a democratic model of the state, but since the interwar period, when we last experienced democracy as a nation, so many years have passed that this experience has become mostly forgotten and disappeared. Simultaneous and radical changes in Poland in all areas of life, without grounded experience as citizens in a democratic state, meant that all generations of Poles and all institutions had to experience and learn at the same time what a democratic system means in a society (Marody et al. 2019).

The process of permanent change, which has been going on for the last 30 years, is balancing between ways of interpreting the world rooted in the previous communist system, the role that members of society were to play in it, and the continuous process of adapting the entire society, including the legal and educational systems, towards democracy. Such combinations of political transformation and the features of social changes like volatility, and relativity (Sztompka 2017) might have caused that, in reality, Poles have learned to adapt to inconsistency and contradictory expectations. This may be seen in the inconsistency and lack of integrity between policy documents that for example do not realise all aspect of sustainability or do not relate them to the rights of the child. Another inconsistency is possible to trace by in the children's perception of their limited right to expression of own opinions, which contradicts the existing policies, and signalises that caregivers and professionals act and interact with children according to other guidelines/values.

The UNCRC addresses a child as an entity having rights. However, when Poland ratified the Convention in 1991, the Polish legislator added at the end of the UNCRC that "the child's exercise of his rights set out in Articles 12 to 16 is carried out with respect for parental responsibility, in accordance with Polish customs and traditions regarding the child's place in the family and outside the family" (Government 1991). This provision may impede the full implementation of children's civil rights and the perception of the child as a citizen. In connection with the constant current references to the principles of Christianity and the presence of religion in educational institutions, it strengthens the perception of children as subordinate and obedient adults (Gawlicz 2018).

The analysis of both the applicable legal documents and the results from the study show the tensions between the child's reality and the reality of adults. New ideas such as those contained in the 2030 Agenda show new perspectives and thus create social tensions and may arise anxiety, as they challenge the adults assumptions about the child, and the way the child is positioned in the daily interactions. As it is presented earlier in the text many children do not experience freedom of expression and agency. This is why is of particular importance to integrate the UNCRC message together with the Agenda 2030 and thus strengthen the children's voices in matters that concern them, questioning and listening to their opinions, and being able to act is crucial here (KorczaK 2018).

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# Chapter 9

## Taking Care of Our Children: 30 Years of Child Rights in Aotearoa New Zealand



Glynne Mackey and Diti Hill-Denece

**Abstract** In a recent report released by New Zealand’s Office of the Children’s Commissioner and the New Zealand Ministry for Children (Oranga Tamariki), children and young people were asked for their perspective on what wellbeing means for them. The data gathered is intended to inform a Child and Youth Wellbeing Strategy. It is to be commended that this research gave an opportunity for children and young people to have a say on what is important in their lives. However, the results are concerning. While most children responded positively saying they were satisfied with their wellbeing, about 10% of the 6000 participants say they face challenges. This research data is invaluable for exploring how New Zealand is responding to these challenges in the lives of young children, and where their rights are being dishonoured.

Although adults may ask for participation from children and young people, how are the voices of the youngest children valued? Their agency is often trivialised and not respected, therefore becoming a barrier to growing citizenship in our society. The discourse around citizenship education needs to be inclusive of the youngest children who are often most affected by social and education policy. All learners have the right to gain knowledge and develop skills that are practiced and affirmed every day within the early childhood context, and within the families and communities (SDG 4.7). It is therefore, the responsibilities of teachers and teacher education programmes to take advocacy for children’s rights seriously, so that young children from diverse backgrounds can take their rightful place as citizens in New Zealand society.

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*Take care of our children  
Take care of what they hear  
Take care of what they feel  
For how they children grow  
So will be the shape of Aotearoa  
Dame Whina Cooper: Māori leader. 1895–1994*

## Introduction

New Zealand has a proud history of recognising the significance of signing agreements, treaties and conventions to guide future laws, policies and practice. However, what really counts is how the citizens of the country, in this case the children, are advantaged or disadvantaged by the way the documents are applied to policy and decisions of government.

New Zealand ratified the UN Convention on the Rights of the Child (UNCRC) in 1993. However, as Te One et al. (2017) report, there has been regular critique using well documented evidence from children's rights groups and NGOs but very little action by successive governments to embed a children's rights approach in state decision-making processes. The most recent UNCRC observation report to the New Zealand Government was in 2016 where the UN Committee on Rights of the Child (CRC) recommended 'the New Zealand Government adopt urgent measures on: violence, abuse, neglect; children belonging to minority or indigenous groups; child labour; and juvenile justice' (UNCRC 2016, P.1). Te One et al. (2017) noted the recommendations from the 2016 UN Committee report: 'it was clear that Aotearoa New Zealand could and should be doing much more to honour its obligations under UNCRC by implementing a child rights framework based on a common set of values, aspirations and processes that apply across all areas of government and civil society' (p.5). It seemed to the authors that in New Zealand there is neither a wide understanding nor a strong political will that is sufficient enough to realise the potential of UNCRC as a powerful document that could enhance children's wellbeing in our Aotearoa New Zealand society.

More recently in August 2019, New Zealand's Office of the Children's Commissioner and the New Zealand Ministry for Children (Oranga Tamariki) released their Child and Youth Wellbeing Strategy (NZ Government 2019a). The strategy presented data gathered by children and young people who were asked for their perspective on what wellbeing means for them. It is to be commended that this research gave an opportunity for children and young people to have a say on what is important in their lives. However, the results show there is still work to be done to ensure that ALL children enjoy a healthy life and benefit from child rights centred policy and practice that will ensure positive outcomes. Professor Anne Smith, who was a prominent children's rights campaigner in New Zealand, showed concern that such surveys and data gathering often focus on deficits or areas of concern such as abuse, and fail to lead into positive action where children themselves participate in

meaningful and future-focused decision-making (Smith 2013). It is encouraging to see that the Child and Youth Wellbeing Strategy concludes that change requires action by all of us; this action must develop better life outcomes; and, for this action to be effective, early support is needed.

The research data from the Wellbeing Strategy is invaluable for exploring how New Zealand is responding to all challenges in the lives of young children, and where children's rights are not honoured. However, it was noted, that while most children responded positively saying they were satisfied with their wellbeing, about 10% of the 6000 participants said they faced challenges. The research revealed five main challenges faced by the children in New Zealand:

1. Accept us for who we are and support our hopes for the future
2. Life is really hard for some of us – racism, bullying, violence, drugs
3. If you want to help us, help our families – wellbeing is about relationships, not just having things
4. We deserve more than just the basics – more than the minimum standards of housing health and education
5. How you support us matters just as much as what you do. (Office of the Children's Commissioner and Oranga Tamariki 2019, p.5)

Historically, research data, interviews and surveys have not done enough to recognise and promote the rights of very young children in New Zealand policy, especially those children without language fluency for expression, and those who are not confident participants in society because of age, ethnicity, indigeneity or disability. Children's agency in the public arena has been trivialised, not acknowledged and not respected; therefore creating a barrier to growing citizenship in our society. The discourse around citizenship education needs to be inclusive of those children (often the youngest and the marginalised) who are most affected by social and education policy. All learners in every society have the right to gain knowledge and develop skills that are practised and affirmed every day within the early childhood context and within their families and communities. Although teachers and adults in New Zealand have invited participation from children and young people, this has been sporadic and it is often unclear as to how the voices of the youngest children are actually valued. It is therefore the collective responsibility of our community leaders, politicians, teachers and teacher education programmes to take seriously their advocacy for children's rights and their roles as duty-bearers, so that young children from diverse backgrounds can take their rightful place as citizens in New Zealand society.

Of particular interest in the children's rights discussion is a proposal by Julie Davis (2014), a strong advocate for education for sustainability in early childhood. Davis proposes an 'expanded rights framework' that recognises the agentic participation rights of young children that moves the rights discussion from a socio-cultural-historical approach such as Fleer (2010) to an eco-socio-cultural-historical framework. This framework embeds UNCRC as the foundation of the framework that is encircled by four further dimensions: agentic participation rights; collective rights; intergenerational rights; and bio/ecocentric rights. As concern grows for how

to develop a more sustainable world, Davis (2014) acknowledges the limitations of the present rights framework to acknowledge the contribution of early childhood to their communities within the diverse ecological contexts of the non-human world. If we, as teachers, are to respect and honour children's rights, we need to understand how early childhood education makes a valuable contribution to families, communities and the natural world.

This article will link to the Davis model of an expanded rights framework to further explore the issues and challenges of how early childhood education in New Zealand is working closely with families and agencies in diverse communities. Some of the dilemmas and debates evident in the Aotearoa New Zealand children's rights discourse will be identified along with aspects of the framework that support the competence of young children and how that might strengthen policy and practice for children's rights.

## **Early Childhood in Aotearoa New Zealand: The Roots of Citizenship**

In Aotearoa New Zealand, citizenship is the foundation of the national bicultural early childhood curriculum, Te Whāriki (Ministry of Education 2017). Te Whāriki, a woven mat for all to stand on, is a metaphorical term for the early childhood curriculum, where teachers collaborate with children, parents and community to weave together the principles and strands in a 'whāriki that empowers the child and carries our aspirations' (p.10). Te Whāriki builds on four Principles: Family and Community (Whānau Tangata), Relationships (Ngā Hononga), Empowerment (Whakamana) and Holistic development (Kotahitanga). The vision states that our young children 'are confident, competent and make a valued contribution to society' (p.5), so early childhood must be the time where the notion of participation takes root and begins to flourish.

Early childhood education programmes based on Te Whāriki (Ministry of Education 2017) have ostensibly grounded our young people in citizenship, encouraging children to make decisions for their own wellbeing and express their feelings and ideas. 'Ostensibly' because, even after three decades, it is clear that the principles, strands, learning outcomes and values underpinning Te Whāriki are only slowly being understood and enacted by early childhood teachers, especially those working in market-focused, management-driven settings where the underpinning values are in conflict with the national curriculum. In general, only those teachers, who are philosophically and pedagogically driven, understand and enact Te Whāriki to its full effect. Moss (2019) states that a 'rights for all' approach to early childhood education will challenge and transform the all-too-common "simplified and simplistic cause-and-effect relationships" (p.174) that do not do justice to the complexity and diversity of life in Aotearoa New Zealand. UNCRC Articles 12 and 13 on freedom of expression underpin the pedagogy of participation, encouraging

children to have a voice through expressing their ideas. Davis (2014) refers to this as ‘agentic participation rights’ where children are making an active contribution as valued members of society. The young children entering school around five years of age are expected to have experienced participation and have a growing understanding of what it means to be a valued participant in society. In the early years young children attending early childhood education services have learned the value of working as a collective to make a difference.

Davis (2014) in her proposal for an extended rights approach has emphasised the importance for children’s rights to be positioned in the wider rights of the collective where learning about democratic process, reaching consensus and collective decision-making are all the skills needed for creative solutions, with a focus on sustainability. Young children (under eight years) are encouraged to seek out learning and information, make good decisions and express their concerns about the world they live in. Early childhood education has an important role in promoting citizenship and supporting children to participate in positive collective action for their community. However, Te One et al. (2017) suggest that while early childhood teachers in Aotearoa New Zealand are Te Whāriki/curriculum literate, they have yet to become fully UNCRC literate. That is, teacher understandings about citizenship, agency, participation, the material world and sustainability are set largely in a curricular framework, but not yet set in an expanded rights framework that explicitly acknowledges UNCRC.

The Salvation Army New Zealand releases annual State of the Nation reports that present a detailed overview of how well New Zealand is looking after its citizens. The Salvation Army is a Christian organisation that has a strong emphasis on social justice and community service. Their report in 2019 shows that participation in wider early childhood services decreased slightly in the year 2018 with slow progress in addressing inequities in the community.

The differences in the fortunes of New Zealand children are important as we consider appropriate interventions. The gaps between most children and their families and those who are marginalised have not closed appreciably, despite concerted efforts by State agencies and communities. There is even a sense from the data available that recent progress has stalled. The continuation of current approaches—especially in education, care and protection and income support—seem unlikely to produce different results (Salvation Army, p.20).

The lack of progress in closing the socioeconomic gap mentioned in the Salvation Army report suggests a possible uncoordinated approach to improving child and community wellbeing. There is a strong message here for Government departments to improve their data collection to become more accurate, regular and complete (UNCRC 2016; Te One et al. 2017; Salvation Army 2019). It would be advisable for Government to heed the messages from research carried out by independent organisations such as the Salvation Army and Child Poverty Action who address rights-focused perspectives built up over years of critical analysis. Children’s rights are economic, social, cultural, historical, ethical and political as well as educational therefore the responsibility of several government departments but in recent years our newly established Ministry for Children, otherwise known as Oranga Tamariki, has attempted to work more closely with the organisations involved in education,



welfare, health and wellbeing in the community. A more accurate picture of the state of our children in relation to the articles of UNCRC is likely to emerge.

Economic disadvantage has frequently been identified as a barrier to participation in early childhood education (Mackey and Lockie 2012). Such barriers often deny children the opportunity to make a meaningful contribution to society. Authentic participation in early childhood education is described by Mackey and Lockie (2012) as being twofold: firstly, the child engages with the curriculum and secondly, the child participates in decision making around issues that honour their rights. It becomes the role of the teacher to ensure that equitable and fair practices are part of the everyday experience so that all children are respected and valued. When agentic participation rights (Davis 2014) are framed only in an early childhood curriculum/education context, the impact of UNCRC is lessened and the broader political nature of teacher advocacy for children's rights becomes clouded.

At a policy level, recommendations from child and family community organisations, such as OMEP (World Organisation of Early Childhood Education), have influenced Government strategies and goals for future action. However, all these take time for meaningful consultation to take place, and for assigning adequate funds to put policy into practice. Specifically referring to infants and toddlers, the new government initiative 'Shaping a Stronger Education System with New Zealanders' (Ministry of Education 2019a) has a goal for barrier-free access by making early childhood education available to all. As yet, it is not clear about the ages this might refer to or how the service will value the child's identity, language and culture. The Strategic Plan for Early Learning (Ministry of Education 2019b) has an unrealised goal for 100% qualified teachers in teacher-led services and improved ratios and improved group size. Even though the number of qualified teachers is on the increase, the numbers of qualified staff employed in early childhood settings has not shown a similar increase (Everiss et al. 2017).

Infants and toddlers in care settings are a vulnerable group who need specialised teaching and care. In Aotearoa New Zealand, a large number of teachers in this area of education are currently under-qualified because of past government decision making, and their work with infants and toddlers is subsequently under-valued.

## **Rights of Infants and Toddlers**

The very youngest members of our communities are often neglected as part of the discussion on children's rights; usually because adults fail to understand the complexity of infant communication and how the very young express their needs and wishes. New Zealand children's rights researcher, Sarah Te One (2010) found the teachers saw their role as advocating for listening to children as a basis for honouring children's rights but struggled with how this should be carried out in the best interests of the child, without a national policy to support their action. The Education Review Office (ERO 2015) presented a recent paper in an attempt to gain a deeper understanding of the quality of education and care for infants and toddlers. Their findings

indicate that early childhood services give priority to building ‘warm and nurturing relationships’ and less emphasis to ‘communication and exploring’. Where centres understood respectful practice and followed Te Whāriki (2017), teachers were engaged and responsive to children, compatible with or in line with their image of the child as a confident, competent communicator and explorer. The ERO report noted important factors that these teachers were generally reflective practitioners, well supported by professional development and strong leadership. In centres where this was not the case, the report recommended that teachers develop their teaching in the areas of communication and exploration, to respond to children’s interests, notice the learning and working theories, and support young children as they make sense of their world. It appears that the rights to protection and provision are more obvious and easily attended to. The participation rights may be more difficult to recognise and interpret in the very young.

The ERO research supports Te One (2010) who was rightly concerned that listening to children was not consistent for all infants and toddlers. Listening to young children is the foundation for participation rights to be encouraged. The qualified early childhood teacher in a well-supported environment is vital for a day-to-day programme based on advocacy and children’s rights. Teachers need to engage in conversations and planning around some key issues such as how to best respond to infants and toddlers to ensure their participation rights are honoured in an appropriate manner.

The early childhood qualification offered by New Zealand Universities, Polytechnics and Private Training Establishments is a three-year Initial Teacher Education (ITE) degree that is approved and regularly monitored by the New Zealand Qualifications Authority and the Aotearoa New Zealand, (previously known as the Education Council, New Zealand: Matatū Aotearoa) (2017). The political will of the New Zealand Government shows positive moves but has yet to recognise the value of improving qualifications for teachers of the very young that would lift the status of early childhood teachers and demonstrate a strong desire for quality practice with research-based policy (White et al. 2016). The 2016 ‘concluding observations’ by the CRC session members, as part of the reporting process on Aotearoa New Zealand’s compliance with UNCRC (2016) stated ‘general public awareness’ of children’s rights and ‘active involvement’ by professionals as being critical to addressing the current status of children’s rights in this country. Such awareness and involvement must start with the education of and care for infants and toddlers.

## **Rights of Indigenous Children in Aotearoa New Zealand**

Children who identify as being of minority groups or indigenous peoples, have a right to continuing engagement with their culture, their religion and their language Article 30 (UNCRC 1989). Unfortunately, almost 200 years of colonisation in New Zealand have trampled on the rights of tangata whenua/Māori (the people of the

land, the indigenous people of Aotearoa New Zealand) to communicate in their language (te reo) and to live and learn in culturally appropriate ways (ngā tikanga). Māori signed a treaty with the British Crown in 1840, Te Tiriti o Waitangi yet the promises of 1840 were not fully realised and often misunderstood between the signatories. Viewed retrospectively, this was especially so on the part of the Crown. These ‘misunderstandings’ led to times of great disruption and cultural damage. The impact is still very much felt by Māori communities today (Rau and Ritchie 2011). For many years, the educational success of Māori children was measured against British standards. Poor scoring was interpreted as a low intelligence or not suited to higher levels of educational endeavour. Over the past fifty years or so, there has been a gradual ground swell of commitment by the government to ensure that Māori succeed as Māori. The Ministry of Education, the central government authority for all sectors of education in New Zealand, has developed a guiding document, Tātaiako (Ministry of Education 2011), to support success in learning for Māori children so that teachers will understand the importance of cultural responsiveness. A similar guiding document, Tapasā (2018), has been developed over the past few years to support success in learning for Pasifika children. All teachers are expected to follow these guiding documents.

In the early 1990s two New Zealand early childhood academics, Helen May and Margaret Carr, were approached by a united early childhood community to develop an early childhood curriculum that would give all young children a quality platform for learning. The curriculum, Te Whāriki, finally launched in 1996, had a twofold purpose: one was to elevate the quality of early childhood education and the other was to recognise a national commitment to the Treaty of Waitangi (Te Tiriti o Waitangi) by integrating Māori language and culture into a ‘bicultural curriculum’ that would be implemented by all early childhood settings on a daily basis. As suggested above, Te Whāriki (Ministry of Education 2017) has gone some way to address children’s rights in education and redress the loss of language and culture by Māori: “This curriculum acknowledges that all children have rights to protection and promotion of their health and wellbeing, to equitable access to learning opportunities, to recognition of their language, culture and identity and, increasingly, to agency in their own lives” (p.12).

Stuart (2014, p.9) suggests that ECE policy from 1996 onwards, has used the language of Te Whāriki but “is underpinned by a theory that has travelled – a song with origins in another time and place”. Stuart explains that USA-based policy for black, American children, with its emphasis on human capital theory and economic outcomes has been used by the government in Aotearoa New Zealand. Pasifika families have been portrayed in a similar ‘economic’ way, like ‘immigrants to Europe’, with limited skills and training. Stuart (2014, p.10) states that Te Whāriki has the potential to offer local cultural and educational possibilities and acknowledges that “there is a growing body of texts to support a Māori perspective on pedagogy”. This growing trend towards a Treaty-based approach to curriculum supports the proposal for an extended framework of rights (Davis 2014) that values the rights of indigenous peoples and the intergenerational learning that is very much part of children’s cultural contexts within early childhood education in Aotearoa New Zealand.

In the spirit of Te Whāriki (Ministry of Education 2017), teachers must reflect on how the rights of children are honoured and respected in diverse early childhood education settings so that every child has access to an early learning setting that is valued by their parents and supports their identity, language and culture.

## Child Poverty

Poverty is a major barrier that denies individuals and communities life-long opportunities to be contributing members of society. Wilkinson and Pickett (2010) acknowledge that children who grow up in poverty are at risk of experiencing family conflict, parental mental illness and a low standard housing. These are just some of the many factors that affect healthy development. Through poverty and related abuse, too many children in Aotearoa New Zealand are not able to reach their full potential as competent, confident contributors to New Zealand society. A large proportion of these children are of Māori and Pasifika descent.

The gap between rich and poor is evident throughout New Zealand society (Te One 2010) with 29% of our children living in poverty, indicating inequalities in access to safe, secure housing, health, education and welfare. The Child Poverty Action Group of New Zealand (2014) presents similar concerns regarding our country's failure to address children's rights in relation to poverty, stating that children have the right to healthy living conditions, to loving and respectful care, and quality education. The annual State of the Nation Report from the Salvation Army (2019) notes a rise in the number of children living in benefit-dependant households. Families on benefits are likely to be in the poorest communities as the benefit wage is often insufficient to cover family living, health and education cost. Forty-five percent of children living in poverty come from households receiving wages, often referred to as the 'working poor' (Haigh 2018). Evidence in New Zealand communities of growing groups referred to as the 'working poor', indicates that the minimum wage of some workers is unlikely to be enough to pay for the everyday needs of a family (Haigh 2018; Salvation Army Report 2019).

Recent research shows that the gap between the rich and the poor in New Zealand is widening significantly (Haigh 2018; Wilkinson and Pickett 2010). Rashbrooke (2014) has used statistics to show the growing gap between rich and poor: "It is clear that New Zealand has become an unequal society with the wealthiest 1% owning 20% of the country's net worth and the top 6% owning 60%. In terms of income, the richest 1% annual income has risen rapidly since the 1980s, whereas the poorest 10% has stayed constant over the decades." (Rashbrooke 2014, p.47).

The funding of early childhood education in New Zealand comes partly from the public fund of the New Zealand Government and partly from private family fees. The issue then arises for families who are not able to pay the family fee, therefore less able to give their child an early childhood experience in an educational setting. Again, Māori and Pacific children are over-represented in lower socio-economic

communities, therefore less likely to engage with early childhood settings on a regular basis (Everiss et al. 2017). Families on government benefits are required to send their children to an early childhood setting, but often the cost and availability of transport is a barrier to attendance. Aotearoa New Zealand has no overarching strategy for children that ensures public spending respects, promotes, protects and fulfils children's rights (Te One et al. 2017).

## Children at Risk

The widening inequities within New Zealand communities have put some groups of children at risk. Those exposed to higher levels of risk live in communities where the everyday challenges are linked to poverty, poor housing, child abuse, domestic violence and crime, with a proportionally higher risk in Māori and Pasifika communities. In 2009, the New Zealand Government held a referendum so that the public could vote on a law aiming to ensure that parental or adult force was not used as a way of correcting unwanted behaviour. The 'anti-smacking law' was passed but seems to have had little impact on reducing adult violence towards children in some communities (New Zealand Government 2019b). The CRC concluding observations for the state (UNCRC 2016) registered their concern for children in such circumstances, who often do not have their issues acted on. New Zealand was advised by the CRC to strengthen its data gathering, extend the teams of professionals who are effective in supporting children and responding promptly to calls for help, and continue to raise public awareness of children's rights.

As this article is being written, there is a Royal Commission of Inquiry into abuse in state and institutional care for children 1950–1999 (Royal Commission of Inquiry 2019). Historical cases of child abuse in care settings are exposed for the first time, and it is becoming very clear that, when the abuse was ignored, the children had no form of support, therefore carrying the hurt and rejection into their adult life. The Royal Commission of Inquiry is focusing mainly on Māori, Pasifika and those with disabilities as these groups make up a disproportionate number of young people in care. The first report to the NZ Government is due in 2020. Although care and protection have moved away from institutional care settings, there is still a need to ensure the safety and wellbeing of children and the protection of their rights to a caring, nurturing environment. While this concerns parents and extended family/whānau in the first instance, early childhood teachers are also responsible as 'duty-bearers'. Stuart (2014) questions whether curricular texts can really represent the real world and whether, and how, policy can affect social justice. Stuart says that Te Whāriki remains a site "for struggle about differing representations" (p.4) and offers, as an example, the case of those mono-lingual Pakeha/European teachers who are "current beneficiaries of earlier confiscations of Māori land" (p.4). Such examples render the New Zealand early childhood curriculum, Te Whāriki, and its relevance to children's rights, extremely complex, personal and local.

## A ‘Revisioning’ of Rights Model

Although it is acknowledged that all rights are for all children, there are, in the context of Aotearoa New Zealand, specific areas where the universal nature of UNCRC has not been fully recognised. The unique nature of the needs of our youngest citizens therefore warrant scrutiny and in-depth discussion. Davis (2014, p.22) puts forward a clear argument for ‘revisioning rights’ in early childhood through an expanded rights framework. This framework is supported by the authors as it ensures that participation rights elevate our understanding of these young children as citizens to be ‘rights partakers’ in a world striving for more sustainable pathways. A framework that is more closely linked to the environmental, cultural, social and economic issues of our times should be widely adapted.

The Davis model (2014) is a necessary response to a universal approach to sustainability that acknowledges the interconnectedness of our world. Davis contends that if all dimensions of the framework are considered, the reality of a more sustainable world is likely to be realised. This model should be a valuable part of teacher education to deepen understanding of the extended rights required to care for ourselves, others, and living within a natural environment under risk. Teachers, within their everyday engagement with children and families, strive to be leaders and advocates for fairness and the rights of children. However, an extended rights framework within early childhood education is able to equip us all to live more sustainably by respecting the rights of the human world and the non-human world. This would open up dialogue between Māori and Pakeha/Europeans and other colonisers. Stuart (2014) says that the early childhood curriculum, Te Whāriki, “is silent on the psychological effects of colonisation; only the ‘other’ has an identity” (p.5).

## Early Childhood Teachers – Rights and Responsibilities

Qualified early childhood teachers in New Zealand are required to be registered with the government-controlled Teaching Council. They are regularly monitored and assessed against a code of professional responsibilities and standards for the teaching profession where high standards are expected for all teachers across the education sectors. The Teaching Council acknowledges that teachers in New Zealand hold a position of trust in the community and are advocates for a fair and more equitable society. Part of a teacher’s responsibility to the community and to society is to ‘promote and protect the principles of human rights, social justice and sustainability’ (Education Council 2017). It falls to those who develop teacher education programmes and teachers’ professional development to consider how all teachers understand clearly their professional role.

All teachers must be made aware of the strong reprimand that has been handed to New Zealand by the CRC members in their concluding observations to the State, as well as reputable reports from other agencies who closely work with

communities. For too long, teachers, educational professionals and politicians have avoided using the language of rights that is expressed in the Convention; language such as the right to survival, the right to a full and decent life, the right to seek, receive and impart information, the best interests of the child. Stuart (2014) says that while many teachers are well-intentioned, “much of the teaching in ECE is of low-level language rather than a rich evocative lexicon” (p.4). By avoiding the language of rights, we run the risk of using a proxy language that is watered down, gentle on the ears of policy makers and, at best, ineffective.

The language of rights should also extend to the children so they understand the actions related to rights, see where they can make a contribution and are empowered to make a difference. Early childhood relationships and experiences grow the roots of participation where young children and their families learn more about collaboration, contribution, and participation. Children must hear ‘rights language’ from adults. Smith (2013) warns that if children are treated as vulnerable and incompetent by adults, the children will have little participation in decisions that impact on their lives. Smith noticed a significant change in adults when they realised the competence and agency of children when giving voice to their concerns. Children are not passive beings so it is important for them in their family homes and in their education settings to participate in democratic processes every day, through group collaboration, voting, consensus and deciding what is the right thing to do. Experiencing fairness will teach justice; experiencing democratic process will teach agency; experiencing rights will teach ‘I am a valued member of this community’.

In New Zealand, the national members of the World Organisation for Early Childhood Education (OMEP) have recognised the 30 years of UNCRC by recommitting to the aims and actions of the organisation in the years ahead. Our aims are to promote quality early childhood education in all its forms in Aotearoa New Zealand, with a measurable action related to advocacy for all early childhood teachers to be fully qualified. The New Zealand Government has made a commitment to teachers being fully qualified. However, further progress in this matter may require firm reminders and pressure from the full range of early childhood advocates and non-government organisations (NGOs). OMEP Aotearoa New Zealand aims to focus on fostering the optimum development of every child concerning physical, cultural, social, intellectual, emotional and spiritual dimensions in both the family and other social environs. Most children under the age of five years spend many hours each week in early childhood education and care settings; therefore, the status of qualified staff is necessary to maintain standards that uphold the wellbeing of the child.

## Conclusion

The United Nations Convention on the Rights of the Child (UNCRC) was ratified by New Zealand in 1983. As we conclude the writing of this chapter, we are informed that on International Children’s Day 2019 our New Zealand Government pledged to



recommit to UNCRC. It is therefore imperative that all adults who are working with young children must have a deep political and ethical understanding of what an extended rights approach (Davis 2014) might mean for children regarding their survival and their right to live a full, healthy and happy life in Aotearoa New Zealand. Moss (2019, p.175) reminds us “the ability to combine utopian thinking with intense practicality should not be overlooked”. While our country has received world-wide accolades for the text of its early childhood education curriculum, Te Whāriki, issues remain around consistent and committed curriculum implementation and the shared co-construction of knowledge, as part of an overall national vision that honours UNCRC and the common rights of all children.

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# Chapter 10

## The Right of the Child to Family, Identity and Culture



Ivana Visković

*...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...*

(Convention on the Rights of the Child, 1989, Preamble)

**Abstract** This chapter takes departure in Croatia's declarative recognition of the Convention on the rights of the child, and discusses the reality of the implementation of the child rights: to grow up in the family, identity and heritage, education and care, as well as real participation. The realisation of these rights is traced through a close study of the state's social and family policy, and thus socio-economic inequalities, framing family structures, living conditions, and parenting styles dominating in different social groups. The child's right to grow up in a family, regardless of the family's configuration, is discussed in relation to the child's right to education, and how the synergy between these two instances could provide optimal context for the child's holistic development and well-being. This chapter also unmask the limitations of the realisation the child's right to active participation, in both family and ECE contexts. The article also advocates for social support, improving families' living conditions, and institutional supervisions safeguarding the implementation of the rights of children.

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## Legislation on the Implementation of Children's Rights in the Republic of Croatia

The National strategy for the children's rights in the Republic of Croatia 2014–2020 (hereafter NSCR 2014) integrates the fundamental rights of children as guaranteed by the Convention on the Rights of the Child (UNCRC 1989), strategic objectives and procedural rights regulated by European Convention on the Exercise of Children's Rights (EU 2012). It underlines the need for:

- improving health and social care system, education and well-designed leisure activities,
- ensuring elimination of all forms of violence against children,
- ensuring the rights of children in vulnerable situations,
- ensuring the right of active personal participation of children in growing up and education.

The priority objectives are monitoring the needs of each individual child, systematic institutional support for the family in order for children to exercise their rights to growth and development *in a safe and stable environment of understanding and respect* (NSCR 2014). The development of prevention programs and the provision of experts is required, as well as the appropriate cooperation of all relevant factors. The procedures for monitoring and evaluating the proposed measures have not been elaborated. There is also a lack of experts to implement, monitor and develop ones proposed measures, which is completely contrary to the guaranteed children's rights by UNCRC (Article 3, para. 3).

Croatia has a noticeable trend of decreasing numbers of children in the general population. This is due to a long-term low birth rate (9 live births per 1000 residents) (Croatian Bureau of Statistics, hereafter CBS 2019a, b). Possible reasons are changes in individuals' personal paradigms, migration, prolonged economic crisis, inappropriate demographic policies, and insufficient government support for parenting and family. Current state measures in Croatia, although declaratively designated as the rights and well-being of children, are often primarily support for the economy. It is possible to assume the economic justification for these measures, but not to children's well-being. Focus on children's well-being implies a balanced relationship between quality family time and time in early childhood education (ECE). This requires allowing parents' working hours to be adjusted to the needs of the children and not the labour market. The prolonged time of children in ECE facilities reduces shared family time and family rituals, which may hinder the quality of family functioning (Visković 2018). Securing *the right of children to appropriate existential conditions* (UNCRC, Article 3) presupposes, with state support, also working parents. The employment of parents generally facilitates the financial status of the family, but due to the reduced joint time and parent's overload, it can have a negative impact on family functioning, quality of parenting and, indirectly, children's outcomes (Šućur et al. 2015).

The time children spend in kindergartens, in line with the parents' professional obligations, presupposes constant changes in educational groups and teachers, so it is not justified to expect the development of children's safe attachment and trust. This may lead to neglect of the current children's well-being due to the inability for them to exercise *the right to grow up in a family* and to *quality individually directed education* (UNCRC, Articles 24, 27, 28).

The *hereditary right of children to life* (UNCRC, Article 6) should be interpreted as the right of children to a quality life, which presupposes optimal conditions for growth, development, protection and coexistence in the community. Therefore, the recommendation of society's focus on childhood quality (Rubil et al. 2018), and thus *the right of children to a childhood*, is justified.

An analysis of the quality of children's living conditions indicates that the quality of family relations and parenting are more important than the quality of state measures (Klarin et al. 2010). A need for systematic higher quality state measures adjusted to the well-being of children in family, and not primarily to the labour market is identified. There is a need to redesign public policies that embrace demographic trends, changes in the labour market and family structure. The concept of social investment is one of possible quality responses (Babić and Baturina 2016).

## The Right for Children to Grow Up in a Quality Family

*The right for children to grow up in a family* (UNCRC, Article 27) presupposes quality parenting, upbringing, education, protection and care. Quality connects with structure. Family structure is not the sum of parents and children, but a specific, primarily emotional, relationship of understanding and support (Visković 2018). Quality parenting is a concept focused on children's well-being, appropriate educational support for the development of children's personalities (independence, self-confidence and self-esteem). Parenting is not determined by biological or social status of the mother and/or father, sexual, marital relations, or national or religious orientations of adults. It is important to note that in Croatia, homosexual couples, although allowed to formalize their relationships and become foster parents, are not allowed to adopt children. This raises questions of the individual's constitutional right to a "full" parenthood. More recently, Croatia has been gradually adjusting its laws, specifically, Constitutional Court decision on February 9, 2020, by stating that every individual has the right to foster a child by certain criteria, and the right of the individual to guaranteed equality, regardless of the form of the community and sexual orientation of the people in partnerships. The foster care must be allowed if they, as individuals, meet the legal requirements.

State support for families and the development of the ECE network (UNCRC, Article 18, 28) are advocated. The exercise of guaranteed rights requires a quality socio-emotional and economic environment and quality family functioning. *The right of children to education and inclusion of children as equal participants in their*

*personal education* (UNCRC, Articles 28, 29) and *the right to freedom of expression* (UNCRC, Articles 12, 13) are assumed.

Family is a significant factor in the development of children, which directs and determines the overall later life of the individual (Miljković et al. 2019). Children, who experience supportive and cooperative behaviour in their family, and who agree and participate in decision-making, develop social competencies and are less prone to risky behaviours (Jones et al. 2015).

The quality of functioning is recognizable in family relations, communication, ways of distributing power, problem-solving situations, shared family time and (semi) permeability of family boundaries (Olson 2011). The quality in family relations positively correlates with the development of emotional competences, self-esteem and self-confidence, development of responsibility and self-control of children (Visković and Ljubetić 2019).

Family relations correlate with assessment of life satisfaction (Vuletić et al. 2011). The right of children to grow up in a family may result in a conflict in the exercise of other rights, which then creates a dilemma over the realization of the UNCRC. Poor-quality family relations are associated with even poorer functioning and problems in the cognitive, socio-emotional and behavioural development of children and can result in inappropriate childhood (Sarsour et al. 2011). At the same time, growing up outside the family (for example abandoned children) and the absence of relations with family members has multiple negative effects on the child in terms of feelings of abandonment and neglect (Visković 2018).

The educational function of the family presupposes the right of children to be equally included in personal education, shared learning and use of available educational resources, with an incentive to develop personal potentials. Research in Croatia indicates that parents with higher education are more likely to have affirmative attitudes towards education in general and higher expectations for their children, which can be an educational stimulus. The importance of education of mothers is emphasized because they are engaged in children's learning more often than fathers (Pastuović 2012).

The economic stability of the family is one of the predictors of the quality of family functioning, meeting the existential and educational needs of family members. Good economic status of the family does not mean a certainty of a child's well-being. Research in Croatia shows that good economic status of the family, although it may facilitate family functioning, does not guarantee a high life satisfaction (Vuletić et al. 2011). As opposed to that, low income is associated with life dissatisfaction, social deprivation, and poor-quality parenting and may have a negative impact on child development (Visković 2018).

Growing up in a family significantly contributes to the development of the gender roles of the children. Parental behaviour towards children is also linked to the development of the child's personal gender identity. Research on the socialization of children in families in Croatia does not find significant differences in parental attitudes towards children of different sexes within the traditional dimensions of upbringing - permissiveness, restrictiveness and supervision. Differences are noticeable in stimulating the development of gender-typed behaviour in children, such as

“boys don’t cry”, “girls play with dolls” (Kamenov et al. 2011). *The right of children to their own identity* includes *the right to personal opinion* and the roles in which children feel free and accepted regardless of gender (UNCRC, Article 12, 13). High-quality and supportive family relations therefore presuppose *the right of children to their own personal choice*. This therefore raises the question of children’s responsibility in accordance with legal requirements, which they cannot possibly take on because they are still learning how to be responsible through the development of their personal cognitive status.

Protective factors for quality of family functioning can be parental optimism, the belief that the problems are solvable, shared quality time and family rituals that include basic activities, such as common meals. Leutar & Leutar (2017) singled out spirituality as one of the protective factors of family functioning. Spirituality can also be interpreted as *children’s right to freedom of thought, self-conscience and religion* (UNCRC, Article 14). Families that are prone to spirituality and religiosity have higher levels of optimism, higher family cohesiveness, and lower levels of pathological behaviour in risky situations (Leutar and Leutar 2017). While in extreme conditions religiosity can be supportive, in optimal conditions, parents’ religiosity associated with greater control and less flexibility can be a limiting factor (Bornstein et al. 2017). Growing up, children need more autonomy. Autonomy of family members is interpreted as part of cohesiveness. *The right of children to their personal opinions and choices as part of their identities* (Article 12, 13) also requires *the right to self-determination*, which also includes *the right to choose a religion or to reject any religiosity* (UNCRC, Article 14).

A family cohesiveness through the dimensions of interconnectedness, attachment, trust and adaptability is an important protective factor of emotional stability and socialization (Brajša-Žganec and Hanzec 2015). Support of the wider family can be added by balanced involvement of grandparents which can contribute to the emotional stability and security of children (Moro and Nemčić Moro 2010); and better psycho-social adjustment (Jones et al. 2015). Involvement of the wider family is also partly the realization of *the children’s right to identity and origin* (UNCRC, Articles 7, 8).

## **The Right for Children to Live with Their Parents**

*The right for children to live with their parents* is one of the fundamental human rights, unless otherwise legally defined in individual cases. It commits both parents to adequate parental care, good quality parenting and adequate relationships with children. Although, the responsibility of parents is to ensure the living conditions of their minor children (UNCRC, Article 27), the parental commitment depends on the parents’ capabilities. It is therefore justified to analyse the concept of parenting as a way for individuals to fulfil their parenting role. Parenting is a structural factor of the family. It is not primarily a biological function but an individual’s personal paradigm within the frame of community culture properties. Parenting is one of the most



significant changes in individual's identity (Anđelković et al. 2013), perceived as a fulfilling or extremely stressful life role (Miljković et al. 2019).

Although the role of mother and father in the life of the child has been repeatedly explored, parenting is a complex process of interactive relationships. Parenting quality depends on how the individual perceives the role and establishes a relationship with their children through recognition of their needs and creating conditions for their satisfaction. It is also connected with gender and developmental status of the children, the quality of the partnership, the coherence of values, social environment and economic status. Parents do not carry out their roles in isolation from one another or the social context (Anđelković et al. 2013). They bring their personal experience of growing up into parenting which can be interpreted as *transfer of parenthood*.

Quality parenting requires a focus on understanding children's needs and developing children's socio-emotional competencies. It implies a parental support, (un)verbal expression, instructions and acceptable models of behaviour (Katz et al. 2012). Some studies link *children's rights to developing and building identity* with parenting style (Miljković et al. 2019). The balance between clear boundaries and emotional warmth is linked to the quality of socialization and psycho-social maturity of children. Nevertheless, Skinner et al. (2005) emphasize that parenting style is not a universal construction, but that parenting should be adapted to children's personality.

Non-engaged parenting, non-inclusion and distance from children's lives can be interpreted as neglect of children. Unlike to non-involvement, high parental involvement presupposes a focus on children's needs and rights, not the ambitions of parents. Honoré (2009) draws attention to a kind of *hyper-parenting culture* of high parental focus on children as projects, protected from everyday life. The outcome of such parenting is often overwhelmed and dissatisfied children and over-employed parents. This is why Raby et al. (2015) emphasize the importance of *incentive parenting* as an appropriate response to children's needs.

The following can be distinguished as quality parenting that contributes to the realization of children's rights:

- emotionally warm relationship, secure attachment and clear affective expressiveness (Brajša-Žganec and Hanzec 2015; Sarsour et al. 2011)
- social competences are recognized for their collaborative and caring behaviour, appropriate seeking and providing assistance and support, joint decision-making and problem-solving (Jones et al. 2015)
- affirmative and constructive interactions, child encouragement (but not ultimately demanding) towards higher achievement (Larson et al. 2015)
- quality, affirmative partnership of parents (regardless of family structure), aimed at recognizing children's needs and creating quality conditions for their fulfilment (Raby et al. 2015)
- maintaining open, affirmative and two-way communication, especially in (potential) crisis situations. Children recognize but do not understand particular stress

and crisis situations, so concealing such situations further disturbs them (Brajša-Žganec and Hanzec 2015)

- children’s involvement in joint family activities – in planning, organizing, implementing and evaluating joint activities. Children’s participation and expression of personal opinions can be interpreted as *a process of the mindset development*, as persistence and *the right to try* even in situations with risk for failure (Miljković et al. 2019).

In comparison, inadequate parenting violates children’s rights and most often leads to inappropriate behaviour, emotional insecurity and social deprivation of children (Sarsour et al. 2011). Punishing inappropriate behaviour of children does not contribute to building responsibility and it is against *the right of children to be protected from all (psychological and physical) forms of violence* (UNCRC, Article 19).

The UNCRC (Article 18) commits states to recognizing the shared responsibility of both parents for *the upbringing and development of the child, with the best interests of the child* in mind. The best interests of children cannot be determined unambiguously because it depends on the specificity of the social situation. An analysis of *children’s well-being* justifies the commitment to regular contact of the children with both parents (UNCRC, Article 9, para. 3) unless it endangers the safety of the children (UNCRC, Article 9, para. 1). Contemporary pedagogy, with respect to the time when the UNCRC was founded, emphasizes the concept of parenting rather than differences between parents.

## **The Right of Children to Live with Their Parents in Single-Parent Families**

In contemporary society, family often changes its structure (divorce, death or longer absence of one parent), and there are more single-parent families. According to available indicators (CBS 2019a, b), every third marriage ends with a divorce in Croatia. Most mothers take care of the children (84.15%), so single-parent families in Croatia are mostly families of single mothers. Fathers were given parental responsibility and care for 10.9% of the children, and 0.29% of the children were given to other persons or institutions. Only 4.58% of children have joint parental care after a divorce, which is contrary to *the right for children to live with their parents*. The data on children in extramarital unions is incomplete (Laklija 2011). Most often, children do not understand and have difficulty accepting changes in family relationships. Parents face the problem of understanding their children’s emotions and dealing with the children’s (primarily negative) emotions of sadness and anger (Brajša-Žganec and Hanzec 2015). Research on attitudes towards single-parent families in Croatia indicates community empathy for widowed parents. However, divorced fathers, and even more mothers, are at a disadvantage. Society has the most negative attitude towards single mothers of extramarital children. Attitudes

towards single parents are often passed on to children (Raboteg-Šarić and Pećnik 2010).

The demanding role of single parents caring for their children is recognized by numerous studies (Amato 2014). They recognize increased parental responsibility and lack of time as problems, which also increase the risk for behavioural problems. Single-parent families tend to have lower economic status. Increased responsibility and existential difficulties can have a negative impact on the quality of parenting and, consequently, on the children. Adolescents living in two-parent families are estimated to have more parental support than adolescents in single-parent families. Brajša-Žganec & Hanzec (2015) found no differences on the occurrence of somatic problems between children from two-parent families or single-parent families (observed aggressive behaviour of the children is not related to the family structure but to the age of children). It can be concluded that children are at a greater risk if they are raised in conflicting two-parent families than in functional single-parent families (Brajša-Žganec and Hanzec 2015).

Miljević-Ridički & Pavin Ivanec (2008) found no differences in academic achievement of children, or psychological difficulties in relation to family structure. The predictors are the risk of poverty, individual characteristics of parents, depression of parents and poor-quality parenting. These predictors are often causally related and reflect the importance of the socio-economic context of single-parent families (Amato 2014).

Miljković et al. (2019) recognize one of the fundamental problems of single-parent families as insufficient systematic support from the society. However, this problem is recognizable in most families, regardless of family structure. The UNCRC recognizes the burden on single-parent families and obliges states to provide material assistance and support programs (UNCRC, Article 27, para. 3).

## **The Right of Children to Early Childhood Education**

In order to enable parents to create the conditions for the exercise of children's rights to adequate growth and development, states are committed to providing a network of childcare facilities and services (UNCRC, Article 18, para. 2). ECE is one way of government's support for families. At the same time, a high-quality system of ECE is also an optimal response to the realization of *the children's right to education under equal opportunities and conditions* (UNCRC, Article 28). The availability of ECE implies openness to exercise *the rights to include all children regardless of their personal or family status*. Accessibility ensures *the children's right to maximize the use of the environment and full participation in personal development and education* (Bouiollet 2018), which, according to Lazzari & Vandebroek (2014) includes access to the individual potential of children and an inclusive approach. Systematic economic research indicates that government investments in childhood generally present low financial risk and high return on

investment (Heckman and Masterov 2007). Social investments, interpreted as strategies aimed at investing public funds in activities that can contribute to the common good, allow equal access and participation in economic development. The availability of institutional ECE is one of 20 measures of *European social law*. It is interpreted as a predictor of work-life balance. Through parents' easier access to the labour market, the well-being of children can be indirectly recognized by better existential conditions.

For example, ECE facilitates parental employment and better academic achievement for children (Esping-Andersen 2009). The affirmative influence of ECE on children's cognitive development is generally greater in children at risk of poverty, in families with lower income and social deprivation. This can be interpreted as *the right to the availability of learning resources and social support for learning* (UNCRC, Article, 28).

Research in Croatia confirms the justification of social investment (Baran 2013). However, according to available data (CBS 2019a, b) in Croatia, almost a third of local government units (responsible for ECE) do not have an adequate ECE system. ECE child coverage varies by region, with an average coverage of four-year-olds at 59.6% (CBS 2019a, b). The mandatory preschool program does not cover all children in the year before starting elementary school. Unfortunately, ECE is the least accessible to children at risk. The reasons are lack of social engagement, lack of information and financial capacity of the family (Bouiollet 2018). The unavailability of ECE limits *the right of children to education* (UNCRC, Article 28, 29, 30).

Croatia is one of the socially disadvantaged societies in Europe. For example, children of parents who lack-education and children in families at risk of poverty and / or recipients of social welfare have almost no opportunity to rise above their parents' status (Dobrotić et al. 2018). The unavailability and inaccessibility of ECE is an additional risk factor.

*The right to freedom of thought and expression, association and action* (UNCRC, Article 12, 13, 14) is linked to education as a means of interpreting exploratory and constructive learning and critical thinking (rather than normative learning). Quality education is recognized in the individual approach *to the development of the child's personality, talent and highest mental and physical abilities* (UNCRC, Article 29, para. 1). At the same time, quality education includes all children's activities (such as play) as *the right of children to freedom of choice and expression*. The quality of ECE education is determined by public education policies, the authentic conditions of each ECE community, and the personal paradigms of ECE teachers. This can also be a limiting factor in the exercise of *the right of children to freedom of choice*. Ensuring optimal ECE conditions, family involvement and equal participation of children within the framework of guaranteed rights are predictors of quality and a path into the world of active community. A family and ECE institutions are the first growing up communities for most children. Institutional ECE should not just be a *parking space* for children of working parents (D'Addato 2010). With the availability of ECE and equal inclusion, children are entitled to quality education. Quality presupposes a focus on the actual children's well-being, the development of individual potentials and the equal participation of children (Moss 2014). This requires

the collaboration of family and professionals in ECE towards developing a partnership. The partnership is interpreted as an egalitarian relationship between professionals and parents. It focuses on parenting quality while respecting the specific culture of parents, regardless of their preferences (sex, gender, national, professional and/or religious).

Regularly shared information is one of the most common forms of cooperation. Education of parents and involvement in the educational processes of the children within ECE institution can be singled out as the highest quality partnership (Visković and Višnjić Jevtić 2017). But, when analysing parents' work responsibilities, it is questionable how much time they have to actively participate in their children's education. Social policy measures should therefore aim to adapt working conditions of parents to children, not vice versa.

## The Rights of Vulnerable Children

The UNCRC strives to ensure conditions for the optimal development of all children through accurate determinations of children's rights, but it does not recognize enough the vulnerable children. Vulnerable children are above average exposed to injury or risk of harming their social, emotional, psycho-physical and/or social integrity (Bouiollet 2018). These are children who grew up in poor families or at risk of poverty, social exclusion, dysfunctional families; children exposed to inappropriate parenting and deprived of parental care, children of compromised integrity and security. In Croatia, vulnerable children are also recognized as children growing up in rural areas (Šućur et al. 2015) and ethnic minority children (Hrabar 2013).

The rights of children in potentially risky situations are partially protected by UNCRC while developmental disabilities, chronic illnesses or long-term hospitalization are further aggravating factors that increase the vulnerability of children as well as their parents, which can furthermore indirectly have a negative impact on children. Risk situations are often multiple and cumulative, which increase vulnerability, emotional insecurity, and social deprivation. Consequently, multiple risk situations that hinder or threaten the exercise of an individual's rights and needs most often have negative outcomes at the personal, family and community level and as such pose a threat to society (Ajduković 2015).

Some studies of contextual conditions of growing up estimate that 7–10% of children are at risk (Wichstrøm et al. 2012). There is relatively little research available on *vulnerable young children* growing up in risky conditions. Jopling & Vincent (2016) interpret this by lack of understanding the concept of vulnerability and exposure to risky situations. Most vulnerable children are in families living in poverty or are at risk of poverty. According to Eurostat (2017), the risk of poverty and social deprivation is higher in single-parent families, families in multi-member households, families of parents who lack-education and families of migrant background. According to available data (Eurostat 2017) in Croatia, one fifth of the population is

at risk of poverty and one of the eight most “at-risk” countries in Europe. Young children and adolescents growing up in poverty or at-risk-of-poverty can be seen as a particularly vulnerable group (Esping-Andersen 2009). They have lack of education and consequently poorer employment and lower incomes (Bilić 2016). More often, they quit formal education (Conger et al. 2010). Children who grew up in a poor environment or who were at a risk of poverty are likely to be poor or at risk of poverty in adulthood (Rubil et al. 2018). They have poorer health status, higher risk of psychological distress and asocial behaviours (Ramchandani et al. 2017). However, some researchers suggest that community support (family, ECE, peers, or social environment) can reduce the inadequate effects of growing up in risky situations (Donnellan et al. 2013).

Children with disabilities are potentially *vulnerable children*. These are children who grew up in circumstances at increased risk of exercising their rights, while the UNCRC guarantees every child *the right to a full and decent life and the right to dignity, promoting self-reliance and facilitate their active participation in the community* (Article 23, para. 1). The *right to a special care* is also exercised in accordance with (financial and other) community resources (Article 23, para. 2).

The hardest recognizable vulnerable children are children exposed to poor-quality parenting. Poor-quality parenting endangers many children’s rights, *ranging from neglect to abuse, from (over) demanding and rigidity to disinterest*. This results in socially unacceptable behaviour in situations where the child is often approached as the perpetrator rather than the victim. Research conducted in Croatia has found an association between life dissatisfaction, low income status and poor-quality parenting. Parents confronted with existential problems are prone to neuroticism, which in turn reflects on the quality of parenting. Dysfunctional parenting correlates with poor children’s achievement (Zygmunt-Fillwalk 2011). Low income status correlates with lower quality of life assessments (Vuletić et al. 2011), delayed parenting (Kušević 2013), increased rates of domestic violence, and latent-aggressive behaviour (Bodul and Smokvina 2012). Parents with lower income status are more inclined to criticize and punish their children physically (D’Addato 2010; Ljubetić 2014). Slack et al. (2017) found a connection between family economic status, neglect, and child abuse. International legislation clearly bans all forms of violence against children. However, public awareness of the unacceptability and negative consequences of punishment still straggles behind scientific indicators (Vidović 2008).

Croatia has a legally regulated process for protecting the rights and interests of children, ranging from preventive measures to exclusion of children from the family. Early intervention has been declaratively advocated as an impetus to the quality of family functioning. In practice, the lack of experts and the lack of coherence between institutions limit preventive action (Ajduković 2015). In the process of protecting the rights and interests of children left without parental care (children excluded from the family or abandoned children), public social policy is committed to the institutionalised child-care. As affirmative solution, placement in foster families and, if possible, return to the parent family (Laklija 2011) is emphasized. This



can also be interpreted as *the right for children to live with their parents* (UNCRC, Articles 10 and 27).

## **The Rights of Children to Identity, Personal Opinions and Expression**

The UNCRC (Articles 12, 13) guarantees *the rights of children to identity and individual development and freedom of expression*. Children are not unfinished beings, but should be allowed to develop their identities, learn and express themselves (Kopić and Korajac 2010). The constructivist paradigms accept the children as active participants in their own personal childhood, development and education (Maleš 2011). This view is consistent with *the right of the children to their personal opinions* and *to respect the views of the children in accordance with their age and maturity* (UNCRC; Article 12), *the right to freedom of expression* (UNCRC, Article 13, para. 1), and *freedom of thought, conscience and religion* (UNCRC, Article 14).

ECE institutions and families therefore advocate flexibility, freedom of choice, and active learning of children is promoted in the community's everyday life. At the same time, there is a discrepancy: parenting exists as a personal choice and a responsibility (whether and when we will have children), parental quality control is legally part of state policy, and the children's perspective is often overlooked. Neglecting the perspective of children limits the development of their personality and neglects their *right to expression* (UNCRC, Articles 12, 13).

Interpretation of the child's perspective is usually part of an adult paradigm, and what's really missing is children's point of view (Visković and Višnjčić Jevtić 2019). Factors that limit the accessibility and understanding of children's perspectives could be children's developmental status, community rigidity, but also children's insecurity as a result of misunderstanding the social situations, low self-esteem and self-confidence that all contributes to restricting children's *right to expression* (UNCRC, Article 12, 13). Insecurity and non-assertiveness of children, acceptance of guilt and ultimately feelings of shame are possible outcomes of poor-quality upbringing (Rubil et al. 2018). Inadequate upbringing can also be recognized through children's insufficient informational awareness and lack of knowledge of their personal rights and possibilities. Children's participation, although declaratively promoted, is in practice limited to consultative information, and often lacks an equal participation of children. Lack of child-initiated participation is generally the responsibility of adults. Advocacy for children's rights is also the responsibility of the state (UNCRC, Article 42) and of adults (public policies and community cultures) in how to inform children and enable them to choose and pursue personal goals (Lansdown 2010). Miljković et al. (2019) therefore believe that children's learning of their legal rights should be pursued in parallel with the learning of obligations and responsibilities for oneself and for personal actions.



Anthropologist Lancy (2016) points out that child-care and education cannot be valued separately from community culture. The influence of culture as a way of life, accepted values, socially accepted norms and common behaviours are also highlighted by Henrich et al. (2010). By growing up in a community culture, children build a personal identity and indirectly change the culture of the community in which they grew up. The diversity of the individual and the culture, and the way in which they are distinctive, is recognizable as identity. Identity is based on values and shaped by the circularity of social interactions (Roccas and Sagiv 2010). Social interactions can lead to behaviour modification (Arieli et al. 2014) and redefinition of value orientations (Bardi and Goodwin 2011).

This emphasizes the importance of the quality education and care as predictors of the involvement and engagement of individuals - children and adults. Also, it indicates the importance of the developmental and educational function within social context, and the provision of conditions for exercising fundamental human rights, understanding social processes and, thus, for active community.

## Conclusion

The UNCRC guarantees children the right to grow up in families and the right to institutional education and care. Although the UNCRC is focused on securing the rights of the children, in order to exercise these rights, it is necessary to ensure quality conditions - social environment, economic status, adequate state care and protection.

The analysis of the quality of family functioning does not justify the division of families by culture (nation, religion, sexual orientation of parents) or family structure. The intervening variable that can contribute to social exclusion of families in Croatia is primary recognized as risk of poverty, which can also have a negative impact on parenting quality. This information points to the importance of state support measures that should focus on the quality of childhood. State social policy measures should ensure the existential status of families, and education policies should provide conditions for accessible, quality education.

The family, with the support of the institutions, ensures the basic existential, developmental, protective, and educational rights of the child. Family identity and culture correlate with the development of a child's identity and relationship to the culture of the wider community. The importance of the family is recognizable in the quality of parenting and the development of the child's personality. Social support is a predictor of quality.

The responsibility for quality ECE lies with the public education policies and the professionals in the system. Acceptance of children as active participants in their personal development *implies the right to an active participation* in ECE. In this context, education is an affirmative process of developing individual potentials and identities in the process of socialization. This process should be a construct of balanced socio-emotional relationships, acceptable boundaries and distribution of

power, not repression. By actively participating in personal education, children develop self-awareness, engagement, assertiveness, self-esteem, and self-confidence as basic determinants of identity (Davies 2013) that become predictors of active community and are a long-term benefit for the individual and society.

Croatia, as a signatory to the UNCRC, seeks to advocate for quality childhood conditions through its legislation. The long-lasting economic crises, as well as ideological opinions, do not support the quality of these conditions. The exercise of children's rights is determined by the public policies and ideology of the majority. Unfortunately, Croatia is a specific community, deeply ideologically divided into "left and right". The analysis of this division is based on historical heritage and the post-war transition. Changes could initiate quality education with an emphasis on developing critical thinking, which is unfortunately not currently recognized. It is possible that these doubts will resolve over time.

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**Part III**  
**Educational Perspectives**

# Chapter 11

## Young Children's Rights to Provision, Participation and Protection: Challenges of Applying the UN Convention on the Rights of the Child to Early Childhood Education and Care in Australia



Ann Farrell

**Abstract** Thirty years since the UN Convention on the Rights of the Child (UNCRC), Australia continues to face the enduring challenges of according young children the rights to provision, participation and protection. Australia's *National Quality Framework for Early Childhood Education and Care* (NQF) is driving a significant national agenda for Early Childhood Education and Care (ECEC) as a context for the enactment of children's rights. International and Australian considerations of children's rights in ECEC forms a backcloth for the chapter's examination of the NQF and discussion of key barriers and enablers of children's rights in ECEC in Australia. The chapter calls for renewed commitment at the level of government, systems and local services to provide quality ECEC in ways that promote children's human rights.

### Introduction

The 30th anniversary of the UNCRC (UN 1989), the most ratified UN convention, along with the 70th anniversary of the Universal Declaration of Human Rights (UDHR 1948) and the Declaration of the Rights of the Child (DRC) (1924, 1959) attest to human rights as a global phenomenon. The human rights to be accorded to young children, in turn, have come to international prominence since the UNCRC.

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In the last 30 years, the UNCRC has served as a catalyst for the empirical and policy work of leading international bodies committed to children's rights; for example, the Organisation for Economic Cooperation and Development (OECD) (2001, 2012) and the United Nations Children's Fund (UNICEF) (2015, 2019) and exemplified in the *United Nations Sustainable Development Goals* (2015). So too, quality ECEC has been attested internationally as pivotal to children's learning, development and life chances (Camilli et al. 2010; OECD 2001, 2012, 2017; Page and Tayler 2016; Press and Pascoe 2017; The Lancet 2016; UNICEF 2019).

Despite the international prominence of the UNCRC in articulating the responsibilities of duty bearers of children's rights, the human rights of children are often eclipsed by global and national interests that run counter to their rights. Moreover, children's rights are being displaced by the recent, fast-emerging phenomenon of the COVID-19 pandemic as well as the ubiquitous wicked problems of poverty, armed conflict and climate change. The compounding effects of the pandemic, in conjunction with other adverse sequelae, challenge the capacity of national and international systems to ensure children's rights. Within such global conditions (some known but more unknown), Australia, like many OECD countries, is urged to critique its progress in ensuring children's rights.

## Australia and the UNCRC

Since ratifying the UNCRC in 1990, the Australian Government has reported (on a quinquennial basis) to the UN Committee on the Rights of the Child (CRC), the last in 2018. Over the reporting periods, Australia has shown heightened awareness of children's rights and unprecedented attention to breaches of their rights. Australia reports on:

- what it is doing to protect and promote the UNCRC
- progress that has been made in protecting and promoting those rights
- obstacles and problem encountered in implementing the UNCRC.

Reports are submitted also by the Australian Human Rights Commission, with 'alternative' reports such as *The Children's Report* by UNICEF (2018), representing over 100 child-focussed organisations and experts (the Australian Child Rights Taskforce); the report identifies grave concerns over matters such as the sale of children, prostitution, child pornography and children in armed conflict. Lee-Hoo (2019) argues that the anniversary of the UNCRC is an opportune time for the Australian community, more broadly, to address the provision of children's rights and to redress abrogation of their rights.

Most recently, the 2017 Australian Royal Commission into Institutional Responses to Child Sexual Abuse (Australian Government, 2020) revealed systemic breaches of children's rights within institutions charged with their care. Described by Wright and Swain (2018) as "speaking the unspeakable, naming the unnameable" (p.139), the Royal Commission brought child sexual abuse into public discourse

and, in so doing, demonstrated the important role of such inquiries in confronting breaches of children's rights to protection.

Australia is also in the throes of a Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability (2019). Of concern to this particular Royal Commission is the abrogation of human rights of children with a disability, to freedom of opinion in education settings. In this context, Gallagher et al. (2018) highlight the importance of the Universal Declaration of Human Rights (Article 19), particularly for learners with speech, language and communication needs (SLCN) who run the risk of being not heard.

While acknowledging the gravity of breaches of children's rights outlined in the 2017 Royal Commission report and the current Royal Commission hearings, it can be argued that Australia is seeking to make headway in advancing children's rights via its *National Quality Framework for Early Childhood Education and Care* ('National Quality Framework' [NQF]) (ACECQA 2020a). The NQF is operationalized in Early Childhood Education and Care (ECEC), the internationally recognised constellation of education and care services for young children birth to eight years and their families (OECD 2001, 2012) and serves as a context for the enactment of three complementary rights: provision, participation and protection.

The complementarity of these rights means that provision or access to quality ECEC services may afford realization of other rights, such as participation and protection. That said, while the right to provision of ECEC, *per se*, does not ensure children's participatory and protective rights, provision can provide an entry point for the enactment of participation and protection. As Lundy (2012) argues, within the European context, the right to education is multifaceted, "It cannot properly be described as a simply right 'to' education in the way that there is a right to an adequate standard of living or access to healthcare. Rather it has become common to refer to it as a collection of rights which taken together constitute rights to, in and through education" (p. 395).

Mindful of the complexity of charting the relationship between different rights, this chapter addresses the provision rights of children to ECEC in Australia, as a starting point, and focusses on Australia's key legislative and policy vehicle for ECEC, the NQF. Before discussing the NQF, the chapter, by way of global context, turns now to international examinations of children's rights.

## International Examinations of Children's Rights

Murray et al. (2019) dedicated an international volume to the rights of young children since the UNCRC. They argue that: human rights are universal, inalienable, indivisible and accountable; rights apply equally to all (including babies and very young children); and rights are 'portable' and, thus, must be respected wherever the child is (p. i). This conceptual stance follows an earlier volume on children's rights *studies* edited by Vandenhoe et al. (2015). This earlier work takes a critical stance on children's rights scholarship, challenging the frequently taken-for-granted notion

of the universality of children's rights and arguing for children rights as highly contextualized. So too, a synthesis of research into teaching and learning children's rights conducted by Brantefors and Quennerstedt (2016) considers how the content and process of teaching and learning human rights is addressed in research (for the period 1990–2015).

In addition to international volumes dedicated to young children's rights, there is a growing corpus of research and commentary within and between jurisdictions around children's rights more broadly. For example, McCall-Smith (2019) analysed the incorporation of the UNCRC into national law in Belgium, Sweden and Venezuela. In the context of Sweden, Quennerstedt (2016) examined human rights for very young children (1–3 years). In relation to the United Kingdom, Elwood and Lundy (2010) revealed the school testing culture as a breach of children's rights, Devine and McGillicuddy (2016) examined the teacher habitus in shaping pedagogical approaches to children's rights and Dunhill (2018) noted children's lack of awareness of their rights in education. Lyle (2014) focussed on teacher perceptions of children as rights holders in Wales, while Gadda et al. (2019) considered Scotland's challenge to make rights 'real' in children's lives. Kozikoglu (2019) focussed on the importance of partnerships between parents and teachers in promoting children's rights in preschool education in Turkey, and Munongi and Pillay (2018) examined school-based teaching of children's rights in South Africa. In light of international analyses of children's rights and considerations of children's rights in particular jurisdictions, such as those noted here, the chapter moves now to examinations of children's rights in ECEC.

## Children's Rights Research in ECEC

Against this international backcloth of children's rights more broadly, it is fair to say that few empirical studies are devoted to children's rights in the field of ECEC. While a plethora of Australian studies articulate a commitment to the UNCRC and adhere to related rights-based guidelines (e.g., Early Childhood Australia Code of Ethics, 2020; National Health and Medical Research Council, 2018), the majority of studies in ECEC investigate matters *informed* by the UNCRC such as child participation and child agency, while few ostensibly research children's rights as a *substantive focus*.

So too, systematic reviews of children's rights in early childhood are rare. An exception is that of Correia et al. (2019) which includes five Australian studies. Their review showed that, of the 36 peer-reviewed empirical studies analysed in the review (for the period 2001–2017), most were conducted in Northern Europe, only five were conducted in Australia, and three of those five were conducted in both Australia and Sweden. Overall, the systematic review expressed concern over the lack of shared decision-making and power-sharing between educators and children in early childhood. One of the Australian studies in the review, conducted by Houen, Danby, Farrell and Thorpe (2016), explored how teacher interactions with children

create spaces for children's agency. The research drew on 170 hours of video recordings of interactions in nine preschool rooms to show how collaborative interactions between teachers and young children can make space for children's decision-making about their participation in classroom experiences.

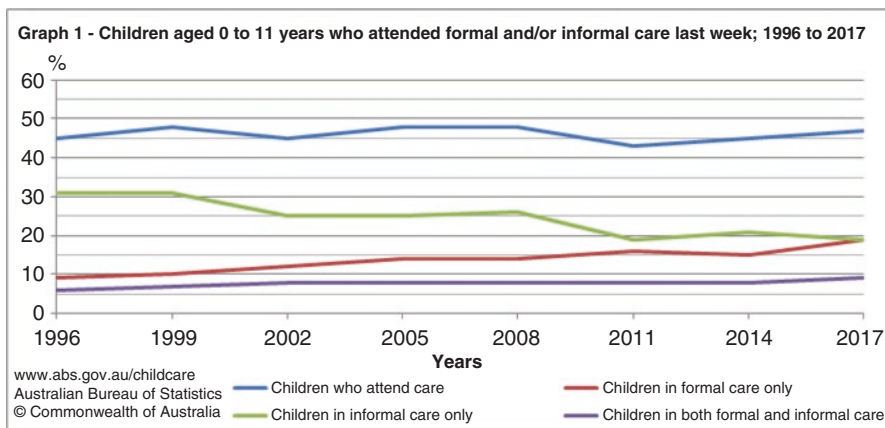
Another volume dealing with children's rights in early childhood is a special issue of the *International Journal of Early Childhood* (2019). Theobald's (2019) preface notes the frequent incongruence between policy initiatives and enactment of children's rights in early childhood. Theobald calls for further research-based scrutiny of how children's rights can be better incorporated into national and international early childhood policies, curriculum and pedagogy. Within the special edition, Engdahl (2019) affirms recommendations of the children's rights policy forum convened by OMEP (World Organisation for Early Childhood Education) in support of children's active participation in education and care services. Such work shows the importance of conceptual understandings, policy and curricula that see children as competent and capable learners.

### ***National Quality Framework as a Context for Children's Rights***

Moving from international considerations of children's rights, this chapter turns now to the NQF (ACECQA 2020a), Australia's national framework for the regulation, assessment and quality improvement in ECEC and outside school hours care. In 2009, the Council of Australian Governments (COAG) (2009) agreed to the establishment of the NQF and, in 2012, it launched a series of national initiatives. These include: a national quality rating and assessment process; streamlined regulatory arrangements; and a national body jointly governed by the Australian Government and state and territory governments, the Australian Children's Education and Care Quality Authority (ACECQA).

The NQF espouses the UNCRC with respect to child agency, that is, children's rights to be able to make decisions, to initiate their own learning and to influence events that impact their world – enacted within contexts of equity, inclusion and diversity, particularly with respect to Aboriginal and Torres Strait Islander cultures. In a nutshell, the NQF's rights-informed remit is to cater for children as active participants on all matters affecting their lives.

Under the purview of the NQF, data on children's participation in ECEC published by Australia Bureau of Statistics (2018) reveals that, in 2017, 47% of children 0–12 years used care services, compared to 45% in 1996 (See Fig. 11.1). Over this period, the proportion of children in formal care increased from 9% in 1996 to 19% in 2017, and children aged 2–3 years were the most likely to attend formal and/or informal care (71.8% and 71.1% respectively). Children aged under 1 year the least likely to attend care (30%). Overall, rates of participation in quality ECEC services show a modest (albeit growing) number/percentage of children being afforded



**Fig. 11.1** Australian Bureau of Statistics, Childhood Education and Care, Australia (June, 2017)

rights to provision. A clear mandate is to increase participation in quality ECEC, a significant challenge in times of health-driven social distancing and broader dislocation.

Within the NQF, individual ECEC services are assessed by their state/territory regulatory authority and rated against the National Quality Standard (NQS) (ACECQA 2020b) in seven quality areas:

1. Educational program and practice
2. Children's health and safety
3. Physical environment
4. Staffing arrangements
5. Relationships with children
6. Collaborative partnerships with families and communities
7. Governance and leadership.

ACECQA's (2020) *Snapshot* (QF, 2019), the 28th national report on children's education and care services operating under the NQF, shows key achievements of the sector (See Fig. 11.2).

The *ACECQA Snapshot* (2020) also provides a summary of approved services by jurisdiction and service type (See Fig. 11.3).

A centre-based service (CB) is an education and care service other than a family day care service. This category of service includes most long day care, preschool and outside school hours care services that are delivered at a centre. It does not include preschools in Tasmania or Western Australia, which are out of scope for the NQF, as well as other services that are not regulated under the National Law. A family day care service (FDC) is an education and care service delivered through a network of educators operating from residences and other approved venues. They are sometimes known as family day care schemes and they are administered and supported by central coordination units.

## Snapshot highlights



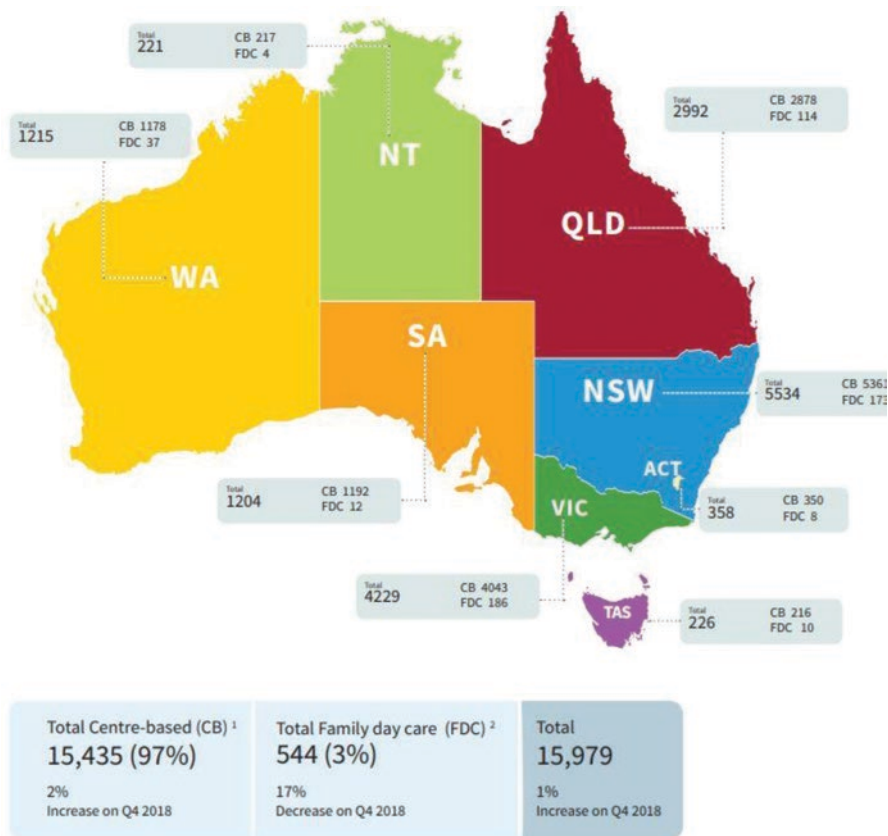
Fig. 11.2 Snapshot highlights, ACECQA Snapshot (2020 for Q4, 2019)

While the provision of approved services does not necessarily ensure that children's rights *per se* are met, the legislative and policy drivers of the provision (underpinned by the UNCRC) can provide the conditions under which children's rights can be realized. So too, the use of Australia's first national framework for children birth to five years, *Belonging, Being and Becoming: Early Years Learning Framework* (EYLF) (Commonwealth of Australia 2009) gives pedagogical and curricula impetus to the Convention and its implementation on the ground. The chapter now turns attention to the *Early Years Learning Framework* (EYLF).

## Early Years Learning Framework

The establishment of the NQF also saw the launch of national learning frameworks that recognise children's rights to learn and develop: *Belonging, Being and Becoming: Early Years Learning Framework* (EYLF) (Commonwealth of Australia 2009) and *My Time, our place: Framework for school age care in Australia* (Commonwealth of Australia 2011). A key vehicle for operationalising children's rights in ECEC, the EYLF sets out early childhood principles, practice and outcomes required to support and enhance young children's learning from birth to five years. In line with the UNCRC, the EYLF acknowledges that:

all children have the right to an education that lays a foundation for the rest of their lives, maximizes their ability, and respects their family, cultural and other identities and languages ... children have the right to play and be active participants in all matters affecting their lives (Commonwealth of Australia 2009, p. 5).



**Fig. 11.3** Profile of sector: Number of approved services by jurisdiction and service type (ACECQA Snapshot 2020, p.4)

So too, the EYLF explicitly declares that “Early childhood educators will reinforce in their daily practice the principles laid out in the United Nations Convention on the Rights of the Child” (p.5). While such statements clearly align to the UNCRC, the application of the EYLF in real world ECEC services relies heavily on the pedagogical and curriculum work of a diverse workforce of educators in collaboration with children and families.

The EYLF comprises five Learning Outcomes:

- Children have a strong sense of identity
- Children are connected with and contribute to their world
- Children have a strong sense of wellbeing
- Children are confident and involved learners
- Children are effective communicators. (Commonwealth of Australia 2009, p. 8)



In relation to the EYLF, Grieshaber (2015) identifies the framework's five departures from tradition in early childhood education in Australia:

- 'free' play and play-based learning
- child development and learning
- free play and intentional teaching
- outcomes to plan learning
- high expectations (p. 34).

While some of these elements may have been evident (to varying degrees) in previous approaches, the combination of each element within a coherent national framework marks a significant curricula contribution of the EYLF to ECEC in Australia. Grieshaber (2015) acknowledges the challenge of expecting all educators (with different qualifications and experience) to use the EYLF in their daily work with children and families. The NQF (ACECQA 2020a) sets out the minimum qualifications and educator-to-child ratios in ECEC. The spectrum of qualifications includes Certificate, Diploma and Bachelor awards. From 2018, an 'educator' needs to have completed an early childhood teaching (ECT) qualification (usually a Bachelor degree specializing in early childhood) to be considered a qualified ECT, while educators 'actively working towards' an approved ECT qualification may be counted as a certificate or diploma level educator, depending on how much of an approved ECT qualification they have completed. Thus, the differential qualifications and experience of educators who use the framework highlight the need for a coherent system of preservice education and ongoing professional learning that recognizes and addresses such diversity.

## **Research into the *National Quality Framework***

Since its inception, Australia's NQF and NQS have attracted research and policy commentary (Hunkin 2016; Jackson 2015; Logan et al. 2012). A longitudinal study of the quality of ECEC, known as *E4Kids*, used CLASS and sub-scales of the ECERS-R to establish that ECEC services performed in the medium range on the majority of quality measures (Tayler et al. 2013; Tayler and Thorpe 2012). Tayler et al. (2013) found that the quality of ECEC varied according to service type, with kindergarten showing significantly higher quality than long day care.

Not surprisingly, a challenge for the enactment of children's rights in ECEC is the link between socioeconomic status (SES) background and access to service type. A study by Cloney, Tayler, Hattie, Cleveland and Adams (2016) with 2494 children in 1427 ECEC classrooms (controlled for a range of child, family, home and community factors) found that children from lower SES families were more likely to attend lower quality programs, with the widest quality gap evident prior to kindergarten. The policy corollary of their study is for targeted ECEC programs in lower SES areas, in order to ameliorate children's SES quality gradient. Their research, in turn, gives weight to Ishimine's (2011) case study research of ECEC in

urban Australia, showing that the disadvantage of a community impacts quality factors, such as the service's physical environment, staff-child interaction and curriculum.

A key data source on children's access to quality ECEC is Australia's longitudinal study *Growing up in Australia* (LSAC) (Australian Government), with a representative sample of 10,000 urban and rural children and families. Wong et al. (2014) drew on LSAC data on disadvantaged children's access to quality ECEC to highlight the importance of social, economic and cultural environments that impact on child wellbeing.

Another key data source on child disadvantage in relation to ECEC is the teacher-rated *Australian Early Development Census* (AEDC) (Commonwealth of Australia 2018), with its five domains of child development at school entry: (i) physical health and wellbeing; (ii) social competence, (iii) emotional maturity; (iv) language and cognitive skills; and (v) communication skills and general knowledge. Goldfeld et al. (2016) drew upon the AEDC to examine the link between ECEC and children's developmental outcomes in a cohort of children entering school. The Disadvantage Index (for 3615 children aged 4–5 years) showed that disadvantaged children were more likely to be in exclusive parental care, less likely to use approved ECEC services and, where they did, had fewer hours of care than their peers. Such findings highlight the real barriers to ECEC faced by those children and families for whom it is of most benefit (See also Brennan and Pascoe, 2017). Thus, if the provision of quality ECEC is a child's right, the matter of equity of access to quality provision presents a clear challenge to the provision of rights to disadvantaged children and families.

## **Barriers to Children's Rights in ECEC**

Barriers are multi-faceted and multi-layered. While provision of ECEC in Australia can be argued as being 'universal', its implementation hits structural and institutional barriers, such that government, systems and services require renewed resolve to ensure that all children can access the services that will benefit them most. In summary, the barriers are three-fold: (i) structural; (ii) sectoral; and (iii) service-level.

First, Australia's demographic profile (rural and remote communities, geographic isolation and hard-to-reach populations) poses structural barriers to equitable participation in ECEC. Moreover, for children in urban settings, social and economic disadvantage typically means that, while quality provision may be available, participation may not be possible for those identified as disadvantaged and those who are rendered invisible by dint of their isolation. Given the disadvantage gradient, the challenge is for ECEC to be conceptualized and operationalized as a public good for all children and families with a range of service types and strategies for all, not merely for those whose advantage enables them to participate.

Second, while there is sectoral take-up of curriculum and practice frameworks such as the EYLF, there is scant evidence of an accessible repertoire of pedagogical practices that focus specifically on children's rights and build children's knowledge and experience of their rights. While there may be pockets of exemplary practice, the mixed-market nature of the ECEC sector works against such examples being readily shared and critiqued across peak bodies and organisational units.

So too, at the sectoral level, children's rights can be eclipsed by other priorities such as preparation for school and the drive for school readiness. This calls for clear understanding of ECEC as its own distinctive sector (as seen under the law) yet integrated into the broader education and care system (which includes school and home). Moreover, the marginalisation of ECEC by other systems and agendas can be compounded by the fact that educators within the constellation of systems hold a range of qualifications and differential experience. The challenge is for sectoral leaders and educators to operate in collaborative, consistent and coherent ways, to champion rather than curtail educator diversity and to make transparent the pedagogical approaches that promote child agency and decision-making. Additionally, practices need to be documented, such that a body of evidence is established for use by educators and families in both ECEC and the school sector. This requires a national commitment to the development of a professional, qualified and valued early childhood and schooling workforce as partners in evidence-building.

Third, the lack of practice-based research into the implementation of children's rights in everyday contexts means that services may have tacit adherence to children's rights yet lack grounded empirical evidence of children's rights in-action. Lundy (2012), while referring to Europe, highlights the dearth of research into the extent to which the principles of the UNCRC are implemented on the ground. This resonates with the Australian experience and poses a challenge to local services and broader systems, so that real world research into children's rights can be conducted and shared.

## **Enablers of Children's Rights in ECEC**

Overcoming such barriers requires the leverage of key enablers to narrow the gap between rights rhetoric and rights realized. It is instructive, at this point, to consider the work of Byrne and Lundy (2019) in informing public policy for children's rights. While their work is Europe-focussed, it resonates with the Australian context with respect to enablers of change. Their six 'P' right-based approach includes: (i) the principles/provisions of the CRC whereby adults, children and young people are made aware of the of the CRC; (ii) the process of children's rights, with assessment of its impact; (iii) the participation of children and young people, whereby they are involved in policy development; (iv) transparent public budgeting to ensure that the resources are in place for implementation of children's rights; (v) partnership to ensure that governments and relevant agencies work together; joined up working

element; and (vi) publicity to make the policies known to children and young people and for them to be meaningfully involved in policy development.

In the Australian context, three enablers are proposed to promote children's rights to provision in ECEC: (i) assurance of equity of access to provision; (ii) a systematic approach to teaching and learning of children's rights; and (iii) comprehensive professional learning and development for the ECEC workforce.

First is the policy enabler of government and complementary systems (e.g., education and care, health, housing) working together with services to ensure equity of access to quality ECEC for children and families, irrespective of dis/advantage. This requires public investment to grow and sustain a service system that Australia needs to assure the nation of the known benefits of quality ECEC.

Second is a systematic approach to the teaching and learning of children's rights in ECEC. Children's rights education has been championed in a systematic way by the school sector, but less well systematized in ECEC. Devine and McGillicuddy's (2016) research in the school system in Ireland showed how teachers 'think, do and talk' pedagogy within their pedagogic habitus. They called for:

teachers to reflect on their own positioning with respect to children's rights both inter-generationally in terms of voice and participation, but also pedagogically in terms of serving the best interests of children through equal opportunities to learn. (Devine and McGillicuddy 2016, p. 441)

Such an approach can capitalise on the differential qualifications and experience of educators to inform rights-based teaching and learning initiatives. A clear policy implication is for a coherent system of preservice education and ongoing professional learning that can harness and capitalise on educator diversity and promote practice-based research in rights-based provision.

The third enabler is a comprehensive workforce strategy and professional development of the workforce within an integrated education and care service system. A skilled and well qualified specialist workforce is essential for the provision of quality ECEC and crucial for improving positive outcomes for children and families.

## Conclusion

Australia is facing the ongoing challenge of ensuring children's rights in changing global, national and local conditions. Its capacity to ensure children's rights will rely, to a large extent, on the capacity of ECEC to guarantee provision, participation and protection in contexts that promote children's learning, development and life chances. This scenario calls for collaborative partnerships at the level of government, system and services on the ground, to enable rights-informed partnerships for the benefit of children, families and educators.

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# Chapter 12

## Caring to Educate and Educating to Care in Early Childhood Education in Spain



Concepción Sánchez-Blanco

**Abstract** Teachers of young children are guided and supported in their care practices by the Convention on the Rights of the Child (UNCRC) adopted by the United Nations (UN 1989). The care we show towards the youngest members of society is a form of education and, as such, should be treated as a global ecological imperative with agreed collective commitments and goals among all countries. The 1989 Convention created a comprehensive legal framework for government actions and regulations aimed at protecting and promoting child welfare and the recognition of childhood as a crucial stage of human existence.

This chapter is based on an analysis of data collected from a series of cases studies carried out with children from different age groups within the early childhood education system in Spain. The aim of the research was to identify and assess the primary needs of young children and the care practices of their teachers. Early childhood care is not just a question of health but also of education, which should be integral and inclusive, and guarantee that children are listened to and their needs, personalities and identities respected, as is their right under the UNCRC. This requires a comprehensive reflection on the values that inform primary care practices towards young children at preschool, in order to root out the biases and stereotypes that may stunt and distort their physical, mental, social and personal growth and development.

### Introduction

The United Nations Convention on the Rights of the Child (hereafter UNCRC) created a comprehensive legal framework for government actions and regulations aimed at protecting and promoting child welfare and the recognition of childhood as a crucial stage of human existence (Engdahl 2019; Engdahl and Losso 2019). The

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complexity and diversity of childhoods mirror the variegated sociocultural, political, economic, linguistic and religious contexts in which these initiatives take place. Action in all sectors, including education, should be guided by the diverse perspectives and experiences of children. We need to open the way for emancipatory practices that show respect and regard for children in all their differences and transform them into agents in their own lives.

This chapter examines a number of issues and challenges related to young children's primary needs and care that emerged from a case study carried out in a Spanish nursery school as part of an Erasmus+ Project about child-centred diversity in early childhood education and care (Georgeson and Campbell-Barr 2017) and from an earlier ethnographic research project on fighting and physical damage in early childhood education in Spain. The welfare and protection of human beings in their infancy should be an issue of universal importance. The care we show towards the youngest members of society is a form of education and, as such, should be treated as a global ecological imperative with agreed collective commitments and goals among all countries. The survival of nature, including our own human nature, depends in large part on our ability to respect the children of the world. The future of humanity itself is at stake.

Preschools become involved in children's experience of care from early infancy, their bodily care included. The bodily care practices administered by educators in an educational setting help children and adults alike to (re)connect with their essential biological condition as human beings. The special care and assistance of children is protected under the fundamental rights established by the UNCRC, including the right to health, the right to bodily expression and the right to enjoy a full and decent life with dignity, regardless of the child's physical and/or mental abilities. This is why it is essential for teacher-carers to analyse critically the values and attitudes inherent in their care practices in order to break down and root out the biases and prejudices that prevent them from seeing children as subjects in their own right. This chapter examines the issues and challenges facing early childhood teachers and their duty to provide children with respectful care experiences based on the rights of the child.

## **Shadows of the Past**

Practices related to bodily care have historically been considered an effective way of domesticating children's bodies and endowing them with what Varela (1991) has characterised as 'bodily nobility'. Simulation in children of adult behaviours and bodily postures has played a key role in the civilising processes of societies of all kinds down through the centuries. This includes our own westernised, Eurocentric perspective, transformed forever by the Industrial Revolution and its attempts to mould and discipline human bodies and bodily functions from earliest childhood in order to transform them into useful cogs in the factory system and, more generally, in the incipient capitalist system then beginning to take shape (Foucault 1977,

1980). Foucault uses the term *biopower* to refer to this impounding of human movement and practices in all aspects of our social lives, including education, where children's time and movement are hijacked in the interests of fine motor control and the principle of non-idleness.

Early childhood educators need to take into account this history and its possible influence on their own ideas and practices in order to throw off the myriad economic and sociocultural dominations that prevent children from learning about their own bodies. Alternative narratives of child corporeality that go beyond the dominant models and universalist terms of child development must be opened up (Antonsen 2020; Burman 2008), particularly if we accept as an imperative the need to draw attention to children's basic bodily needs, as recognised and corroborated by the rights of children to personal care as a fundamental part of their education.

Down through the centuries, different systems of rules and 'techniques' of the body have emerged across Europe, started among the nobility and spread through social settings such as schools and the agency of teachers and tutors, many of them members of religious orders (Mauss 1973). The distinct corporeal identity of the nobility, based on specific rules and rituals, was a way of dominating and distancing themselves from other social groups, such as servants or manual workers. Later on, the same codes of body use and behaviour would be used by the wealthy upper classes as a mark of distinction. The institution of 'good manners' in relation to bodily care and comportment filtered down to the lower classes with strongly disciplinary overtones, in keeping with the demands of the Industrial Revolution.

These techniques of the body were not only an important marker of social status but were also used as standards of morality and normality (Elias 1988). Rather than helping to tackle and reduce situations of oppression, the growing preoccupation with hygiene, as typified by the hygienist movements of the nineteenth and early twentieth century (Moreno-Martínez 2006; Moreno-Martínez et al. 2016), were seized upon by religious authorities to reinforce their influence by equating cleanliness with godliness. In the white, western world, this association placed demands on children (especially girls) that ran counter to the need of every child to explore their own body and, through it, the world in all its richness and diversity. Advances in medicine during this time reinforced ideologies of 'proper' childhood development and body norms, instituting segregationist bodily care practices which have led to exclusive special educational practices from early infancy.

Educators must become aware of the historical forces present in social attitudes to the human body, and how dominant cultural capital (Bourdieu 1986, 1998) has been used to divide and differentiate between groups and individuals. Preschools are increasingly made up of children from different and sometimes distant sociocultural contexts who find themselves cut off from this white, western cultural capital. Failure to take these forces into account leads to educators ignoring the basic bodily needs of the child that are essential to her or his personal development and neglecting their very rights. The foundations of the Convention on the Rights of the Child adopted by the UN in 1919 were laid during the years of hunger and deprivation that followed the end of the First World War, when attention began to be paid to and measures taken to meet the basic bodily care needs of Europe's starving children.

The founder of Save the Children, Eglantyne Jebb, condemned the unequal distribution of aid to children on the winning and the losing sides: ‘Europe’s children’ – meaning all of Europe’s children, without distinction – ‘need food, doctors and nurses; and they need it right now.’ The Geneva Declaration of the Rights of the Child, drafted by Jebb, states: ‘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 succoured’ (Mulley 2009; Save the Children 2014).

## From Biopower to Care Practices

In Spain, the historical preoccupation with control over certain biological functions of children’s bodies, and the body itself, has given teachers biopower over their pupils. This is never truer than in the case of nursery schools, where teachers are centrally involved in critical aspects of children’s lives and development, such as eating, sleeping, hygiene and toilet training. Teachers’ involvement in these actions can help to pass on to children a positive image and message about the parts and functions of their bodies. The attention children receive at preschool impacts powerfully on their present and future lives, by highlighting to them and their families the importance of the physical body for all living beings. Children who grow up in learning contexts where the value of the corporeality is recognised are less likely to develop aggressive forms of behaviour against their own bodies or other people’s, or physically high-risk behaviours such as smoking, drug addiction, dangerous driving, etc. (Sánchez-Blanco 2009).

Educators must also guard against the kind of professional despotism that gives teachers absolute authority to establish definitions and standards of bodily care that discriminate between children based on their bodily cultural capital. To do so, they must be wary of how their own teaching practices in relation to bodily care may often be influenced by pupils’ cultural and socioeconomic circumstances, and the parameters of their psychobiological development. History cools, biology rules, and educational practices become subject to social, economic and cultural events, and to the legitimisation or delegitimation of media of all kinds, new and old. The discourse of bodily care has been appropriated and standardised for their own financial gain by the powerful business elites of the nappy, baby toiletries and baby food industries, who understand well the importance and power of advertising in the age of social media, today more targeted and personalised than ever before. The challenge facing educators, therefore, is to determine where the protective and educational function of bodily care practices ends and biopower begins, in order to safeguard the unique potential and ability of each child.

Aspects of children’s education, such as toilet training at a certain age, weaning from bottle and/or soother, consumption of unblended food, and sleeping and eating according to socially accepted patterns, among others, can give rise to tension and disagreement within families as a result of differing ideas about bodily care, and

differing cultural and economic attitudes more generally. The diversity of opinions on these questions requires further discussion, not least in view of the situations of inequality faced by so many of our pupils and/or their increasingly diverse sociocultural origins. We cannot remain content simply to reiterate prejudiced notions about the body that associate certain postures, gestures and physical behaviours with a particular social or moral class (Boltanski 1975), turn certain children into ‘outsiders’, and disrupt relations between pupils by drawing dividing lines between ‘us’ and ‘the others’ (Todorov 2010).

Open discussion of the attitudes we bring to the staffroom and the classroom is needed in order to root out the stereotypes that impede the culture of peace, respect and care we wish to create in our preschools. Scientific studies have shown, for example, that many bodily care practices traditionally eschewed by the better-off sectors of society, owing to their association with the lower classes, actually contribute to healthy child development, as in the case of breastfeeding. Our actions in relation to bodily care as teachers frequently borrow from approaches to parenting and early education found among the voiceless, disadvantaged or marginalised sectors of society: breastfeeding, baby-led weaning, leaving children on the ground so they can move around freely, allowing babies to go barefoot, etc. It is worth noting how certain cultural practices conceived as uncivilised from our white, westernised perspective, such as eating with one’s hands or sitting on the floor to do so, adapt much better to the unique needs and characteristics of small children than practices that involve the use of cutlery or sitting correctly at a table.

Everything about us is embodied. Everything we learn, we learn in our bodies, which is why the body and how we care for it are so central to the education process. Human knowledge is embodied, as philosophy is the embodiment of all thinking (Garcés 2018). We forget this basic principle at our peril: throughout the course of history, dualistic notions of mind and body as separate things have led to outrages against the body with the excuse of liberating or purifying the human soul from the sins of the flesh.

It is important to bear in mind that children are not always passive recipients of normalising biopower (Leavitt and Bauman Power 1997), learning early on that they can use their bodies to defend themselves and exert their will on adults and peers alike. Resistance strategies of this kind include crying, fighting, fidgeting, refusing to eat or sleep, wetting themselves, and pulling strange faces, among others, and are used to distract their classmates from activities which they themselves are not interested in and/or feel excluded from (Sánchez-Blanco 2018).

## Care and Its Excesses

Every day we are bombarded by images of violence showing injured bodies and brutal mutilations, attacks on public health, voluntary self-harm and illnesses such as anorexia which debase the human body, under the fallacious conviction that this endless barrage somehow aids our understanding of the world. Despite widespread

criticism of a host of physically harmful products, such as alcohol and cigarettes, taxes from sales of these items are used to fill the public purse. We are surrounded by signs and circumstances that glorify health, youth and beauty. The mass media feeds society's obsession with staying young and avoiding at all costs the hostile, uncharted territory of old age. As part of this obsession, everyday body care routines are now treated as medical processes, with particular foods reconceived as medicinal elixirs of youth. Unsurprisingly, this whole narrative of domination of the human body has also permeated into bodily care practices for children, with the unnecessary medicalisation of certain basic needs and an obsession with germ-free living that is destroying our children's and our own ability to fight infection.

In consonance with this sacralisation of the human body, the old cadre of priestly guardians of bodily virtue and restraint has been displaced by a new class of 'medical-aesthetic' professionals. In fact, many of the vices condemned by Christian morality (for example, gluttony or lust) are still stigmatised as sins by the new religion of health and beauty.

Economic neoliberalism has transformed the human body into a commodity which may be bought, sold, mistreated (openly or otherwise), and modified to meet the precepts of the market, and whose care and upkeep are now dependent on consumerist forces. Seduced by the promise of health and beauty, we torture our bodies with all manner of diets and lifestyle 'fixes', mistaking fictional health claims for our factual physical needs. In other cases, consumerism plays on people's need to be accepted by a group, leading to situations of out-and-out self-abuse, such as eating junk food, binge drinking, exposure to unnecessary risk in sports, and overconsumption of supposed 'health' food and other artificially enriched food products.

As educators, we need to be alert to these ideologies and have a serious discussion about how they influence the way we treat questions of bodily care in early childhood education. This should include an analysis of the use of infant hygiene products: from the strategies used to create artificial needs and superfluous consumption; to the attitudes and opinions of educators and parents on the subject. Deconstructing the marketing techniques used by companies to sell their products can help us to unmask and resist the consumerist forces at work.

The dilemma facing early childhood educators is how far their duty of bodily care should go. Some, for example, do not allow children to engage in supposedly risky activities, such as going on slides, climbing trees or using sharp objects. In other cases, teachers find themselves at odds with school inspectors whose insistence on following regulations to the letter they see as suffocating the children's initiative. We know that there is no such thing as a perfectly sterile, risk-free environment, just as we know that situations and movements associated with risk are essential for the development of children's motor skills. We should not make assumptions about a child's ability based on their sex, and neither should the quality of bodily care they receive from their educators be determined by social class. Our goal must be to create environments that allow children to learn about their bodies on their own terms.

Environments of this kind are designed to eradicate the association of corporeality with crude media representations of the human body as the object of obscene jokes



around excretion and sexuality, and to refocus children's attention on notions of bodily care and respect. The same media have been complicit in converting children's bodies into commercial objects to be desired, bought and abused, while media accounts of child sex abuse have sown mistrust, moral panic and rejection in relation to bodily care practices in educational and other contexts, not only among adults, but among the children themselves (Johnson 1997).

Despite their importance in relation to child development, therefore, bodily care practices are at risk of being banned as inappropriate, undignified, or potentially paedophile. We need only look as far as the United States for examples of contexts in which these practices have already become subject to rules and protocols of different kinds. On a different front, the use of touch in preschools is also at risk from media-fed fears of germs and infection.

One final point to note in relation to care practices is the question of children caring for other children. While taking care of a younger sibling or siblings may lead to the caretaker child developing certain skills, the expectation of sibling care should never lead to their own developmental needs or rights being neglected. Educators should therefore be vigilant to ensure that the rights of all children are respected and realised.

## Caring to Educate, Educating to Care

In early childhood education, there are no clear boundaries between care and education. For teachers of young children, care is their primary role, and the conflicts they face, big and small, can be many (Gopnik 2017). Questioning our own actions, being willing to assume the role of Rancière's (2002) 'ignorant schoolmaster' (or schoolmistress), represents an exercise in humility that is the starting point from which to become transformative intellectuals (Giroux 2011). Definitive actions do not exist, and never have; in education, no matter what approach we adopt, there will always be a more liberating alternative (Freire 1970, 1976).

All educational practice, regardless of how effective it may be, is subject to reappraisal, transformation and rescaling in relation to social justice (Fraser 2008). Human beings exist in a state of perpetual transformation, which is why conflict is an essential part of our being: it is our natural state, and is what allows us to learn, think and examine our existence continuously throughout our lives (Nussbaum 1998; Seguró 2018). Teachers, in cooperation with parents and the rest of the educational community, must promote a process of critical debate about the values that inform our ideas and practices in relation to childcare from the earliest years.

Despite entering this world with the ability to respond healthily to their bodily needs, cultural noise can quickly steer even very young children into different behaviours. Experts have spent many years debating how cultural patterns protect basic biological functions, while also removing our ability to connect with them. Taking the example of food, Fischler (2010) argues that the long-term survival or cultural reproduction of a group of human beings may reasonably be viewed as

contingent on dietary categories, norms and representations remaining within the bounds of our human ability to adapt and the limitations of the ecosystem. However, 'noise' from sources other than culture can also throw our biological machinery into disarray, and, with it, the body's homeostatic mechanisms (Fischler 2010).

The big corporations of market society have a host of strategies for generating noise to distract children and adults from their basic needs (Buckingham 2011; Sánchez-Blanco 2015), including advertisements for junk food and the bewildering world of disposable nappies of all kinds. Preschools should be aware of this noise, and work to deactivate it. This can be achieved through counterstrategies such as baby-led weaning, co-sleeping and nature-based education, which listen to the basic needs of each child and respect their individuality. We must do this mindful, however, of the effect hyper-consumerism is having on the way bodily functions are managed: perversions of diagnosis and care abound, with patients hoodwinked into high-cost, standardised treatments, not in the interests of their well-being, but to line the pockets of the multi-billion healthcare industry.

Activities related to bodily care have the power to create incredibly rich social spaces in which children learn how to stand up to despotism, and also to treat their bodies with the care and respect that are fundamental to engendering a culture of peace. Caring actions are, after all, a defining feature of childhood culture, as they remind us daily through their concern not just for the welfare of their peers, but for the life of the planet as a whole. Their actions dispel the discriminatory, stigmatising logic of us and them, and place all living beings on an equal footing, in acknowledgement of the equal value of all life in the world. It makes perfect sense, therefore, that it should be the teenage activist Greta Thunberg who has given voice and inspiration to an international youth movement against climate change that has forged community spaces for action to protect and preserve life on the planet.

Thunberg (2019), like the activist Vandana Shiva (2016) before her, has always understood the life-giving power of caring and sharing, because this idea was nurtured in her from infancy and cultivated throughout her life. She understood, like Vandana, from early on that living aligned with the Earth, with social justice, feeling that the life you lead respects the laws of human rights and the planet, is not a choice; it is the only way to live.

The spaces devoted to bodily care play an essential part in the construction of this social activism. Food, water, shelter and rest have always been a fertile ground for debate and demands for fairness and justice, and for social movements of all types and persuasions. Involving children from an early age in their own bodily care and that of other living beings gives them a voice in questions of justice both locally and globally. No longer the passive victims of adult folly and excess, actively engaged children are better equipped to resist consumerist attitudes and tendencies and embrace more altruistic values instead.

Adults, too, have the chance to help bring about important social change through their care actions and the impact these actions have on children's health in the widest sense of the word, and that of their families and the carers themselves. The right to health is one of the fundamental rights of the child and is connected with other rights such as the rights to life, food and a home. One of the responsibilities faced

by carer-educators, therefore, is to ensure that care is provided in a physically and psychologically healthy way; otherwise, care can represent a form of violence against the child's body, dignity and sense of self. Childhood should be treated as an embodied state of being, and care practices used to establish liberating social connections and relationships. For example, changing the menu in the preschool canteen to prioritise local or seasonal food can help to support local farmers in the area; cracking down on the consumption of ultra-processed food can help to improve the health of pupils and their families, and improve their life-expectancy and long-term quality of life; and substituting proteins from large animal sources for proteins from vegetables can help to promote more environmentally friendly habits.

As well as their benefits to health, care practices can also have a significant impact on brain function, not just in children, but in caregivers as well. Feldman's (2012) work on 'biobehavioural synchrony' shows changes in brain activity among new parents as a result of their caregiving activities. However, all carers – primary and secondary care providers, mothers, fathers and educators alike – undergo neural changes as a result of their care actions and the degree of love, equality and respect with which they are performed (Feldman 2012). The transformative effect of caregiving is not limited to the receivers of care, therefore, but extends to those providing it as well (Lynch et al. 2009).

Children have a huge interest in situations related to their basic needs and the care they receive, which is why they frequently incorporate them into their play activities. The games they play, the way they explore, their artwork, drawing and stories, and their whole behaviour generally are all testament to this preoccupation. Educators should be vigilant of these activities, identifying, interpreting and understanding the nuanced (sometimes adult) plotlines being played out before them. Narratives vary depending on the children's gender, abilities, and social, ethnic, financial, cultural or religious experience (Butler et al. 2019), and the influence of family background is also key (Višnjić-Jevtić 2019). These are the building blocks of the specific uniqueness of each child.

Children are also interested in actions that help to support life or destroy it. They base their explorations on the adult world they see around them, reproducing it through play involving inanimate objects, such as tools and toys, or living beings, such as friends, siblings, animals and plants. In this regard, we should also think about and observe the way children and their teachers interact with other life forms present in the playground. Likewise, children's ideas about pets and their care, animal rights (Sánchez-Blanco 2013) and caring professions (primary school teachers, doctors and nurses, forest wardens, police officers, etc.) should be investigated and discussed. Games involving self-care or caring for others are a reflection of some of the most basic aspects of human life, and children's rights are an ideal framework within which to reflect on the importance of care as a humanising force.

## A Few Final Thoughts

The term 'educare' encapsulates the integrative concept of care and education in early childhood as inseparable and inherent parts of a vital symbiosis. One of the most important aspects of this integrative approach is the role of teachers in dismantling hegemonic stereotypes of corporeality that ignore physical differences and problems. It is our duty as educators not Our duty as educators is to refuse to be taken in by false notions of bodily 'normality' that combine a physical ideal dictated by market society and a no less commodified biological ideal, in which all the body's organs and systems function perfectly.

Ensuring children's right to health means caring for the entire person and acknowledging the interconnectedness of their physical, mental and social well-being. Body biases in educare contexts can make children with different forms of physicality feel excluded. This kind of stigmatisation undermines the building blocks of identity, which are self-love and love of others, and violates the right of children with disabilities to enjoy a full life with dignity.

To help children to realise their right to grow and develop to their fullest potential, to participate and be heard, we should create spaces for children to talk about their bodies: to share their feelings, experiences and problems, and to reflect on how their lives can actually be enriched by the physical differences and/or difficulties faced by fellow classmates. In order for children to interiorise this idea of physical diversity and difficulty as a source of personal enrichment, teachers and other adult members of the educational community should be willing to talk openly with the children about their own experience of bodily difference and difficulties: the problems they have faced, and the positive effect those challenges have had on their lives.

Article 2 of the UNCRC states that governments 'shall take all appropriate measures to ensure that the child is protected against all forms of discrimination and punishment', physical or mental. Teachers must also be mindful of and responsive to the influence physical violence can have on children's construction of meaning in relation to their bodies. This applies to children who are the victims of physical abuse, and also to those who experience their bodies as a source of pain rather than pleasure as a consequence of war, catastrophe, painful medical treatment or functional diversity. The changed conception of physicality by these children also changes their experience of bodily care, and the impact and significance of the care actions they receive.

Meaningful emancipatory education is only possible when children's bodily stories and experiences are taken into account. The case of one little girl encountered in our research is eloquent of how helping children to connect (or reconnect) with their biological condition lies at the core of emancipatory education. The pupil in this instance had ulcers on her throat, and was refusing to eat owing to the pain she felt when she did. Her teachers' response was to design experiences to help her to overcome the association of food with physical pain, and most certainly never to force her to eat. The challenge of helping this little girl to rediscover the pleasure the eating was an extraordinary test of all of the teaching staff's abilities and commitment.

One of the fundamental tasks of educare is to be conscious of and reflect upon how children's understanding of their bodies is affected by their life experience. The goal of educare should therefore be to create safe spaces for children to express themselves freely and to nurture in them the processes of resilience, self-worth and identity (Cyrulnik 2011). The care children receive and experience early in life should have a liberating effect, giving them the opportunity to express their desires and preferences, participate in decision-making and have their voices heard.

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# Chapter 13

## Rethinking Possible Dilemmas: Reflections on How We Understand the Rights of a Child Today in Argentina



Analía Mignaton

*With each birth something oddly new comes into the world.*

Hannah Arendt (1969, p. 23)

**Abstract** This chapter is about childhood and early childhood education and care for young children, from Birth to three years of age, in Argentina. It seeks to consider all protagonists; children, families, educators, public policies, world guidelines on the rights of the child, in order to move towards practices committed to the uniqueness of early childhood. Caring for and educating during childhood is a complex and multidimensional work. The UNCRC states the obligations of parents regarding primary responsibility for the upbringing and development of children as well as that State parties should provide appropriate assistance to parents in the performance of their duties regarding parenting. The chapter discusses ways to find a balance between the *Crianza*, upbringing, by the family and in maternal education institutions, within an appropriate cultural environment that respects the rights of the young children. The author concludes by arguing that Argentina needs to convert maternal institutions into spaces where to grow, discover, learn with others, be subjects of rights and allow diversified experiences, in a human exchange that transforms education into a social practice, with a quality impact on the lives of the inhabitants.

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## Introduction

The following work is an approach to the theme of early childhood and maternal education. In Argentina, there are various names, as nursery school, initial level, and nurseries, to refer to institutions that receive babies and children from 45 days to 3 years of age. In this text, the concept of maternal education will be used, when trying to approach the multiple educational settings and analyze the complexity of their dimensions, their processes, revealing some forms and meanings of their own. The text may be seen as some guidelines for thinking about a comprehensive early childhood educational approach, starting from a rights perspective. It is about revealing the theoretical tensions and the various practices that coexist in early childhood institutions in our territory, in Argentina. It also makes a brief tour of current discourses on childhood, the ways in which the educational bond is defined at this stage, the place that the construction of infantile corporality occupies in maternal education and its implication for teacher training.

It is necessary to rethink our educational task to move towards quality education, which overcomes the tensions between education and care, understanding maternal education as a specific practice, part of the integrality of each person, respecting their contexts, the rights of boys and girls. In order to move towards practices committed to the uniqueness of early childhood, this article seeks to consider all its protagonists: children, families, educators, public policies, world guidelines on the rights of the child.

## Some Voices About Childhood

Today, the way society embraces babies, the “new” ones, presents a wide variety of possibilities, both in the public and private spheres. There have been important social and economic changes in recent decades: the progressive incorporation of women into the workplace, and also significant changes in the family and work environment, which modify the way in which parents relate to their children, as explained by Diker (2009). Today, it is necessary to think, create and sustain spaces for maternal education with a quality seal in the care and education of young children. In our country, there are tensions related to care, maternal education, teacher training, the place of families and institutions, and the role of the State as guarantor of early childhood education.

The convention on the rights of the child has marked a historic moment for children around the world, and it invites us to think about how we are moving forward in terms of rights for the children of our country. In its article 18, the United Nations’ Convention on the Rights of the Child, hereinafter UNCRC (UN 1989), mentions the obligations of parents regarding primary responsibility for the upbringing and development of children. It also mentions that State parties will provide appropriate assistance to parents in the performance of their duties in regard

to parenting. In our country *Crianza*, upbringing, refers to the daily care actions carried out by the family, but which also take place in maternal education institutions, they are actions carried out by adults in the family and institutional environment. Thirdly, the UNCRC states that States parties will take appropriate measures so that children whose parents work have the right to benefit from services and custody facilities under the required conditions.

Caring for and educating during childhood is a complex and multidimensional work. The institutions that are responsible for the care of young children, of pre-school age, are very diverse and heterogeneous in our country. When we talk about early childhood education, we mean important and founding events in a child's life. According to Diker (2009), the experience of childhood and the way we look, think, talk and act about childhood has changed in recent decades. This is due to the growing inequalities that generate different and deeply fragmented development conditions. There are also new discourses on childhood, which combine with each other and with old conceptions about aspects such as gender, social class, family settings, family history, geographic location, etc. We are currently facing a multiplication of ways of conceiving childhood and the experiences of being a child.

Today, we are faced with independent and hyper-connected children, often in the care of other siblings, also children. Adults have fled from the place of care and protection of children, releasing children almost without protection to the social demands of consumption (Diker 2009). Faced with this new way of caring, less protective, pushing them to become increasingly independent, we must ask how to exercise protection and care. How to provide a loving orientation, a presence that provides support, participation and accompaniment that guarantee the integral development of children and avoiding situations of excessive control or lack of protection for children.

At present, adults have a responsibility to guarantee the protection of younger children, in a world where, at the same time, discourses on children's rights are multiplied (Diker 2009), including also situations of injustice and hostility towards them (increased child labor, poverty, social exclusion). It is essential to think of spaces for early childhood as places where the rights to be protected against child exploitation, abuse and violence against children are respected, rights guaranteed by the UNCRC (1989), and to promote institutions that, in addition to providing care and containment, offer an emotional security base in a framework of quality and cultural richness.

Therefore, we can think of cultural transmission as a selection of adults, a framework, of what is important to share with new ones, as Larrosa calls them (2000). This selection includes symbolic and cultural objects, and also respectful ways of relating, welcoming gestures, ways of organizing time and spaces, different ways of linking us considering the (necessary) asymmetry between children and adults and, therefore, representations of what we expect to occur in childhood, also addressing both depth and multiplicity.

## The Current State of Early Childhood Education

There are various discourses about childhood and education in the first years of life, pedagogical theories that do not always interact with other disciplines, but reproduce ways of approaching a particular student, idealized, decontextualized and individual. A child is something that is presented to us to challenge us, with the novelty of the new, of what happens in that collective act between two generations. This knowledge and the position of asking ourselves about children, that is also of not knowing, could generate questions that problematize the way we assume the ways of caring and educating in the first years. However, we are still guided by a supposed knowledge about childhood, the nature of children, development parameters, giving space to practices that contribute to establishing normative and prescriptive forms of how a subject should be at a certain age (Diker 2009).

At present, in Argentina, the institutions that attend early childhood feel questioned, in tension, about the ways to respond to the needs and characteristics of today's childhood. In practice, we find incomplete, stereotyped, or fragmentary proposals that polarize some aspects of upbringing. And also, with other more comprehensive and life-centered experiences of children and young children.

Compulsory schooling in Argentina begins at the age of 4. For the care of the youngest, there is a great diversity of care in our country to the first years of life of people. We find isolated experiences that arise from the educational, local, regional or national sphere, both public and private. In addition, Teacher Training has in the last decade included specific curricular content for maternal education, with a variety of approaches and projects. There are projects that propose novel ways of welcoming children in maternal education institutions (for example: Community nurseries, see Mignaton 2019). These constitute an example in the diversity of maternal education.

In our country, we are faced with the need to rethink early childhood care spaces, which historically have responded to the need to care for and contain children and have focused on the work needs of adults. It would be appropriate to open ourselves to a broader perspective in relation to the linking models between adults and children, and to a strong inclusion of a cultural offer rich in learning possibilities, and not just a transmission of moral *values about parenting*, for children and adults who share the parenting, the upbringing.

## Debate Axes

With regard to education in maternal institutions, the central axes for this early stage of the life of children are still being debated. In some situations, school formats of educational levels designed for older children are reproduced. Within the maternal education institutions, there are currently curricular reviews of current teaching designs, which include axes such as the centrality of play, daily care as moments of

humanization of children, literacy spaces and artistic experiences. In other, there are experiences of pedagogies centered on the child, with perspectives of rights to quality care and respect for their primary education systems, as e.g. the affective and subjective dimension of young children and their implication in everyday practices and the attitudinal system of adults (Rebagliati 2008; Violante and Soto 2008).

From the above, we can propose some coordinates for thinking about early childhood education. We can affirm that, a characteristic of early childhood is the development process that not only implies an exhibition of innate abilities, but a potential learning in bonding environments that provide security and allow subjective development, and not only formal educational learning. According to Terigi (2010), schooling is presented as a set of standardization practices for children. School practices are normalized in two ways: they produce normal forms of childhood as an object of their performance and contribute to producing a certain perspective on childhood, a normalized (stereotyped) vision.

Currently, there is a tendency to revise the vision of school and early childhood education, and also of those who attend as students, in this case, young children. Dominant school practices for older children should be challenged. It is necessary to rethink them within a bond, educational and basically human, and recognizing their implications and importance in the subjective and social impact. Recognizing the fundamental importance of the first interhuman ties would generate spaces that respect early childhood, environments that provide security and allow subjective and integral development (OMEP 2017).

Brignoni (2012) states that, in order for learning to take place, the person, already from birth, must have an active position, and that for the teacher, it is necessary to differentiate between transmission and teaching. We maintain that educating is transforming a subject into a social being, and in this sense, education has its own limits. At this point, it is possible to “learn something”, something “not teachable” of the subjective order, not just “school” learning. When focusing on the difficulties that occur in the educational link, in the daily scenes of the nursery, it is necessary to think about the possibilities of interaction between the participants (Nuñez 1999). It is important to point out the existence of this triangular relationship between educator, child and culture, to understand it as a relationship in becoming, with various possible configurations of linking, and as particular ways of building social bonds.

Starting from the assumption that babies are growing in that encounter with the other (I mean their psychological birth beyond the biological one), we support the central role of the environment and the significant figures in the psychic constitution. For this reason, a dialogue is proposed between the contributions of the social sciences, specifically psychoanalysis, in the subjective constitution of the young child. For this, exchanges between children and adults should be a priority, giving relevance to the way in which this meeting is held in early childhood institutions. This requires a corporal and emotional availability of the adult caregiver, which must be confirmed as an institutional policy. Moyano (2015) states:

The educational link does not occur a priori, it must be built, it requires a job of transmission by the agent and a job, also of appropriation, of acquisition for the subject of education. This allows a connection, a common place where these exchanges are resignified. This

place is none other than culture, cultural heritage, the world that welcomes those who arrive. It is necessary to consider educational transmission as the task that allows the subject to become the heir of the human, to the legacy, cultural and social heritage. (Moyano 2015, p. 13)

In this way, education has a social affiliation function, as it promotes a bond and, therefore, can think of the educational link as one of the forms of social bonding.

Furthermore, it is necessary to think that the child lives in a fabric of relationships. When the body is discussed in psychoanalysis, it refers to the body as a knot. This idea will allow us to think about what happens in the first years of life, between a small subject and the adults who care for it. Freud (1996[1920]) says that culture appears as a set of activities that help people deal with and move away from various sources of discomfort and suffering. We might think then that culture to some extent has as a cause, among others, the affections of the body, we speak of an “embodied culture” (Freud 1920, p. 76). It would not be possible to think about subjectivity without culture and culture without subjectivity.

Lacan (1990[1975]) says that the human being is supported by a body and that the construction of the world and the body are inseparable. The body is part of the construction of knowledge, whether or not there are difficulties in its constitution within the affective and bodily relationship. Therefore, in this “triangular configuration between culture, subjectivity and body” (Brignoni 2012, p. 11), we can think of education as that element that will provoke, improve or seek the “knot” to unite them and put into circulation everything that gives the possibility of social promotion. This is a job that every child should do, within the family and also in the institutional spaces in which their daily life occurs. This construction has a social imprint from the beginning, since it arises in the relationship between the subject and the Other. This perspective invites us to think about institutional actions that allow the subject to build structuring ties, as an essential part of the educational act. This broadens the field of upbringing, by offering diverse spaces that share ties with families and young children and widen the horizon of cultural experience.

There are also numerous experiences focused on Pikler pedagogy, about autonomous motor development and privileged affective relationships in the early stages of children’s lives (Pikler 1984). These experiences promote a particular way of expressing the body of the young child, and a care centered on delicate contacts, on bonding relationships that offer security, and on the availability of the adult caregiver to listen and respond to the needs of the children. Experiences like these are part of the educational scenarios for the early childhood of our country.

## **The UNCRC and Initial Education**

It is understood that preschool education (from Birth to 5 years), as the first instance of access to the system, has a fundamentally political and pedagogical function, since it is not only the entrance door, but the first public space for babies and young children. It is the first link in the true democratization of education. It is seen as a

matter of concern in the UNCRC (1989). These spaces give possibilities to equate opportunities from the beginning of life and create environments that ensure children's rights.

*The nursery* is the beginning of a person's educational trajectory. Expanding the right to education of all children from 45 days to 3 years throughout the national territory is one of the many tasks that the State must recognize as a priority. At present, the diversity of maternal educational proposals, far from equalizing opportunities, deepens the inequalities from the beginning in the life of the subjects.

The UNCRC (1989), in article 31, recognizes play as the right of children, as well as rest, recreation, recreational activities of their age and free participation in cultural life and the arts. These orientations should have a strong impact on the organization of institutional spaces and times of the nursery schools dedicated to early childhood. Several theoretical currents about childhood play coexist, as an instrument for school learning, as an elaboration of emotions, as content to be taught by adults. I find it interesting to deepen Winnicott's (1971) ideas about play, as a fictional space, as an intermediate territory and builder of subjectivity, where the origin of the cultural experience is located. It is a potential space that arises from the daily exchange with main affective figures from the outside world. Also, the contributions of Rodulfo (2019), about play as a childhood mechanism to represent the symbolic world of the young child. And the contributions of Calmels (2018) in relation to the role of the adult and the importance of the first interactions with babies for the development of this creative space. In this way, we can think of play as a fundamental right for the child and its impact on development, with the educational implications that this brings.

However, in Argentina, in the practice of maternal education, the emphasis is generally placed on child care, which produces spaces and practices focused on the adult gaze, not available and accessible to children (for example, long lines to wash hands, feeding series, changing diapers quickly and effectively, often without a basic affective relationship). As educators, we propose to review these hygiene and cleaning rituals, since there is a risk of losing the richness of the communicative exchange between the developing child and the adult that offers subjective gestures and places of healthy growth and development. Both aspects, the play or the entrance to the world of shared fiction and the communicative exchange in the first years have a proportional reciprocity in child development. And it is necessary to recover both aspects in the institutional life of maternal education.

## Quality Early Childhood Education: Some Possible Features

Education is the way in which people, institutions and societies respond to the arrival of newborns. Education is the way the world receives newborns. The answer is open to interpreting a call and accepting a responsibility. To receive is to make space, to open a space where you can live what comes next, be available for what comes without trying to reduce it to the logic that governs our house. (Larrosa 2000, p. 169, own translation)

Maternal institutions, with the construction of citizenship, puts us in a situation of responsibility that exceeds, as educators, the act of transmitting school knowledge or mere assistance to children: it implies “guaranteeing the right to knowledge” (UNCRC 1989, article 29), access to the symbolic and cultural world. It is this right that is played from the moment we think of maternal institutions as part of public space, the space for all. Therefore, thinking about an institution for early childhood that educates young children is complex and sometimes contradictory. It implies recognizing their educational and social function, working together with families, their communication modalities and being part of the actions of educational work of care and emotional support, assuming roles and functions that are not exclusive, but collaborative, according to Pineau (2008). This active participation, co-participation, would allow to maintain ties in early childhood and provide support networks in situations of great vulnerability.

According to Zelmanovich (2008), giving protection or refuge has to do with the installation of a network of meanings in the face of an inexplicable reality that protects and allows access to society and culture, which provides subjects with the necessary tools so that they can incorporate themselves and others, even in painful or extreme situations. Understanding and making sense of everyday experiences, expressing in words what happens daily and naturally, has a social meaning. These processes record experiences and allow the construction of individual subjectivity through daily vicissitudes, supported by a social network that allows this personal construction. This would create a network to protect the rights of children and their families.

Also, an education from the cradle is a potential space integrating the experiences of young children, attending to unique times, moments of intimacy and privileged contact. For this, it must offer organized spaces according to the needs of young children, accessible to them, with a respectful look of childhood. These principles should be operationalized in the curricular design and in the building space. Early education institutions include aspects of raising children in their space and time organizations and must commit to doing so in a personalized manner, privileging communication and emotional exchange with the adult caregiver, even if group playful proposals coexist.

To think about an early education based on the rights of the child, it is necessary to consider play and recreational, artistic and creative activities as the basis of early learning. That is, the child’s life, body and emotional development are central aspects for a possible curricular design in the first years. According to the UNCRC, it is also the task of the nursery to accompany families, including them in the educational projects, in order to promote a support network of fundamental activities in the lives of children, allowing them to integral development and forming an ecosystem of relationships and cultural experiences.

The UNCRC recognizes the family as a fundamental group in society and a natural environment for the well-being and growth of all its members, especially children. Furthermore, the UNCRC (1989, preamble) proclaimed that children have the right to special care and assistance. Furthermore, it recognizes the right of every child to a standard of living adequate for their physical, mental, spiritual, moral and



social development. In the first years of life, this task of caring for and educating children is a joint responsibility between families and maternal institutions. And it must be considered on the public policy agenda.

Another principle to consider is to take a holistic perspective into account, all the dimensions of the life of young children; psychological, subjective, relational, communicative, psychomotor, biological, according to the moment of the child's life. Also to include all possible languages and a great diversity of artistic, literary and expressive experiences.

## Some Final Conclusions

An early education should try to overcome any attempt to fragmentize the subject's life, avoid actions that fragment pedagogy in the early years, to become a welcome pedagogy. In Argentina, we need to convert maternal institutions into spaces where to grow, discover, learn with others, be subjects of rights and allow diversified experiences, in a human exchange that transforms education into a social practice, with a quality impact on the lives of the inhabitants.

This "transcendent possibility", (Dussel 2007, p. 4), is linked to the notion of inaugurating something new, being able to break with a supposedly fixed destiny. Therefore, to be an educator in the early years is to be an accomplice of that fact, a participant in a project that involves others, and especially our students and their families, as Dussel (2007) argues. I believe that the educational act is worthwhile and that it can inaugurate unexpected conditions of protection of the rights of young children. Today, the universalization of early childhood education is a challenge, but it is also a commitment to humanity.

A comprehensive education from birth as a right of all children must be based on respect. Teaching content in maternal institutions is a process in which adults and children participate in a joint venture. Adults offer support and build bridges, and children actively adjust their level of responsibility by participating in the decision-making process of the situation as they gain new knowledge.

It is essential to offer public educational institutions capable of receiving and hosting. This possibility would allow working in a network that supports families and children as main actors and recognizes their value as protagonists. We must ask ourselves if the educational system can propose such alternatives or if actions are necessary from the social sphere. In this way, we could offer literary cultural spaces, rich in experiences and exchanges that promote and support learning processes that contribute to the subjective construction of each child, to their development in an integral way. This is our challenge.

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# Chapter 14

## Children's Participatory Rights at Risk? Perspectives from Norway: Policy and Practice in Early Childhood Education and Care



**Berit Bae**

**Abstract** The UN Convention on the Rights of the Child was incorporated into Norwegian legislation in 2003, and in 2005, a new section was included in the Kindergarten Act (§ 3), dealing with children's right to participate. This chapter will focus on how children's right to be heard and participate is written into national policy documents related to early childhood education and care. An important step towards strengthening children's rights was when the Norwegian Parliament in 2014 revised the Norwegian Constitution. New sections were included, and for the first time children's rights are made an explicit part of the Constitution (§ 104). With national laws and curricular guidelines as a backdrop, conditions in the field which create premises for children's participatory rights to be realized, are discussed. Conditions relating to group organisation, physical environment and staff composition and competence, are highlighted. The article raises a critical question whether there is a gap between values and intentions in the official documents and what happens in everyday practice. Such a gap might put children's participatory rights at risk.

### Introduction

In this article I will point to how principles in the UN Convention on the Rights of the Child (UNCRC) have influenced national policy documents in the early childhood education context in Norway. The focus will be delineated to children's right to be heard and participate. Some examples will illustrate how this right has been formulated in legal provisions, curricular documents and followed up in other ways.

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With national guidelines as a backdrop, some critical questions will be raised, indicating that there might be a gap between the principles formulated in official documents, and the possibilities for enacting them in the field. Both structural factors and processual qualities might limit the realisation of children's participatory rights in everyday practice.

To give the reader some ideas about the early childhood educational context in Norway, a few facts will serve as an introduction. Regarding terminology early childhood institutions for children below schoolage, are called « barnehager» in Norwegian, which directly translated means children's garden (in English kindergarten). The field is regulated by a national Kindergarten Act passed by the Norwegian Parliament (Stortinget). On the level of government, the Department of Education and Research has the national responsibility.

The term kindergarten (barnehage) refers to many different organisational arrangements for children aged one to five years. Most institutions have sections for both the youngest (1–3) and the older children (3–5). On a national level close to 40% of the children in kindergartens are between one and three years. A common denominator is that each kindergarten is obliged to work according to the national curriculum guidelines, codified in a document called *The Framework plan for kindergartens – content and tasks*. A statutory requirement is that the pedagogical work with the children is led by a professional educator with a bachelor's degree in early childhood education. This qualification also applies to teachers working with the youngest children. The teacher works together with two assistants. This is the regular staff composition per group of children in Norway.

## Policy Documents, Statements, and Initiatives

As a signatory to the UNCRC, the Convention was incorporated into Norwegian legislation in 2003. Regarding implementation in the field of early childhood education, the Norwegian parliament added a new section into the national Kindergarten Act in 2005:

### Section 3. Children's right to participate

Children in kindergartens shall have the right to express their views on the day-to-day activities of the kindergarten.

Children shall regularly be given the opportunity to take active part in planning and assessing the activities of the kindergarten.

The children's views shall be given due weight according to their age and maturity.

The text is close to article 12 in the UNCRC, an article which proclaims children's right to expression, participation and agency. The formulations are somewhat adapted to have relevance for small children in an early childhood context. This provision means that all institutions are obliged to take seriously and put into practice measures regarding children's participatory rights.

The change in the Kindergarten Act (2005) was followed up by several initiatives. A new section dealing specifically with how to interpret children's right to

participation was added when the national curricular document- the Framework Plan - was revised in 2006. To strengthen the implementation, the Ministry of Education and Research invited professionals to discuss what participatory rights means in everyday practice. A booklet containing three articles discussing the issue from different angles was published (Bae et al. 2006). This publication was made available to all Norwegian kindergartens and has since been available on the net.

In addition to these measures a national strategy for in-service training was launched. Within this frame local authorities and institutions were invited to initiate and get funding for staff development on important issues. Here child participation was one of the areas given priority for funding. In practice such initiatives meant that in many kindergartens throughout the country teachers and other members of the staff were stimulated to read, discuss and reflect on aspects regarding children's right to express themselves and to have a say in their everyday life.

In the same period the Ministry of Education and Research also supported a new research program within which children's right to participation was one of four prioritized areas. This resulted in several projects exploring how this right could be interpreted and enacted in the field of early childhood education. Different theoretical and methodological approaches were pursued, and understandings relevant for the context of small children in kindergartens were published (Bae 2012b).

Over the years children's participatory rights have come higher both on the organisational, administrative and the research agenda. For the last ten years several projects have continued to shed light on different aspects, and the knowledge base has gradually expanded. One project pertaining to implement UNCRC on the administrative level was the so called "Giant Leap Programme", which aims at implementing the convention at the local level. According to this programme different sectors are committed to collaborate regarding putting articles into practice in their local contexts (Kipperberg et al. 2019).

Another initiative worth mentioning is that the National Teachers Union has adopted an ethical platform (2012), as a value foundation for all their members in schools and kindergartens. In this platform the UNCRC has a prominent place. Among other things it states that: "All children in early childhood education and all pupils in schools have a right to participate and have their views heard and taken into account" (Utdanningsforbundet 2012).

Researchers and organisations have contributed to further consciousness-raising on the issue. Documents from the Committee on the Rights of the Child in Geneva (CRC) have offered relevant interpretations of various articles. This UN committee of international experts has as its main function to supervise how the UNRCR is followed up and implemented in countries throughout the world. The committee publishes recommendations which serve as authoritative guidelines – called General Comments (GC). Some of them are especially relevant for the field of early childhood education, notably no 7 (CRC 2005): *Implementing child rights in early childhood*, (CRC/C/GC/7). General comment no 12 from 2009 on *the right of the child to be heard*, (CRC/C/GC/12) contributes with comprehensive reflections on children's right to be heard. In addition, General Comment no 17 (CRC 2013a): *On the right of the child to rest, leisure, play, recreational activities and the arts*, (CRC/C/

GC/17) is of importance for a field where children's play has such a prominent place. Researchers have discussed how these comments can be interpreted with a Norwegian context in mind (i.e. Bae 2012b, 2018a; Sundsdal and Øksnes 2015).<sup>1</sup>

It is worth noting that the UN committee argues a comprehensive or wholistic interpretation of the Convention, arguing that different rights are interdependent and must be balanced. As Woodhead states: "The balance between respecting the competent child and acknowledging children's need for guidance in the realization of their rights is crucial to the practical implementation of participatory rights" (Woodhead 2008, p. 23). Within the field of ECEC this means accommodating a discourse of care and education with a discourse on children's rights. To strike a balance between various rights and other considerations, is demanding and present the practitioners with many dilemmas both ethical and practical, as discussed by Eide and Winger (2006), Kjørholt and Winger (2013) and others. There is no quick fix or readymade programmes which guarantee a balanced implementation in the field. The view on children and principles enshrined in the UNCRC challenges familiar ways of thinking about adult-child relationships. To enact the principles demands competence and requires critical reflections of the adult role (Redding-Jones et al. 2008).

This brief overview illustrates that in a Norwegian context the issue of children's rights has been approached and discussed from different angles and sources. Recent political actions have also led to more attention to the matter, and I will now point at an important event in this regard.

## **Children's Rights in the Norwegian Constitution – A Symbolic Recognition of Children as Citizens**

An important step towards strengthening children's rights was taken by the Norwegian Parliament in 2014. When the Norwegian Constitution was revised, new sections and paragraphs were included, notably § 104. The influence of the UN Convention comes to the fore in the text:

Children have the right to respect for their human dignity. They have the right to be heard in questions that concern them, and due weight shall be attached to their views in accordance with their age and development.

For actions and decisions that affect children, the best interests of the child shall be a fundamental consideration.

Children have the right to protection of their personal integrity. The authorities of the state shall create conditions that facilitate the child's development, including ensuring that the child is provided with the necessary economic, social and health security, preferably within their own family. (Norwegian Constitution 2014, § 104)

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<sup>1</sup>The General Comments are available on the net on UN websites. In a Norwegian context the Ministry of Children and Families publishes all General Comments on their Home page, both in English and in a Norwegian translation.

The text resonates with articles in the UNCRC, i.e. article 12 (the child's right to be heard), and article 3 (the best interests of the child). The proponents argued that including children's rights in the Norwegian Constitution would be a symbolic acknowledgement of children as individual citizens in their own right. They emphasised that this was consistent with other legal provisions and international conventions which Norway has ratified. Counterarguments were that such idealistic visions and goals did not have a legitimate place in the Constitution. Debates in the media and lobbying in the Parliament led to the inclusion of children's rights in the Constitution, an important step towards recognizing children as individual human beings worthy of respect.

## The Framework Plan 2017- Revised Curricular Guidelines

In the revised curricular guidelines from 2017, the connection with § 104 in the Constitution is highlighted:

The best interests of the child shall be the primary consideration in all actions and decisions concerning the child, cf. Article 104 of the Norwegian Constitution and Article 3, No. 1, of the UNCRC. This is an overriding principle that applies to all kindergarten activity. (Framework plan 2017, p. 8)

It is interesting to note that albeit this most recent edition is shorter than previous curriculum guidelines, the principle of child participation is underscored under several headings. Overall, it has become more integrated within the total text. Some important aspects are pointed out below.

The first point is that this edition of the curriculum has a strengthened emphasis on formation to democracy and communal living. Experiences in kindergarten shall be conducive in this respect. In several sections the text conveys that kindergarten shall promote democracy and being inclusive communities allowing everyone to express themselves, be heard and to participate. Statements like these can illustrate this:

All children shall be able to experience democratic participation by contributing to and taking part in kindergarten activities regardless of their communication and language skills. (Framework plan 2017, p. 11), and

Everyone shall have the same opportunities to be seen, heard and encouraged to participate in all shared activities in kindergarten. (Framework plan 2017, p. 10)

Highlighting democratic participation might be due to the fact that there has been a tendency in the practical field to interpret children's participation solely as the right to an individual choice. To conceive children's participatory rights this way has probably been influenced by neo-liberalistic consumer discourses, which has had a prominent place in policy documents and influenced the sector in recent years (Kjørholt and Seland 2012). Understanding child participation on such grounds is, however, far from the values and principles enshrined in the UN Convention. The



wording in the curricular document from 2017 direct attention to participation as an aspect of democratic living, not to individualistic interests and free choice.

Secondly, it is worth noticing that all children are entitled to take part and have their views taken into account, *regardless of communicational and language skills*. Focussing this is in accord with what CRC recommends in their General comment on the child's right to be heard. In this document the committee states that granting the child a right to be heard, involves accepting and responding to a wide range of expressions and modes of communication.

Consequently, full implementation of article 12 requires recognition of, and respect for, non-verbal forms of communication including play, body language, facial expressions, and drawing and painting, through which very young children demonstrate understanding, choices and preferences. (CRC 2009, p. 9)

In Norwegian kindergartens, there are children with differing language and communicational skills due to age variations, individual characteristics and/or diverse cultural backgrounds. Such variations shall not limit their rights and prevent them from being heard. "All children shall find themselves having a say in what is happening in the kindergarten" (Framework plan 2017, p. 27). Regardless of language proficiency all children shall be encouraged to express themselves on their own terms, and experience that their voice counts.

Thirdly, and consistent with the respect for many modes of communication, the curricular guidelines also highlight that the youngest children shall have a say. "The youngest children and children who communicate by means other than speech are also entitled to express their views on their own terms" (Framework plan 2017, p. 27). Regarding the fact that many of the children in Norwegian kindergartens are between one and three years old, this is important to note. Some practitioners have stated that they do not attend to the right to participation when working with the youngest children. They put that issue on hold until the children get older and can speak more fluently. The youngest children in kindergarten have, however, numerous ways/modes of expressing themselves impacting on their surroundings (Bae 2010). Taking account of their expressions and interests, cannot be put on hold till later, according to the guidelines.

This point resonates with views from the UN Committee. "The Committee wishes to emphasize that art. 12 applies to both younger and to older children. The Committee emphasizes in the General comment No 12 that article 12 imposes no age limit on the right of the child to express his or her views" (CRC 2009, p. 11). The principle of respecting the youngest children is related to acting in the best interests of the child, in General comment No 14. "Babies and very young children have the same rights as all children to have their best interests assessed, even if they cannot express their views or represent themselves in the same way as older children" (CRC 2013b, p. 11).

Finally, it is worth noting that the principle of participation is written into the curriculum guidelines in several sections. The children shall have a say in the planning and evaluation of educational activities, as well as in projects based in learning areas. In the introduction to the learning areas it is stated: "The core values and

objectives of kindergartens shall set the agenda for and influence the learning areas, and the children's right to participate shall be observed" (Framework plan 2017, p. 47). This means that creating space for children's voices cannot be restricted to certain choice-routines controlled by teachers and other staff members and otherwise ignored. As argued elsewhere (Bae 2009), such choice routines might be influenced by liberalistic discourses, or by adult understandings of democracy, such as election routines, majority vote and the like. According to the Norwegian Framework Plan teachers and the rest of the staff are required to take the children's views into consideration, in everyday situations as well as in learning activities and pedagogical projects.

As shown above, children's participatory rights are written into several policy documents in Norway. On these grounds one may conclude that national guidelines are ambitious on behalf of children's rights to be heard and to participate. However, statements in policy documents and the curriculum are no guarantee for such rights being implemented and upheld in everyday practice.

## Conditions in the Field

Even though children have a legal right to express themselves on the matter (cf Kindergarten Act § 3), we do not have much research on how kindergarten life is experienced from their perspectives. A few qualities come to the fore as vital from the children's points of view; taking part in play and group-activities with friends and others and being active in exciting physical-material surroundings along with relating to teachers and other staff members who are open and responsive to child initiatives (Bae 2018b; Bratterud et al. 2012; Sandseter and Seland 2016; Winger and Eide 2015).

Research indicates, however, that the quality of children's lives and wellbeing in kindergartens varies from one institution to another. Many children use their agency, have influence and experience wellbeing, but at the same time, there are children who do not have such positive experiences (Bratterud et al. 2012; Ree and Emilson 2019; Sandseter and Seland 2016) and some children are bullied, rejected and excluded from play with peers (Lund et al. 2015). In practice not all children take part on the terms they are entitled to.

Many teachers and assistants in Norwegian kindergartens strive to put into practice children's participatory rights. As mentioned earlier, to accomplish this involves hard work, challenging attitudes and understandings often taken for granted. In addition, structural conditions create premises. In the following I will briefly touch upon three factors which seem to be important: the organisation of groups, physical-material surroundings, and staff conditions.

## *The Organisation of Groups*

Keeping children's perspectives in mind, for them it is vital to play with friends, being active together with peers and relating to responsive staff. The possibilities for experiencing this vary. On a national level, there are no legal regulation as to size or composition of the group of children. This is to be decided at a local level.

Studies in toddler groups (Eide et al. 2019), show that many kindergartens have a so-called flexible group organisation, which might not create optimal premises for play and relationships. Focussing the quality of life in toddler groups Eide, Winger and Wolf's research (2019, p. 1) "reveals that everyday life especially in large flexible kindergartens is characterized by challenging everyday logistics". They ask whether young children are given opportunities for participation in institutions with a tight organisational framework.

In practice, the flexible organisation may lead to some instability regarding the composition of the group. It may vary throughout the day and/or week, depending on room logistics and available staff. In everyday interaction the implication is that children might encounter different peers and adults depending on the pragmatical logistics of the institution. One consequence is that children playing with friends will be asked to stop, because they have to move to another room. Such relocation implies disturbing relationships and/or that concentration and exploration within self-initiated activities are hampered.

Flexible group organisation might also be demanding from the staff's point of view. At times they must relate to children whose interactional modes they are not familiar with. Such situations will make it more difficult to interpret and respond sensitively to the children's non-verbal and other communicational signals. Results from several studies performed in toddler groups point in the direction that large kindergartens with a flexible organisation influence adult-child interaction negatively. Small, stable groups are found to be related to a higher interaction quality (Bjørnstad et al. 2019; Løkken et al. 2018).

It is reasonable that large and flexible group conditions might create stressful situations for teachers and assistants, who experience that they cannot relate to children in optimal ways. Regarding this it is interesting to note that in a TALIS survey (OECD 2019), the most stressful factor reported by staff in Norwegian kindergartens is related to having too many children in a single group. In this respect Norwegian staff members differ from their colleagues in other countries.

## *Physical and Material Environment*

Variations and affordances in the physical and material environment are among other factors which create premises for children's participation and wellbeing. Sandseter and Seland show "One part of children's participation is the opportunity to freely engage with and use different rooms and materials at the ECE institution

without having to ask the staff' (2016, p. 917). Consistent with this view, when children (age 4–6) are asked, the results reveal that there is a difference between children's opportunity to participate indoors compared to outdoors, and children experience better opportunities for participation outdoors (Sandseter and Seland 2016, p. 923). Does this indicate that the environment indoors is not conducive to children being active on their own terms? Is the staff more controlling and stricter in their communication to children indoors?

As referred to above, many institutions have a complex logistics in the use of rooms. This in turn creates premises for much control on part of the adult, and more interruptions of processes initiated by the children themselves. Such interruptions and more control might add to the children's preferences for being and playing outdoors. Another factor might be that rooms with toys and materials are out of reach for the children's own initiative. Exciting materials may be locked in cupboards or stacked on shelves high up - out of reach for the children. When play materials are out of reach, children become more dependent on the staff for pursuing their own intentions – and equally, they become frustrated or restless if the staff is unavailable for needed support.

### *Staff Conditions and Composition*

When the groups are organised in various ways, the numbers of adults and children will vary accordingly. Untrained employees, instability in the staff team and use of substitutes are other factors which influence children's experiences and relationships in unpredictable ways.

On a national level over 40% of the staff working in Norwegian kindergartens are professional teachers, with a bachelor's degree in early childhood education. On the group level teachers cooperate with 2 assistants, who might have a relevant high school diploma, or have a background from the family sphere or other sectors of society. Recently, the government has contributed with new requirements (2018) raising the percentage of teachers and other staff members per group. This means that on a national level the percentage of professional teachers in the kindergartens is slowly increasing. Considering the ambitious curricular goals, this can be considered a most necessary development. As pointed to earlier, the view on children enshrined in the UNCRC and implemented in Norwegian national laws, challenges traditional views and attitudes. Responding to children with respect and balancing various needs and rights, demand both competence and ethical reflection on part of the staff.

From the children's point of view a relevant question is: Are teachers and assistants available when children need them for comfort, or support in learning-processes and/or playful sharing? Some children complain that the staff is distant and difficult to get hold of when they need them (Bratterud et al. 2012). Regarding availability the National Teacher's Union reports that there are parts of the day when the teachers are not within reach due to other professional obligations, such as

meetings, supervision, documentation etc. This means that there are periods where the assistants are responsible for the children's activities and play. A critical question in this situation is whether all staff members have relevant background to respond to children's initiatives in ways conducive to their rights to be heard? Do they know how to support children, prevent bullying and contribute to inclusive and democratic relations? The absence of professional competence might make everyday interactions vulnerable from the children's perspective.

In a recent study kindergarten staff reports stress related to extra workload due to absence of staff members (OECD 2019). A stressful situation does not create optimal conditions for responsive interaction and supporting peer relationships. Substitutes have to be hired, and in such periods, children are involved with non-familiar adults, who might not have knowledge regarding children's participatory rights.

### ***Processual Factors- Qualities in Interactions***

In addition to the abovementioned structural factors, children's opportunities for participation are influenced by the quality of interaction, such as patterns of communication. Some qualities seem to promote children's active participation, for instance: a focussed presence of mind combined with emotional expressivity and sensitivity, along with a playful attitude and ability to change perspective. *Spacious dialogical patterns* (Bae 2012a/2017) with these characteristics appear to create spaces for children's voices in ways that are in line with their rights to expression and agency.

An attitude of humour and playfulness on part of the staff seems particularly important. Children tend to take playful initiatives in all kinds of everyday situations, and their playful acts and expressions are forceful ways of impacting their surroundings. As argued elsewhere such modes and utterances should not be underestimated when creating space for children to take part and experience democratic relations (Bae 2009, 2010).

Sometimes children use playful modes as a kind of opposition or resistance to norms and teacher expectations (Bae 2012b; Grindheim 2013). Such playful resistance can be interpreted as legitimate efforts to make themselves heard and have a say in their everyday lives. If teachers and other members of the staff have little tolerance for such playful moments of resistance and restrict them for instance by rigid adherence to rules, the space for experiencing democratic participation will be reduced.

Interactions and communication patterns which restrain children's opportunities to act and express themselves tend to be dominated by much adult control. The teacher might be preoccupied with her/his own didactic intentions, asking closed questions, and thus not open to children's initiatives, feelings and thoughts (Bae 2012a; Ree and Emilson 2019). Based on observations of 5-year olds Ree and Emilsson (2019) found that a pattern characterized by adult control dominates the

teacher-child interaction. Such communication restricts the space for children's actions and to experience that their voices count.

This brief presentation indicates that in the field there exist both structural and processual factors which might widen or narrow down the space for children to have a say and experience participation on their own terms. Conditions which limit possibilities for participation, could be termed *risk factors*, in the sense that if such conditions prevail, children's participatory rights will be at risk.

## Mind the Gap

If the risk factors prevail, they contribute to a gap between the rights enshrined in laws and curricular documents and what is happening in everyday practice. Professionals in different positions, both leaders, teachers and other staff members should mind this gap and discuss critical questions which confront various stakeholders. For instance: Is the government ardent enough when it comes to promoting implementation of children's participatory rights? Steps have been taken, but in the field many actors await further measures to strengthen the regulations of group organisation and staff composition. On the local level, owners and local authorities should continue to monitor quality requirements and offer in-service training which enhance the competence of all staff members. Perhaps the Teacher Union should pay more attention to children's rights and put such principles higher on the agenda of their ethical platform. Another relevant question is whether the teacher training institutions give priority to students' knowledge about children's rights in theory and practice. Concerted efforts from different actors can contribute to reduce the gap. In practice this would mean that more and more children in Norwegian kindergartens would experience active participation and encounter respect as human beings, as they are entitled to according to the Constitution, the Kindergarten Act and the National Framework Plan.

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# Chapter 15

## Policy Tool for Keeping Minimum Standards of Children's Rights in Korean International Development Cooperation



Eunhye Park, Nayong Kim, Hee Kyoung Nam, Inyoung Kim, Sunhwa Park, Jieun Kim, and Kyoryoung Kim

**Abstract** Children are very important beneficiaries in any international development cooperation project. Even though children's rights is the first thing to consider in developing, selecting, implementing, and evaluating a project, no guidelines existed in Korea for the stake-holders. The purpose of this study was to develop a policy tool for guaranteeing children's rights when Korean government conducts an international development cooperation project. In order to achieve this, Korean contexts in the areas of the United Nations Convention on the Rights of the Child, Sustainable Development Goals, and International Development Cooperation were reviewed. On the basis of this literature review, criteria corresponding to each stage of the projects (development, selection, implementation, and evaluation) were presented, each with four quality levels (Minimum, Fair, Good, Excellence). The two levels Minimum and Fair indicate essential elements that the Korean government and business parties must observe.

This tool allows the Korean government to consider children's rights from lower to higher levels in any international development cooperation project. In addition, the tool can serve as a criterion and a strategy to enhance the sensitivity of children's rights so that stakeholders around international development cooperation can consider and evaluate various aspects, in the best interests of the children around the world.

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## Introduction

Thirty years ago, the United Nations General Assembly adopted the Convention on the Rights of the Child. According to UNCRC (UN 1989), children are individuals, not parents' belongings, and have the right to survive, to be protected, to develop, and to participate. Practically every sector of a society affects children to some degree in every area of children's lives from nutrition, water, housing, education to public health. There are many factors in society often have negative impacts on children. Transformation of the family structure, globalization, climate change, digitalization, migration are examples. The impact of these changes can be particularly devastating for those who are in poor living conditions such as poverty, armed conflict and other marginalized situations. The effects of disease, malnutrition and poverty threaten the future of children and therefore the future of the societies in which they live.

While the world has achieved impressive progress for realizing a wide range of children's rights, data also show that progress has been slowest for children from the poorest households (UNICEF 2019). Child mortality has fallen at historic rates since the early 1990s, but children from the poorest households still face the highest risk of dying before age 5. According to data from UNICEF, the average risk of dying remains twice as high for children born in the poorest households compared to the richest.

In order to achieve SDG4, higher levels of sustained funding is required. While domestic funding for education needs to be increased, an important use of international public finance, including Official Development Assistance (ODA) is to catalyze additional resource for low and lower middle income countries (UNESCO 2016). The Addis Ababa Action Agenda adopted at the Third International Conference on Financing for Development (UN 2015) provides a new global framework for financing sustainable development. The countries who signed this agenda agreed to scale up investments and international development cooperation to allow all children to complete free, equitable, inclusive and quality early childhood, primary and secondary education (§78).

International development cooperation is ultimately aimed at combating poverty, as the SDGs also do. However, development alone does not automatically advance human rights. Poverty itself is not merely an economic indicator but is rather seen as depriving people of their freedom (capabilities) to choose the appropriate function to achieve an aim due to socio-structural problems (Sen 2014). From the perspective of human rights, poverty is not a personal matter, but deprives people of their capabilities, as the rights they deserve are not granted due to socio-structural problems. It needs to be backed up, especially by legal and social security at the national level (Uvin 2004). To this end, UN agencies have agreed on the "UN Common Understanding on the Right-Based Approach (RBA)" (UN 2003). With the right-based approach, human beings are viewed not only as beneficiaries of development, but also as agents of poverty eradication and development (Childfund Korea 2017).

Children, some of the biggest beneficiaries of international development cooperation, account for half of the planet's impoverished population and must be protected from society's ills. Their rights to participate in social issues must be guaranteed, not only for future sustainability, but also for the dignity of each individual. To this end, it is necessary to consider UNCRC at all stages of international development cooperation (Park et al. 2017).

This chapter will review the Korean context in the areas of SDGs, UNCRC, and International Development Cooperation and provide a policy tool to keep a minimum level of children's rights in international development cooperation. In reality, the perception of children is not high. It should be noted that this is not high in Korea, and even lower in the field where international development cooperation projects are carried out. It is hoped that the understanding of children and their rights will increase in the long run. However, by developing and presenting the *minimum* level based on the reality, the aim is to ensure the children rights in stages. It is more appropriate to understand the minimum here as being much closer to the mandatory than to the initial stage.

## Korean Context

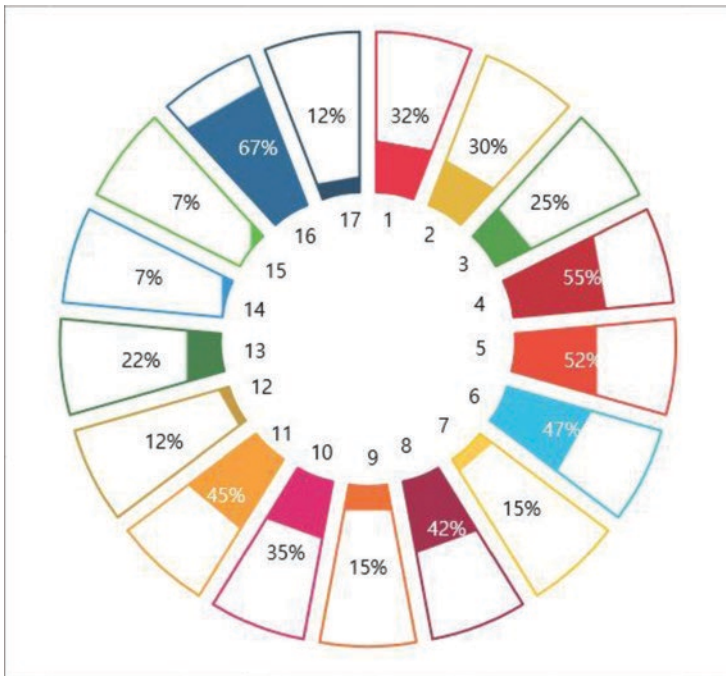
### UNCRC

The South Korean government, which ratified the UNCRC in November 1991, has only preserved Article 40 (b)-5 as of 2013. Of the three Optional Protocols, the first two were ratified on September 24th, 2004. However, the third, *Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure*, has not been ratified. After the South Korean government ratified the UNCRC, the government and private organizations prepared and submitted their implementation reports to the UNCRC. Paragraphs 24 and 25 of the UN Committee's (hereafter CRC) *Recommendations on the Rights of the Child* (2011), concerning the report on South Korea's execution, are directly related to international development cooperation. The CRC suggested ensuring that international aid contributions to gross national product (GNP) reach a target of 0.7% by 2015 (up from 0.13%), and to make children's rights an important priority in international cooperation agreements. In May 2015, the South Korean government developed the *First Master Plan for Child Policy (2015 to 2019)* jointly with relevant ministries to examine and put the recommendations of the UNCRC into effect. The Ministry of Foreign Affairs was in charge of organizing the master plan, which aimed to reflect children's views in its official development assistance (hereafter ODA) policy.

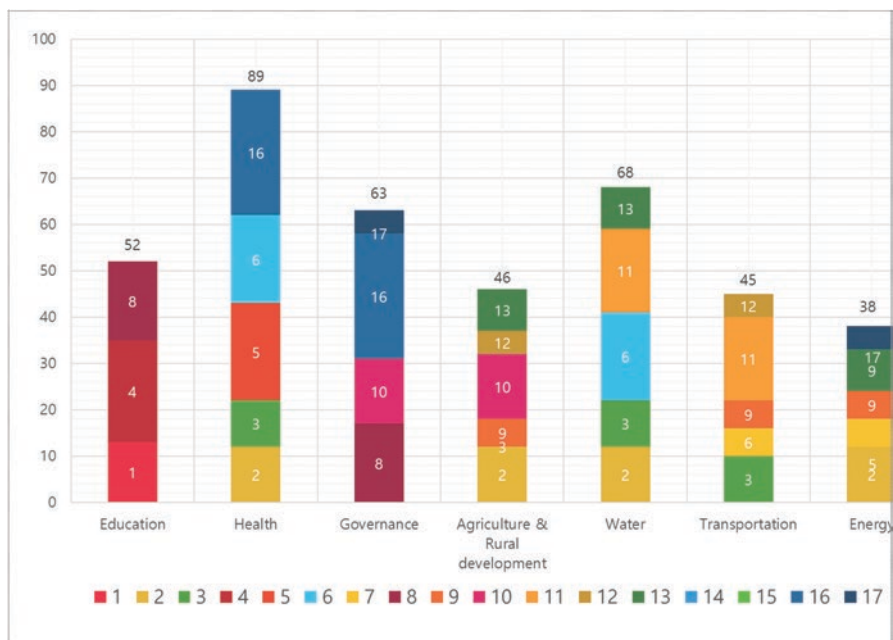
**SDGs**

Presented at the 70th UN Sustainable Development Summit in September 2015, the SDGs are more concerned with furthering children’s rights than any other objectives under the spirit of “leave no one behind” (Nam 2016; Park et al. 2017). When evaluating all of the indicators among the 17 goals and targets of the SDGs from children’s rights perspective, Goal 16 (Peace, Justice, and Strong Institutions) is the most pertinent of the 17 goals. Sixty-seven percent of the indicators of SDG 16 are associated with the UNCRC. Moreover, Goals 4, 5 and 6 are deeply tied to the UNCRC, with a relevance of 55%, 52% and 47%, respectively (Korea International Cooperation Agency, hereafter KOICA 2018; Kim 2018) (Fig. 15.1).

An examination of the relation between the SDGs and the UNCRC in seven sectors (education, health, governance, agriculture and rural development, water, transportation, and energy) was made by KOICA in 2018. In order to evaluate KOICA’s strategies, *KOICA’s Mid-term Sectoral Strategy 2016–2020* (KOICA 2017) was reviewed. As a result, the Health sector was found to have the most SDG indicators related to the UNCRC. Since health was the most relevant among the seven sectors, it was shown that many children should be considered in the health sector in international development cooperation projects. Additionally, education was the fourth



**Fig. 15.1** SDG goals and % of indicators that are related to CRC in each goal (UNICEF 2016 Calculation of the percept and the visualization are made by the authors)



**Fig. 15.2** Number of SDG indicators that are related to CRC within KOICA's 7 sectors

of seven, and the education field also shows that children need to be considered in that the relationship is relatively high despite the small number of related targets compared to other fields (Fig. 15.2).

### *International Development Cooperation*

South Korea's international development cooperation is based on Article 3 of the Framework Act on International Development Cooperation, with the pursuit of the improvement of human rights of children in developing countries as the basic spirit of South Korea's efforts. The *KOICA Strategy on Human Rights (2013–2015)* clearly states a human rights-based approach by selecting human rights as a cross-sectoral issue, and suggests taking children into consideration (KOICA n.d.). However, this has not led to the preparation of relevant action targets, such as a child rights-based approach and detailed action plans, and no follow-up strategy since 2015. In collaboration with civil society, KOICA has continuously striven to protect children's rights by adding content on this matter to existing internal standards and policies. However, there is a limitation in that it has not been established as a systematic, organized system. Since international development cooperation based on children's rights needs to take a comprehensive approach—not only to related

policies and projects, but also for its organizational operation—a concrete, institutional strategy needs to be prepared in terms of policy, business and organizational management.

## **A Policy Tool to Keep Minimum Standards of Children’s Rights in International Development Cooperation**

### ***Background***

The practice of international development cooperation based on human rights should begin with considering and supporting the most vulnerable. Children comprise about one third of the global population and 47% of the world’s absolute poorest. In the report *Early Moments Matter for Every Child* UNICEF’s Executive Director Anthony Lake stated, “If we don’t invest in the most vulnerable families and children, the vicious cycle of inequality between classes won’t end. If we miss these opportunities at every age, social stability will worsen in the long run” (UNICEF 2017). Since children are representative beneficiaries of international development cooperation, their unique circumstances and rights need to be considered. Moreover, children should be recognized not only as beneficiaries of international development cooperation, but also as active partners in it. Such a change of perception needs to be reflected in the overall field (KOICA 2018). In order to raise awareness of children in this realm, their rights should be mainstreamed with an official development assistance (ODA) strategy. This is because mainstreaming is a holistic approach that encompasses all policies, projects and organizational operations involved in international development cooperation. Mainstreaming children’s rights not only implies applying them to initiatives that specify children as direct beneficiaries in international development cooperation; it also suggests implementing them to projects in which children are *indirect* beneficiaries in relation to general policies and organizational operations.

### ***Procedures to Develop the Tool***

This chapter is based on a study which aimed to prepare guidelines for verifying whether a project, that is carried out in the area of international development cooperation in South Korea, is based on the UNCRC. To this end, minimum standards were developed according to the following procedures.

The first step was to review related literature. KOICA’s health sector guidelines, environmental or gender mainstreaming checklists, and monitoring checklists were reviewed. Guidelines for international development cooperation in accordance with the UNCRC were reviewed. Guidelines from international organization such as



UNICEF, or national agencies such as AusAID (Australian Agency for International Development), JICA (Japan International Cooperation Agency), SIDA (Swedish International Development Cooperation Agency), and USAID (United States Agency for International Development) were included.

Based on the literature review, in the second phase, Focus Group Interviews and site visits were conducted. Focus Group interviews (hereafter FGI) with KOICA practitioners and site visits to SIDA and AusAID were made. On the basis of a literature review, FGI and overseas site visits, minimum standards were created. The standards consisted of a total of 135 items. KOICA's international development cooperation projects are comprised of five stages: (1) discovery, (2) planning, (3) implementation, (4) supervision and (5) evaluation. 12 items for project discovery, 60 for planning, 35 for implementation, 8 for supervision, and 19 for the evaluation were allocated accordingly.

The third phase includes a KOICA workshop and a survey of practitioners participating in international development cooperation and an analysis. In order to validate the items, a workshop with KOICA's managers team was conducted. Due to the nature of KOICA's organization, management's role is more emphasized than that of the subjects. As a result of the workshop, the five phases of the project are conveyed in four stages: (1) formation and planning; (2) project review, implementation consultation and execution planning; (3) project selection and performance; and (4) evaluation. After the workshop, the list of 135 items was reduced to a total of 46: 7 items for the first stage; 19 for the second; 15 questions for the third; and 5 for the fourth. The validity of the prepared minimum standards was then verified through survey with Civil Society Organization practitioners, which resulted in adding one item for the phase 3. The minimum standards (draft) for each project stage finally consisted of 47 items: 7 for forming and planning the project; 20 for reviewing the project, consulting for implementation and executing a plan; 15 for selecting the project and performance; 5 for evaluation. Afterwards, in-depth analysis of cases and policies applied in the field was performed to draw implications, which were reflected in the creation of the list of minimum standards for organizational management, where 6 items for operational management were added.

## *Create a Policy Tool*

### **Step 1: Set the Minimum Criteria**

In order for the tool to be used directly in the field, it was designed to identify the current level of projects by prioritizing the minimum criteria, which correspond to the level *fair*. The tool consists of a total of five categories, including four categories and one organizational management category, according to the project stage, each developed with seven indices. This is a reference to the seven-point scale structure of ECERS-R (Harms et al. 1998), which is evaluated as a sophisticated and comprehensive measure of quality assessment (Siraj-Blatchford et al. 2016).

The item placement criteria are as follows. Firstly, the items related to survival and protection are placed in the one-point (minimum) and three-point (fair) sections. Those involved in development and participation are placed in the five-point (*good*) and seven-point (*excellent*) sections. The item placement criteria are as follows. Firstly, the items related to survival and protection are placed in the one-point (minimum) and three-point (fair) sections. Those involved in development and participation are placed in the five-point (*good*) and seven-point (*excellent*) sections. Secondly, individual level items are placed in the one-point (*minimum*) section, while obligor level items are placed in the higher point sections. An obligor is a person who is obliged to respect, protect and fulfil the rights of the child under UNCRC, including governments, parents, caregivers and all stakeholders related to the child. Among the obligors, higher points are assigned in the order of parent-community-country. Thirdly, practical items are placed in the one-point (*minimum*) section, and advocacy items are placed in higher point sections. Fourthly, high-demand items of working groups give high marks through working group focus interviews. However, items related to potential risks, protection, and children's opinions are placed in the low-point (minimum) section despite high demand from working group groups. As mentioned earlier, the minimum should be considered closer to mandatory than the initial stage. This is because items related to potential risks, protection, and child comments are always a top priority. The toolkit was constructed according to these priorities, and its validity was verified through focus group interviews with researchers who pursue child-related studies.

The final toolkit was confirmed after assessing actual project cases to evaluate its practical use, and discussions about how to improve the understanding of the toolkit were held during the KOICA's working group workshop. A verification method according to a suggested index was designed to check whether the child is a direct or indirect beneficiary. If the child is a direct beneficiary, all listed items of the index will be assessed. However, if the child is an indirect beneficiary, it can be considered outstanding if all shaded items are satisfied. There were opinions from international development cooperation practitioners that it was difficult to complete up to 7 points, the highest point presented in a toolkit, if a child was an indirect beneficiary. Therefore, the areas applicable to children as indirect beneficiaries are shaded and configured to pass over to the next score when checked in the shaded areas.

The spectrum of sensitivity to children and their rights is very large for organizations carrying out international development. In addition, the reality is that the perception of children is not high. Korea's international development cooperation projects are high in the education and health sectors, where children are the main beneficiaries, accounting for about 20% of the total. However, the establishment of educational infrastructure and technical manpower was mainly focused on the basic education for children. Also, in the course of the project, the child is primarily a beneficiary and is not considered the subject of rights. It is difficult to find a project in which children participate directly. It should be noted that this is not high in Korea, and even lower in the field where international development cooperation projects are carried out. It is hoped that the understanding of children and their

rights will increase in the long run. However, by developing and presenting the *minimum* level based on the reality, the aim is to ensure the children rights in stages.

The standards constitute the toolkit, which is marked by four indices broken down into four stages, reflecting the nature of international development cooperation projects and one index regarding operational management. Since the practitioners who plan, select, and evaluate the projects may differ due to the nature of international development cooperation projects, each index of the implementation stages (formation and planning; project review, implementation consultation and execution planning; project selection and performance; and evaluation) and operational management are configured to be used independently.

This toolkit is divided into steps to make the toolkit easier to use so as to allow everyone to use this toolkit when doing business involving children. This toolkit is not only used by business executives in donor countries who plan projects. It can be used by anyone involved in development cooperation projects involving children, such as their governments, governmental or non-governmental organizations, or maybe private sectors (e.g. officials of business organizations, procurement companies, volunteers, local residents, government officials).

## Step 2: Policy Tool

### Project Formation and Planning Stage

The most important thing at this stage is to ensure children's participation based on the UNCRC when any project is planned. It is important to collect children's opinions in a variety of ways (e.g., interviews, surveys, document reviews, etc.).

Minimum	Fair	Good	Excellent
1	2 3	4 5	6 7
1.1 The situation is analysed based on the UNCRC.	3.1 The UNCRC and the contents of state reports by the human rights body are considered in project planning when examining key materials from partner countries, including national action plans, existing laws, policies and budgets.	5.1 Any infringed content in the UNCRC provisions is identified (service delivery, in-kind support, etc.) are addressed and reflected in project planning.	7.1 The root causes of any infringed content in the UNCRC provisions is identified, and (measures for improvement) are incorporated into project planning.

(continued)

Minimum	Fair		Good		Excellent	
1	2	3	4	5	6	7
1.2 Children’s opinions are heard when assessing the situation and are reflected in project planning.	3.2 Historical, cultural, geographic, and economic characteristics (based on context) are considered and reflected in project planning when analysing children in the area for the project.		5.2 It is ensured that the performers are playing their roles in actualizing children’s rights.			

**Step 3: Project Review, Implementation Consultation, and Execution Planning Stage**

This stage emphasizes confirmation that children, their families, and communities are actively involved in the project, including the reflection of children’s opinions. The aim is to establish a systematic approach for reporting business plans, budgeting, and monitoring accordingly.

Minimum	Fair		Good		Excellent	
1	2	3	4	5	6	7
1.1 Potential risks to child safety are scrutinized.	3.1 Families and communities, including children, are involved in the assessment of potential risks.		5.1 Families’ and communities’ capacity is built to protect and promote children’s rights.		7.1 It is monitored to make sure that the project is not leading to reverse discrimination for a specific group of children(e.g. gender, ethnicity, religion, etc.).	
1.2 A system is set up to receive grievances and reports on potential risks from children and communities involved in the project (or region).	3.2 A plan (e.g. education) to mitigate potential risks is developed, and a budget for the plan is secured.		5.2 The capacity of the agencies executing the projects is built to protect and promote children’s rights.		7.2 A project includes activities that enhance the capacity of obligors to respond to children’s violated rights.	

(continued)

Minimum	Fair	Good	Excellent
1	2 3	4 5	6 7
1.3 The opinions of children involved in the situation are reflected in project planning.	3.3 Mitigation and implementation measures for potential risks are developed and monitored.	5.3 A project's ultimate goal includes capacity building for children to recognize and exercise their rights.	7.3 A project is designed to influence long-term changes in the obligors' attitudes, practices, social norms, values, laws, and policies through the project.
1.4 The project's vision, goals, and expected outcomes are established based on children's rights.	3.4 The disaggregated data of children appropriate for the project's purpose are considered in its planning.	5.4 The project's goals are set considering the long-term and short-term impacts on children's lives.	7.4 A project is designed in consideration of children's best interests at all stages.
1.5 Children's issues related to gender, disability, ethnic minorities, and religion (etc.) are considered in the project plan.	3.5 Children's involvement activities are planned in a child-friendly manner.	5.5 If there are any neglected children(e.g. disabled children, girls, minority children, refugee children, etc.) in the assessment of the situation, their views are reflected in project planning.	
	3.6 Each goal has a child-centred indicator.	5.6 Plans are made to let the target children engage in the project/stages of the project.	

#### Step 4: Project Selection and Execution Stage

This stage underscores education for everyone in charge in order to alleviate potential risks for children based on the understanding of the UNCRC in choosing and carrying out projects. This process is not intended to be a one-off endeavour, but rather an ongoing exercise to monitor the proper execution by and support for the people in charge.

Minimum	Fair		Good		Excellent	
1	2	3	4	5	6	7
1.1 Child safeguarding is included as a clause in contracts with project execution parties or procurement companies.	3.1 The implementation of potential risk reduction measures is monitored.	5.1 Special assistance is provided if needed for underprivileged children(e.g. disabled children, girls, minority children, refugee children, etc.) after the needs assessment.	7.1 Project activities are monitored for changes in attitudes, practices, social norms, values, laws, and policies regarding children.			
1.2 All those involved in the project are educated on the potential risks to children.	3.2 A child's personal information is collected in an ethical manner, respecting the principle of confidentiality.	5.2 Training and education to reinforce the organizational system and institutional capacity of project implementation groups are supported.				
	3.3 A child's collected personal information is used, stored, and shared in the child's best interests.					
	3.4 A project is monitored based on the child-centred indicators set for each goal.					

### Step 5: Evaluation Stage

This stage stresses that children's opinions should be included when assessing the project's process and outcome. In addition, whether the project has a positive impact on children in the short, medium, or long term should be monitored. It is also important to consider sustainability so that children can actively participate as agents of their rights. In other words, it aims to change the perspective of those concerned, including children, families, communities, as well as those who have participated in the project in terms of attitudes, practices, values, laws and policies (after carrying out the project).

Minimum	Fair		Good		Excellent	
1	2	3	4	5	6	7
1.1 The children are asked whether the project's goals have been achieved in a child-friendly way; this is reflected in the evaluation.		3.1 Whether a project safe for children has been carried out is assessed.		5.1 The results of the project are judged based on children's rights.		7.1 Obligors have the capacity to sustain project performance based on children's rights.
1.2 The sustainability of project performance is appraised.		3.2 As a result of the project, positive changes are observed in children in the short term.		5.2 Project implementation groups have the capacity to carry out projects based on children's rights.		7.2 As a result of the project, the attitudes, practices, social norms, values, laws, and policies regarding children shift toward the child's perspective.
				5.3 Communities have the capacity to achieve the project's goals based on children's rights.		7.3 Children have the capacity to assert their rights against obligors.

### Organizational Management for Implementing International Development Cooperation Projects

This phase underscores establishing a system (such as screening procedures and education) so that all persons involved with children can manage the organization based on children's rights. In addition, it aims to deploy professional child officers to provide appropriate education and support with regard to project execution and organizational management.

Minimum	Fair		Good		Excellent	
1	2	3	4	5	6	7
1.1 Screening, such as a criminal history inquiry for employees, volunteers, and individual contractors, is conducted.		3.1 Regular training on child safeguarding is carried out for employees, volunteers, and individual contractors.		5.1 There is an item in the organization's budget for the project and organizational management based on children's rights.		7.1 There is a professional officer who can provide advice regarding children.

(continued)



Minimum		Fair		Good		Excellent	
1	2	3	4	5	6	7	
1.2 There are child safeguarding policies, reporting, and response systems.		3.2 There is a framework for reflecting children’s rights in terms of the project and organizational management.		5.2 Regular training on children’s rights is conducted for employees, volunteers, and individual contractors.			

## Discussion

This chapter describes the stages in the process of developing minimum standards for international development cooperation projects in South Korea that reflect children’s rights, and creating a toolkit that can be practically applied to projects. It is expected to be used in three aspects of South Korea’s international development cooperation projects. Firstly, it is possible to directly or indirectly judge whether children’s rights are considered at all stages of South Korea’s international development cooperation projects. The minimum standards are presented in four phases: (1) formation and planning; (2) project review, implementation consultation and execution planning; (3) project selection and performance; and (4) evaluation. The minimum standard evaluation table for each step is used to verify whether the children’s rights (to be taken into account at the current stage of the project) are properly considered.

Secondly, it raises awareness of implementing projects for those involved in international development cooperation initiatives. The guidance developed through this study provides specific details on what needs to be done to consider children’s rights in relation to specific actions. It also facilitates the ideation of positive ways to protect their rights. Thirdly, it can be used as educational data to reflect children’s rights in international development cooperation projects. In this chapter, the minimum standard placement is presented in four levels: (1) minimum, (2) fair, (3) good, and (4) excellent. This not only assesses the current situation, but also sets common goals by providing specific guidelines for future development. In addition, it enhances the understanding of children’s rights by associating them with actual practices.

Based on the results, the issues that can demonstrate children’s rights in international development cooperation in South Korea in terms of policy, business, and organizational management are as follows:

In terms of policy, the UNCRC should be implied in the existing strategy, the establishment of a development cooperation policy framework, and applicable laws on development cooperation. In order to reflect the UNCRC in the existing approach,

the new human rights strategy should identify children as rights holders, and state that their rights need to be protected and promoted. In addition, the basic data on the situation of their rights is analysed when examining the “state of affairs” by linking national cooperation and human rights approaches; the South Korean government’s implementation technique to promote, protect, and realize children’s rights is included. The budget for actualizing this should also be reflected in the strategy. Building a development cooperation policy framework means not only manifesting children’s rights in values and goals, but also preparing a foundation for relevant policies and practices. In addition, there is a need to set up a comprehensive framework in which efforts in organizational management (such as actual budget allocation and related educational implementation) can be made. Children are mentioned to a limited extent in the current applicable law on development cooperation. Thus, it is necessary to clarify in all their documents that Korea’s international development cooperation will make every effort to protect, promote and realize child rights, comparable to the UNCRC, and to more actively reflect children’s rights.

In terms of managing a project, child safeguarding should be applied at all stages. Children’s rights should be demonstrated. A framework for children’s involvement should be prepared, and education on their rights should be provided for local partners and children who are the rights holders. Child safeguarding can help to ensure that no international development cooperation ever threatens children’s safety and infringes on their rights, regardless of intention. Thus, specific strategies should be in place to identify, reduce or respond to all potential risks at all stages of a project, from planning to evaluation, in order to reflect child rights at all stages of the project. For this purpose, it is suggested that each step of international development cooperation includes a process and framework for taking children’s opinions in various ways. In addition, improving the sustainability of international development cooperation and prevention, and responses to violations of children’s rights in the project country, depend on the capabilities of the country’s rights holders and obligators. That is, education on children’s rights and protection for them should be carried out systematically and continuously.

Lastly, in terms of organizational management, a child safeguarding policy should be established in organizations. An educational system for organization-related institutions should be created. Officers specializing in children’s rights should be deployed. A regular collaborative platform with CSOs who have expertise in projects based on children’s rights should be set up. In addition to child safeguarding within international development cooperation projects, it is necessary to prepare a child safeguarding policy at the organizational level that encompasses KOICA’s policies, initiatives and operations. The understanding of and sensitivity to children’s rights by those involved in a project also play an important role in its successful implementation. Hence, a systematic, ongoing educational program is needed to strengthen capacity building in relation to children’s rights. More effective, systematic management can be achieved by deploying children’s rights officers within an organization to examine the child’s perspective. International development cooperation based on children’s rights requires not only internal changes in an organization, but also shifts in the whole international development cooperation

environment. To this end, cooperation with civil society (which has expertise in international development cooperation centred on children or based on child rights) is essential. In order to implement international development cooperation based on children's rights in South Korea, for close collaboration, it is necessary to set up a regular communication platform with civil society, such as the children's rights working group of the Korea NGO Council for Overseas Development Cooperation (KCOC).

## Conclusion

The purpose of this chapter was to form basic criteria to reflect children's rights in international development cooperation projects. This is because the objective is to enhance the awareness of the relevant practitioners through the preparation of a minimum standard for child rights views. In fact, children encountered in such projects are not of the same group, but are all different in terms of age, gender and vulnerability. There are special considerations, depending on the circumstances of the children; like for example socio-economic status, health, (dis)ability, majority/minority background etc. In this study, there is a limitation that the project has failed to provide specific guidance (items) for these diverse groups of children, with more focus on the general considerations (at least by the minimum standards) of business entities in international development cooperation projects. We used the term 'minimum' because the tool we developed is a standard that should be applied to everyone before considering the differences between different aspects. In the future, groups with different needs will need to come up with detailed criteria that will allow more consideration and consideration of each group's characteristics in addition to these basic and 'minimum' standards. Based on the results of this study, it is recommended that working-level officials develop specific criteria to consider children at various levels once their awareness of children's rights has been enhanced and this has been generalized.

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# Chapter 16

## The Provision, Protection and Participation of Children's Rights in Professional Practice



Verity Campbell-Barr

**Abstract** The United Nations Convention on the Rights of the Child (UNCRC) has raised the profile of children's rights internationally but does so in relation to different concepts of childhood that have a bearing on the role of the adults who work with children. In this chapter, I seek to explore the different concepts of children's rights and consider the potential tensions and contradictions for professional practice in early childhood education and care services. In particular, I draw on what is often referred to as the three Ps; provision, protection and participation that illustrate three broad constructions of children's rights; non-discrimination, the interest of the child and respect for the views of the child. Within the context of early childhood education and care, the provision-ist perspective can be seen to equate to equality of access to quality services. The protection-ist stance relates to the responsibility that professionals have to protect the children in their care, often associated with working in the best interests of the child. The participation-ist stance identifies with a child's active agency and their participation within the early childhood education and care environment. In this chapter, I explore the contradictions and tensions between the different perspectives, such as how all children's rights can be upheld when working with groups of children; and whether a participationist view, where the child has agency, can be upheld alongside a protection-ist view that potentially positions the child as dependent and vulnerable. The chapter will support readers in considering their own concepts of children's rights and what these may look like in professional practice.

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## Introduction

In this chapter I will explore the relationship between concepts of childhood and the UN Convention on the Rights of the Child (UNCRC) and what they mean for professional practice in early childhood education and care (ECEC). Drawing on the sociology of early childhood, I will look at three overarching principles of children's rights – protection, provision and participation – relating them to concepts of childhood. Having outlined each of the principles; I will explore the tensions that exist within and between the different principles before considering what they mean for professionals who work with young children. Concepts of childhood and children's rights shape the ways in which professionals work with children. Understanding how childhood and children's rights are socially constructed can proffer a more nuanced understanding of professional practice. I conclude by asking whether the child's perspective of childhood has been neglected due to a focus on adults' concepts of childhood and how or if this could be addressed in the future.

### *The Sociology of Childhood*

The sociology of childhood identifies childhood as a social construction, whereby childhood is framed by the time and place in which it is located, forming the basis of shared (social) assumptions about what childhood is or should be. In exploring understandings of childhood, the sociology of childhood has considered the relationship between what people experience in childhood and the society that they live in (Willan 2017), identifying changes throughout history. Given the differences in childhood across time and place, it is relevant to think of childhoods when discussing concepts of childhood.

In the last three to four decades, there has been a growth in exploring different concepts of childhood (Uprichard 2008) and the lives of children, identifying childhood as being moulded by history and geography. While there are inevitable differences in conceptions of childhood at different points in history and in different locations, there are arguably some broad understandings that span across history and geography to offer shared conceptions as to what childhood is, or at least should be. Identifying these shared conceptions is important within the context of an international document such as the UNCRC. The UNCRC seeks to build on a shared understanding of childhood, while simultaneously drawing attention to the differences that exist in children's lives internationally.

The sociology of childhood is closely related to children's rights (Gabriel 2017), whereby the growth in interest in what childhood is and the lived experiences of children ran in close parallel to the children's rights movement. The sociology of childhood sought to problematize childhood, being aware of the differences and tensions that existed (Jenks 2004). Such tensions are evident in the three principles of children's rights – protection, provision and participation.

In identifying childhoods as a social construction, it is key to identify that childhoods do not occur in a social vacuum. Instead, understandings of childhood are closely related to other social constructions, such as social class, gender and ethnicity, alongside understandings of parenting and education (for example). Although I will not focus on these other constructs, throughout the chapter it is important to be mindful of how childhood intersects with other aspects of social life, often drawing attention to the contradictions and tensions that exist within concepts of childhood.

## Protection, Provision and Participation

The UNCRC covers the economic, social, civil and cultural rights of children. The moral force underpinning the UNCRC is that society can be judged and measured by how it treats its children (Willan 2017). Children have become symbolic of the moral fabric of society, whereby how children are treated and provided for has come to represent the state of a society. The result is that everyone has an interest in childhood, as is illustrated by the coming together of Nations in shaping the UNCRC, but also within societies (and communities) whereby individuals will share an interest in the treatment and well-being of children as a representation of social morality.

The UNCRC has three broad principles that provide a guiding framework for the treatment and well-being of children in society:

- Protection focuses on issues such as child neglect and violence against children. It can be aligned with Article Three – best interests of the child – whereby the child's interests should be a priority in decisions that affect them.
- Provision is related to children having access to services such as education and social welfare and can be aligned with Article Two – non-discrimination – whereby all children, irrespective of ethnicity, gender, ability, family background or any other status are able to access the same services.
- Participation identifies with the active participation of children within society. It can be aligned with Article 12 – respect for the views of the child – and democratic representation of children's perspectives. (Gabriel 2017; Willan 2017)

The Articles referred to above should be viewed as illustrative of the principles as opposed to an exclusive definition as there is much overlap and interconnectivity between the principles resulting in them being evident in many aspects of the UNCRC. What is of interest in this chapter is how the three principles are illustrative of broader concepts of childhood that have evolved with time.

The principles illustrate historical shifts in thinking about children and childhood in society (Gabriel 2017). There are inevitable challenges in considering childhoods at different points in time, primarily related to the artefacts that exist to document what childhoods were like at any given period. In particular, it is important to be mindful of who created the artefacts (or if any were created at all), as it is unlikely to be children themselves. Childhood risks being a representation of how adults have chosen to portray it, therefore a lack of any imagery cannot be taken as a lack



of its presence, just a failure to capture and document it. For example, Ariès' work on *Centuries of Childhood* (Ariès 1962), which analysed paintings and iconography, is often used as evidence for childhood not existing in medieval society. Ariès argued that children were presented as miniature adults, but was later criticised, as paintings would not be representative of all childhoods (Cunningham 2006; Gabriel 2017).

There is also a need to be aware that our modern eyes will shape any interpretation of childhood at different points in history, whereby judgements are made based on our current experiences and understandings of childhood. Judgements of historically 'poor' treatment of children will be based upon modern conceptions of what is deemed right and wrong for children and childhood in the time that we live. Similarly, our own experiences of childhood, including where we grew up, will shape how we view international childhoods. There is, therefore, a complex entanglement of different historical and international concepts of childhood.

### ***Protection***

The invention of childhood (see Gabriel 2017, for further discussion) is premised on the notion that children and childhoods are distinct from adults and adulthoods, whereby children have different needs. In the 1700s (in the UK at least), the introduction of education was driven by a philanthropic movement fuelled by concerns surrounding child poverty and a desire to protect children from the harsh realities of the world (Nutbrown and Clough 2014). A romantic concept of childhood, whereby children are innocent, pure and natural was developed as a response to the industrial revolution (Campbell-Barr 2019a). There was a combination of wanting to protect children from the harshness of urban living as a symbol of the adult world, and a positioning of children as close to nature as a symbol of the romantic concept of childhood. The romantic, child saving discourse, is frequently associated with the work of Rousseau and has a lasting legacy in understandings of childhood. The romantic discourse constructs the child as natural and predisposed to learning, and being in need of special care and attention, emphasising their innocence.

The romantic discourse signals that there is a mirror between concepts of adulthood and childhood, whereby the innocence of childhood is maintained through protecting them from the realities of adulthood. The role of the adult becomes a custodial one, whereby they are to nurture and protect children. The protectionist stance is illustrated by the phrasing 'in the best interests of the child' whereby adults are positioned as knowing what is 'best', drawing on a particular version of what is a 'good' childhood.

The romantic concept is a powerful one as it is seen to allow children to be children, without rushing them into adulthood. However, there is a risk with the romantic concept that children become locked into childhood, due to the inevitable question as to when children are deemed to be ready to transition into adulthood. Children are presented as immature and incompetent, drawing on biological

differences between children and adults (Uprichard 2008), while making the assumption that adults are able to make rational and informed decisions (Gabriel 2017). Further, there is an additional risk that the notion of a good childhood is constructed as a universal, whereby the transition between childhood and adulthood occurs at predetermined points in a child's life.

Arbitrary splits between childhood and adulthood are evident in all societies, such as laws that state when a child can undertake paid employment, get married, vote etc. The arbitrary nature of the divide between childhood and adulthood is evident when looking at differences in international laws as there are different age signifiers within and between countries that state when a child becomes an adult. For example, in England, Wales and Northern Ireland the age of criminal responsibility is 10 years old, but someone cannot vote until they are 18. These ages also vary internationally. Such differences pose a significant challenge for an international document such as the UNCRC that presents a child as everyone under the age of 18.

Early work on the sociology of childhood sought to develop a more sensitive awareness of the different versions of childhood and children's lives that exist (James and Prout 1997). As such, within the sociological perspective there is a need to take into account the cultural context of children's lives. The UNCRC arguably seeks to account for the different needs and experiences of children through the non-discriminatory stance and recognition for children's right to use the languages and customs of the community that they come from. However, the non-discriminatory stance also highlights the inequalities that exist within childhoods internationally, as is illustrated by the unequal participation in ECEC.

## *Provision*

Internationally, the provision of ECEC services (i.e. services for children before they reach statutory school age) is identified as a social investment strategy, whereby ECEC provides the foundations to children's lifelong learning, facilitating their holistic development. Organisations such as the OECD, European Commission and UNICEF advocate investment in ECEC services as a social investment strategy whereby equality of access to ECEC enables equality of access to the developmental advantages of children attending ECEC (Campbell-Barr and Leeson 2016). Equality of access to ECEC is symbolic of the provisionist principle that advocates all children, irrespective of background or circumstances, are able to access ECEC services. However, the UN Sustainable Development Goals illustrate that access to ECEC services is variable. Goal Four is about access to quality education, whereby Goal 4.2 states:

By 2030, ensure that all girls and boys have access to quality early childhood development, care and preprimary education so that they are ready for primary education. (United Nations 2015)

The goal illustrates that based on gender alone, non-discriminatory access to ECEC has not been internationally realised. Not only does the goal highlight inequalities in access to ECEC, but it also illustrates how constructions of gender intersect with concepts of childhood and children's needs.

I do not dispute the provisionist principle and ensuring equality of access to ECEC. However, I do question whether non-discrimination has been conflated with a universal model of ECEC whereby all children have access to ECEC that is ultimately the same, rather than being sensitively aware of the different versions of childhood and children's lives that exist. I do think that ECEC has a role in supporting children's development, but my concern is of an emerging universal model of ECEC, derived from a global discourse that assumes all children require the same ECEC services to achieve the same outcomes, irrespective of cultural context (Moss et al. 2016).

The role of ECEC in laying the foundations to children's learning has been turned into an economic argument. The economic argument for investing in ECEC provision has been premised on human capital theory, whereby investment in the early years will yield economic savings for society and individuals in the future. Children who have a good foundation to their learning are more likely to perform well at school and therefore go on to become successful, economically active (i.e. employed) adults. The economic return for society is a more productive and economically active community, able to compete in the global knowledge economy (Campbell-Barr 2019a). Further economic advantages have been associated with reduced social welfare expenditure in other areas, such as poverty (Penn 2012), contributing to a global discourse of ECEC and childhood as economic entities.

The Organisation for Economic Co-operation and Development (OECD) has undertaken a number of comparisons of ECEC services (OECD 2006, 2011, 2015). Initial explorations sought to sensitively analyse ECEC services and pedagogies in the respective 20 countries that were involved, highlighting features of interest (Moss et al. 2016). However, there was a shift in the analysis that represented a move towards a more global model of ECEC that is symbolic of the wider economic discourse in ECEC that focuses on quality and high returns (Moss 2013).

The shift towards a global model of ECEC is well illustrated by the OECD's International Early Learning Study, an international comparative study looking at the early learning outcomes of five-year-olds in participating countries (Moss et al. 2016).

What is proposed is an international assessment of early learning outcomes using common instruments to assess a number of 'domains' which 'represent a balance of both cognitive and social and emotional skills that, as a package, will provide coherent and reliable insights into children's early learning' and are 'malleable in the early years' (18). (Moss et al. 2016, p. 344)

In the model of quality and high returns 'quality' ECEC is associated with good outcomes for children and society. While there are clear questions about whether the same outcomes would be valued for all societies, within a neo-liberal economic framework, the outcomes that are valued become those that can be assigned an

economic value fuelling debate as to what is 'valued' in ECEC and childhood (Campbell-Barr and Leeson 2016).

Again, I wish to stress that I do not dispute that ECEC has positive outcomes for children, rather, in a system that seeks to economically assess those outcomes as a symbol of good quality ECEC, both quality and outcomes become reduced to features that can be documented and quantified (Campbell-Barr 2012). Childhood becomes a site for economic investment, not because this reflects well on the moral fabric of society, but because things such as poverty are only identified as a problem due to the economic cost to society.

The economic argument is persuasive, but it positions childhood as a phase for investment, which has consequences for conceptions of childhood. As a stage for investment, childhood is only valued once a child has reached adulthood and become economically active. The concept of investment is therefore in sharp contrast with a more humanist perspective of ECEC that highlights the social and emotional well-being of the child and childhood as important in its own right. Further, there is a deeply engrained assumption that ECEC is what is 'best' for children, potentially discriminating against other forms of childhood where care and education within the family (for example) are seen to be of value and significance.

The economic argument has been well versed in generating international investment in ECEC services, reflective of the provisionist principle. However, there is the potential for the good intentions of the provisionist principle to collide with local views on children, childhood and child rearing (Campbell-Barr and Bogatić 2017). ECEC has the potential to undermine the benefits of parenting (Leira and Saraceno 2008) and/or to privilege particular approaches to child rearing that are compliant with the pedagogical models of ECEC (Fuller 2007). However, rather than signaling a collision of views, the different perspectives on children, childhood and child rearing represent different ideas and beliefs on seeing the world within a cultural context (Tobin 2005). Such differences signal the importance of questioning the justifications embedded within the provisionist principle, such as those that represent the discourse of quality and high returns, particularly for those who work with young children.

In combining the provisionist principle with a protectionist stance, it is important to emphasise that the best interests of the child do not impose any singular model onto how to work with children. Views on ECEC services are shaped by what we know, or at least assume to know, about children and their needs (McGillivray 2008). The assumptions that are made about the best interests of the child provide a frame with which to interpret childhoods and the services that are provided for children. Despite the dominance of the quality and high returns discourse within the provisionist principle, there are alternative stories available as to how best to meet the needs of the child (Campbell-Barr 2019a).

## *Participation*

Both the protectionist and provisionist principles risk positioning children as passive recipients of adult interventions, whereby they are protected and provided for through the actions of adults. The participation principle is arguably the antidote to this, whereby children's voices are recognised and respected and childhood is valued as a stage in its own right. The participation principle identifies children as active forces in society, not merely shaped by it (James and Prout 1997). Children are not passive, but social actors (Uprichard 2008) that have experiences that contribute to the construction of their own childhoods.

The participation principle positions children as active in the construction of their own lives, while simultaneously highlighting that it is predominantly adults who determine children's lives. Here I will offer a personal example – one morning, I went to get my son up for school. His reply to me stating “it's time to get up” was that it was against his human rights and he should be allowed to sleep for longer. The previous evening, I had discussed the UNCRC with my son and he was clearly taken by the participation principle, whereby he voiced and wanted recognised that he did not want to go to school, but to sleep for longer. I suspect that there are many other 10-year olds who will express a similar view, but what it highlights is the tensions that exist in the three principles. As adults, we have determined that education is in the best interests of the child and that children should have equality of access to that education, imposing adult ideas as to where children should be and what they should be doing. Children arguably become a mirror of adults' ideas of what childhood is, but the participation principle requires adults to reconsider this mirror in support of children's active participation in society.

My son voicing his objection to going to school offers a light-hearted example of the tensions between the principles of children's rights, but what if we consider a more thought-provoking example, such as child labour? The UNCRC states that children should be protected from economic exploitation and work that is dangerous, could harm their health, development or education (Article 32). While Governments can set the minimum age at which children can work, there are differences internationally, often provoking debate about when or if children should undertake paid employment. In some instances, it could be argued that participation in paid employment enables a child to actively participate in society, economically contributing, possibly even facilitating their family's economic well-being (International Labour Office 2004). While I cannot resolve the debates surrounding child labour in this chapter, I do think they illustrate the sociological focus of being aware of the differences in the lived experiences of childhood and how the principle of participation (or any of the other principles) will be variably interpreted dependent on context. Further, the interpretation of the appropriateness of child labour requires that adults to listen to children's perspectives.

Ironically, children were not asked to participate in the development of the UNCRC (Willan 2017), although many countries have now adopted things such as Youth Parliaments and institutions such as schools often have School Councils

made up of pupils as a way of supporting children's active participation. However, such examples illustrate that children's participation is often still dependent on adults' providing the mechanisms through which children's voices can be heard. Youth Parliaments and School Councils offer very structured mechanisms for listening to children, but for those working with children it is important to consider how children's voices (and not just verbal ones) are heard in unstructured ways as a part of professional practice.

## Working with Children

Those who work with young children have strong views on childhood, informed by shared social norms and personal experiences (Parker-Rees 2015). For an ECEC professional I think it is important to be aware of the social norms and to reflect on how they shape the expectations of one's professional role, while being mindful of how personal experiences also offer motivations to work with children in particular ways. For example, it is not unusual for adults to hold romantic memories of their childhoods, with long hot sunny days, where they played outdoors for hours, as a motivation for outdoor play in ECEC. The memory reflects social norms around romantic concepts of childhood that mould both the memory and its importance. However, for those who work with young children, the social norms and their personal experiences take on an additional significance in shaping their professional practice.

Concepts of childhood become woven together with those who work with young children, shaping expectations of the professional role (McGillivray 2008), such as an ECEC professional will protect the children in their care, while investing in the foundations of their lifelong learning. While the broad principles of provision, protection and participation can usefully guide the work of ECEC professionals, there is a need to be mindful of how concepts of childhood can be manipulated to support particular ideologies, such as the story of quality and high returns discussed earlier. ECEC professionals therefore find themselves negotiating between different concepts of childhood (Campbell-Barr 2014).

Professionals will also negotiate between their own concepts of childhood and those upheld by wider society. While one's own childhood experiences will offer some influence on professional practice, it is important to remember that constructions of childhood, and our memories of childhood, are not the same as being a child. The social construction of childhood will shape the memories that are deemed important. Both social and personal views of childhood combine in shaping professional practice, but the emphasis is still on the adult's concepts. Therefore, rather than children mirroring adults' concepts of childhood, there is a need to consider how adults mirror children in their professional practice.

The notion of mirroring is in support of recognising children's perspectives and supporting their participation, but in engaging with children's perspectives it is important to emphasise that I am not just referring to hearing and acknowledging

their verbal utterances or providing enactments of smiles and hugs (for example) to respond to the needs of the child. It is well established through things such as *The Still Face Experiment* that children, from a very young age, are sensitive to the ways in which adults respond to them. A break in the connection between the adult and child or an unanticipated response from the adult can prompt a child to seek out an appropriate engagement with the adult. However, the responsiveness of the adult can often be subtle, rather than characterised by large gestures or overt facial movements. Mirroring children therefore requires being aware of the different ways that children express themselves.

Shotter (2008) draws attention to the idea of responding moment-by-moment, whereby there is an awareness of a child's needs, interests and abilities. Through this awareness, the adult can interact sensitively with an anticipation of what the child is about to say or do (Georgeson 2018). An ECEC professional can respond to children's needs through words or movements that guide children's participation (Rogoff 1990). However, this is not just a verbal or bodily response, as there will be subtleties to the ways in which adults pick up on the needs, interests and abilities of the child. Georgeson (2018) refers to the notion of watchfulness to reflect a way of observing children that is not about documenting their learning or planning for future pedagogic activities but watching in order to anticipate responding to children. Social norms will guide what are the appropriate responses, as will concepts of childhood, but there is a careful attunement by the adult in their mirroring of the child.

The focus on responding to the child is about putting the other before oneself and engrossing in the other. Noddings (2010, 2012) considers how care is an ethical responsibility, but not in a way that it should require ethical effort, but as a moral orientation to the other. Thus, if the moral force underpinning the UNCRC is that society is judged by how it treats its children, an ethical responsiveness to children in the work of ECEC professionals would uphold children's rights.

The careful moment-by-moment ethical responsiveness of ECEC professionals is evident in the subtle ways in which they mirror the needs and interests of the children that they work with – the gentle touches of reassurance, the looks of “I wouldn't do that if I were you” are perhaps some of the more obvious examples. In the daily work of an ECEC professional they will be offering countless subtle responses to mirror the children that they work with, arguably putting the child's concepts of childhood before the adults'.

There is a risk that the subtleties of mirroring children's needs and interests go unnoticed in the work of an ECEC professional. There is also a potential exploitation of emotions as the moral responsibility places a burden on the emotional responsiveness of the professional (Campbell-Barr 2019a). In recognising that those who work with children have strong views on childhood, it is important to acknowledge that this often coincides with a commitment to the principles of protection, provision and participation and that professionals are constantly negotiating and balancing the different concepts of childhood in guiding their work with children (Campbell-Barr 2014). Mirroring the needs and interests of children is careful, skilled and knowledgeable work (Campbell-Barr 2019b).



In negotiating the different concepts of childhood, it should also be acknowledged that ECEC professionals are not just responding to the child. Children are a part of families and communities that have morals and values around the needs of the child, child rearing, education etc. ECEC services are cultural sites that represent a meeting of not only different concepts of childhood, but also the different ways with which those concepts are engaged with by parents and other adults. Thus, an ECEC professional will be considering their own concepts of childhood and those of the adults around a child in their interactions with children.

## Conclusion

Being aware of concepts of childhood can help an ECEC professional to understand their own motivations for working with children and the wider forces that shape and determine the many facets that have consequences for children's lives. While there are broad shared concepts of childhood, they are inevitably engaged with in different ways by different adults in different social contexts and at different points in time.

Concepts of childhood are deeply embedded in understandings of children's rights. The three principles of provision, protection and participation reflect different understandings of childhood that are simultaneously complementary and contradictory in guiding the work of ECEC professionals (and other adults). However, the principles are adult constructs and although well intentioned, adults' concepts of childhood are not the same as being a child. Memories of childhood may not be accurate, but also, they are of a childhood at a different point in time to those of the children in society today. Working with children requires an engagement with their concepts of childhood – what they think it should be, how they think they should spend their time. Thus, in mirroring the needs and interests of children, consider what this is telling you about their concepts of childhood – and maybe this could shape the next 30 years of children's rights.

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**Part IV**  
**Concluding Remarks**

# Chapter 17

## Broadening the Rights of Children in the Anthropocene



Adrijana Višnjić-Jevtić , Alicja R. Sadownik , and Ingrid Engdahl 

**Abstract** This concluding chapter analyses the different chapters against the times we are living in and the overarching question of what the challenges are for the children of the world today. Initially, we introduce Julie Davis' theoretical model of five dimensions of rights that we will use to structure the analysis and for pointing at possible challenges and answers. Then we present our analysis in three sections, following the three parts of the book, policy, children's perspective, and education, and link the analysis to some new research and descriptions of the conditions children are living under today, including some reflections around the COVID-19 pandemic. In the final section of this book, we summarize the task in front of all of us, by giving some recommendations and challenges for early childhood education about the future for the children in the world, and for the world.

### Introduction

The aim of this book is to use the 30th anniversary of the UNCRC as a reason to analyse *What does the children's rights mean today?* As has been stated by the CRC, in the committee's Concluding observations to many countries, the UNCRC is still not widely known, not by all children, not by professionals working with children and not in society at large. Thus, a primary task is to make sure all children

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around the world become familiar with the UNCRC. By knowing their rights, they may also act in accordance with these rights.

Furthermore, as stated in many chapters in this book, we live in times of great global changes, where e.g. climate and environmental change, pandemics, prolonged conflict and mass migration change and challenge the existing childhoods (IPCC 2019; Lenton et al. 2019). A wider purpose of this book is to elevate the obvious links between the Sustainable development goals (UN 2015) and the UNCRC. All the Global Goals are relevant for children, not only those which specifically refer to children. The intention of *Education 2030* (UNESCO 2015) is to bring out comprehensive connections beyond the most obvious links between the UNCRC and the Global goals (UNICEF 2016). In this chapter, we will discuss the relationship between the UNCRC and the reorientation towards sustainability and the importance of strengthening a child rights perspective.

### ***Five Dimensions of Rights***

As a theoretical framework for this concluding part, we have chosen Davis' five dimensions of rights for early childhood education in the light of the challenges of sustainability (Davis 2014). Although the UNCRC are foundational in early childhood education, there is a need to broaden, deepen and widen the perspective of rights if ECE is to make lasting contributions for sustainability. Davis points at an evolution in the field of children's rights, from protecting children to children as rights holders, to rights partakers, and for these rights to include collective rights, intergenerational rights and bio/ecocentric rights, that go beyond those held by humans (Davis 2014, pp. 22–34).

*The first dimension* is about supporting children's rights as foundational. The UNCRC goes beyond protective rights in recognising children as human rights holders, and revolve around rights to life, survival and development, non-discrimination and protection and participation rights. *The second dimension* is about recognising children's agentic participation rights. Based on a view on children as actors, socially active and with agentic rights, Davis (2014, p. 25) promotes a definition of participation rights as readiness and preparation for children's active role in society. There are many participatory attempts that are run in a top-down manner, without recognising the agency of children. *The third dimension* is about recognising collective rights and bringing people together for the common shared purpose of long-term survival (Davis 2014, p. 28). Davis (2014) notes that many of the human rights treaties are emanating from a primarily Western view where individuals are the rights holders. In the present situation where crises are collective in origin, there is a need to change from individual benefits to collective responsibility and action. Humans are social beings, and the knowledge and experiences that exist within social groups, e.g. poor, children and women, are not enough recognised and considered when implementing the human rights. Furthermore, in 2007, UN



**Fig. 17.1** Five dimensions of the rights for early childhood education in light of challenges of sustainability. (Davis 2014, p. 23)

adopted *The Declaration on the Rights of Indigenous Peoples* with a call to respect Indigenous knowledge, cultures, and traditional practices. *The fourth dimension* is about recognising intergenerational rights, fairness, and justice for all, including future generations (Davis 2014, p. 28). With reference to Howarth (1992) there is a common understanding over generations of a *chain of obligations*, from the present to the indefinite future. This is closely linked to the definition of sustainable development by the Brundtland report (1987) *Our Common Future*: ‘a development that meets the needs of the present without compromising the ability of future generations to meet their own needs’ (WCED 1987, p. 41). *The fifth dimension* is about recognising biocentric and ecocentric rights, that positions human beings as only one of the species of the world, not the dominant one (Davis 2014, p. 30). Geologists have started calling the present epoch *The Anthropocene* (human-centred), a period that is human-centred and where humans for the first time in history are responsible



for the disruptive development of the Earth. Biocentrism regards humans as just one of many biological species and values all life on Earth. Ecocentrism goes one step further, assigning value also to Earth's non-living systems and processes. Davis (2014) argues that human survival is depending on a healthy Earth, and that we need to also include the rights of Nature in our ethics.

Davis (2014) looks upon early childhood as a critical period for the realisation of children's rights, for framing ethical values, attitudes, and behaviour and for building cultures for sustainability:

It seems logical that early childhood educators who strive to have children's best interests at heart should be morally and ethically leading the way in education healthy, just and sustainable futures. (Davis 2014, p. 34)

## **The Dimensions of Rights in Part 1 on Policy Perspectives**

The authors of the chapters in Part I on policy perspectives come from Latin America, United States, North Macedonia, Uruguay, and China. When telling about the status of the UNCRC in their countries, and of a child rights perspective, they place themselves mostly within *the first dimension*, supporting children's rights as foundational (Davis 2014). Mercedes Mayol Lassalle introduces the process leading up to the adoption of the UNCRC in 1989, with the growing respect for a child rights perspective throughout the Latin-American region. Mayol Lassalle describes that human rights for children have been an eye-opener and a tool for changing the view on the youngest children in the region. However, there are still huge inequities between different groups of children.

### ***The UNCRC and the View on the Child***

The UNCRC is a treaty of human rights, which are universal, indivisible, interdependent and interrelated, and to be interpreted in a holistic way. Thus children, human beings, have rights, they are not given rights. This give them a status as right partakers, and to independently exercise their rights, in everyday life and in democratic decision makings. To quote UN envoy Maud de Boer-Buquicchio (2005): *Children are not mini-human beings with mini-human rights*. We are to protect and respect the children's humanity and their physical and psychological integrity.

Fundamental to the UNCRC lies the view of childhood, not just as transporting children towards adulthood, but childhood and being a child have their own intrinsic value. Children are both rights partakers and in need of protection, which is manifested in the multi-sector content of the UNCRC, with political and citizenship rights as well as economic, social, and cultural rights. Children are competent individuals, and just as adults, they have the right to influence their lives, e.g. through

fundamental freedom to speech, to religion, to assembly and to a private life. Although the UNCRC is to be implemented universally, Verhellen (2015) argues that children's rights at the same time must be highly contextualized.

The UNCRC states that children, because of less experiences and maturity, need support and protection, especially from all forms of violence and other unfair treatment (Articles 19, 32–38). This priority is stated in the UNCRC:

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. (UNCRC, Article 4)

Judith T. Wagner tells the story of the struggle for human rights for children in the United States of America, the only country that has not ratified the UNCRC. With reference to the founding constitution of the USA, she reminds us that this constitution was written by and for white men. Different groups, like slaves and women, had to lead a long fight before their human rights became equal to the ones ensured white men already in 1776. Wagner sadly reports that a parallel struggle still is ongoing for the children's human rights. Still today, there is no federal law in the US that guarantees rights as stated in the UNCRC, although there have been many child rights advocates throughout the last hundred years. The main reasons for the resistance are (1) children are not to be given the status as citizens with rights and (2) child rights would question and undermine the parental authority, which is of primary importance. Although US is described as the richest and leading democracy in the world, Wagner questions this self-appointed role because of the poor way the US treats its children.

### ***In the Best Interests of the Child***

The best interests of the child shall be a primary consideration in legislation and policy development (Article 3). By primary consideration, the UN Committee on the Rights of the Child (hereafter CRC) in the *General comment No. 14* states “that the child's best interests may not be considered on the same level as all other considerations. This strong position is justified by the special situation of the child: dependency, maturity, legal status and, often, voicelessness” (CRC 2013a, p. 10). Such support of the position of the child is of particular importance, as “children have less possibility than adults to make a strong case for their own interests and those involved in decisions affecting them must be explicitly aware of their interests. If the interests of children are not highlighted, they tend to be overlooked” (CRC 2013a, p. 10).

The best interests of the child often represent the adults' perspective of children's needs (Smith 2018). Despite a contemporary (omnipresent) child-centred approach in policy, a more traditional model outlining the children's role as incompetent and

(therefore) passive human beings is still common. CRC (2014) reported that in Croatia, the violation of the principle is mostly related to the lack of continuous and meaningful education of all professionals dealing with children. Desai and Goel (2018) argue that the principle of the best interests of the child is a shift towards a child rights approach instead of a children's needs-based approach.

Alma Tasevska describes the conditions for the UNCRC in one of the younger countries in the world, North Macedonia. Her chapter marks, with a thorough presentation, the genuine struggle in all levels of the society to ensure the well-being of the children. There is a continuous raise in the numbers of children enrolled in pre-schools, however, these are most common in urban areas and for the 4–5 year old children. Nationally, there are strategic plans, curricula, and guidelines to lead the way.

The implementation of the UNCRC in China is outlined by Peng Xu. He introduces how China has approached the so-called Western ideas of the UNCRC. The last decade, China has integrated children's rights in the Chinese legislation, and systematically built health care and early childhood education. However, the pre-schools are mostly for children aged 3 years or older. Gabriela Etchebehere shows how Uruguay ratified the UNCRC already in 1990, and that children's rights were put high on the agenda. During the last 15 years, there has also been increasing numbers of the children aged three or more that participate in ECE. A clear pattern is found though, as Uruguay like China and North Macedonia cannot ensure children under three any ECE enrolment. As Mayol Lassalle concludes, there is a need to prioritize these children. The situation in the US is even worse, as Wagner reports only a few states provide government-funded preschool for all children, even for 1 year.

To be able to decide what would be in the best interests of the child, State parties should ensure that this is clarified before making a decision (UNICEF 2007). This could be done by an analysis to clarify the different consequences of a proposal. In this process, all children affected by the proposal should be heard, recognising that they may have different opinions and also be differently affected by the proposal. The CRC (2013a) in the *General comment No. 14* explains the aim of article 3 to guarantee a holistic understanding of children's rights. The opinion from adults does not have priority over the obligation to secure all children's rights.

### ***On the Right to a Just and Equal Life***

Following Article 6 in the UNCRC, all children are entitled to life, survival, and development. The CRC (CRC 2003) elaborates on this to mean that every child should be supported to the maximum extent possible, to the fullest potential. Development is a holistic concept including not only health, but also spiritual, moral, psychological and social development. Education and care are integrated in policy on early childhood education, often expressed as *educare* (Engdahl and

Losso 2019). The right to life and survival is also a holistic statement, and includes the right to integrity, doing own choices and the protection from violence.

The right to life and survival may also be challenged on a global level, as in the 2020 pandemic crisis caused by COVID-19. COVID-19 has shown us how vulnerable and integrated the planet is, and that both the planet and the world citizens are at risk, regardless of their age or status. In times when experts suggest staying at home and maintaining careful hygiene, there are groups of young children who do not have opportunities to follow the instructions. Wagner and Pramling Samuelsson (2019) report on inequalities in access to water and hygiene in many parts of the world. Consequently, every day 15,000 children below the age of five die, and these numbers refer to before the global health issues caused by COVID-19.

Another violation of children's right to life and development is that many children do not have a home to stay in. Deb et al. (2020) report 100 million street children worldwide (children who lives temporarily or permanently in the streets). In the case of India, 13 percent of the street children are below the age of six (Nayak 2018). These children are living in conditions where a recommended stay-at-home-principle is not applicable. The inequalities are breaching not just individual children's rights, but also the other dimensions of rights (Davis 2014).

The UNCRC in Article 19 defines violence as "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". In the *Concluding observations to Croatia* (CRC 2014), the CRC comment that corporal punishment is widely accepted as a disciplinary method. Six years later, the Croatian Ombudsperson for children (2020) states that corporal punishment is still an ongoing disciplinary practice. It seems that society and families do not look upon corporal punishment as a violence against children, showing a misconduct in relation to children's rights. This old attitude towards corporal punishment is prevalent also in other countries, and the CRC points at the need to educate all adults on children's rights.

Safeguarding a child's right to integrity, when placed in alternative care, is a related issue, even in countries known for their child-centredness and welfare, like Norway. Children who are "liberated" from violent family contexts, often miss contact and dialogue with their family, e.g. as is the case for children from migrant and indigenous backgrounds (CRC 2018).

Implementing children's right to life, survival and development depend of course on the resources allocated for children's rights and for ECE. Tasevska quotes the UNCRC and the obligation for the State parties 'ensuring to the greatest extent possible' life, survival and development for all children'. Mayol Lassalle and Wagner conclude their chapters by pointing at the lack of resources, and to some point even question the State parties' intentions. Some children do not have the possibility to attend early childhood education settings, others are restricted by additional costs in education and for leisure activities. According to the *Concluding observations to Croatia* (CRC 2014), there is an increasing number of children having to pay for leisure activities, which may result in inequality. Theobald (2019) notes the frequent

incongruence between policy initiatives and enactment of children's rights in early childhood.

Tasevska brings up one important obstacle to the implementation of children's rights – there are too many different authorities and ministries involved in realising the plans. In North Macedonia three departments and more agencies are to cooperate. It is still common that the minister of education is responsible for 4–5-year olds while ministers of health, social affairs or the labour market are responsible for children from birth to three. This problem with a divided responsibility is also described by Wagner and Mayol Lassalle and calls for a more holistic interpretation of the rights.

### ***Conditions Are Not Equivalent***

Still in *the first dimension* and looking at children's rights as foundational, the authors in this first part of the book bring up many challenges, beside the lack of preschools for the children. Tasevska, Mayol Lassalle and Wagner show that children live under unequal conditions. There are large groups of children living in poverty, and poverty is more common in certain groups, like in rural areas and/or among indigenous or migrant citizens. Wagner shows that the statistics from the US is based on average numbers, that balance the unequal living conditions for children. Behind the not so bad mean numbers, there are really millions of children living under very poor conditions, one example is the US treatment of migrant, refugee, and asylum-seeking children at the US-Mexico border. Many of these children, including babies, are separated from their parents, and detained in overcrowded, cage-like enclosures in violation of US law and international human rights treaties.

Many chapters show that children living in vulnerable situations, e.g. migrant and indigenous children, as well as children with disabilities and living in poor households, are at greater risk of experiencing their rights disrespected, especially in forms of exposition to (sexual) violence and not being heard in situations affecting their lives. This was pointed out in the *Concluding observations to Norway* (CRC 2018), and similar concern is reported from the Australian Government (2017). The authors in this book also bring up the importance of well-trained teachers and additional staff for equivalent preschools. However, in all countries, there is a lack of teachers, a fact that makes children's right to equal quality education even harder to fulfil.

## ***Appointing the UNCRC as National Law***

Up to now, 94 of the 196 member countries, that have ratified the UNCRC, have also given the UNCRC the status of national law. For Sweden, this happened by January 1, 2020. By including the UNCRC in the national legislation, new possibilities to reach full implementation and respect for children's rights were opened. Primarily, it is about strengthening the child as a child rights partaker and for children's rights to permeate all parts and issues in children's lives, to look upon children as human beings with the same value and rights as adults (Verhellen 2015). With the status of national law, the overall task to analyse and make decisions in the best interests of the child becomes a leading juridical principle.

The CRC writes that investigations and court proceedings around children must be carried out by qualified professionals, with a starting point in children's rights, and without harming the child further during the procedures (CRC 2011, points 51, 56). All parts in the procedure are to take the views of the child into consideration. Special courts are recommended by the CRC, in cases where children have been victims of violence, with qualified staff with trans sectoral knowledge about children's rights. Children should be protected *in* the process, not *from* the process. They should be protected *in* court, not *from* the court. In Sweden, the children's ombudsman recommends specific writings in ordinances and guidelines about article 3, in the best interests of the child, and articles 12–14, about the freedom to share your thoughts and opinions and be respected (Ombudsman for children 2020). Another recommendation is to ensure the child one impartial supportive representative throughout the procedure.

Turning to *the second dimension* about recognizing children's agentic participation rights (Davis 2014), Xu, Etchebehere and Tasevska explain that Article 12 in the UNCRC now are acknowledged by law in their countries, but so far this has not led to a reorientation in practice, so children would have the right to influence their lives or their education. Wagner brings forward that the strong view on parental rights in the US indicates a lack of respect for children's right to freedom of expression (Article 12) and access to information (Article 13), freedom of association (Article 15) and freedom to manifest one's religion of beliefs (Article 14). Mayol Lassalle finds this deficiency to be remarkable, in light of the strong wordings on children's participatory rights stated by the CRC (2005) in the *General comment No. 7*.

## ***On the Principle of no Discrimination***

Although Article 2 about no discrimination is one of the basic principles of the UNCRC, it is also a right in the crossline between individual and collective rights, and thus part of *the third dimension* (Davis 2014). The no discrimination right is foundational:

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 2)

Discrimination happens in a context, where the system and/or other individuals, the collective, allow or do not prevent the harmful acts of unfair treatment, harassment, and bullying. Discrimination can be devastating for the individual, where senses of being left on the outside or of exclusion are negative for one's physical and mental health. When asked, children in Sweden, tell about maltreatment, segregation and even racism:

You feel like you sort of don't belong to Sweden, or rather, just because you don't look Swedish or so. It is really common, these sort of things, if you for instance have dark skin, you shouldn't have to be afraid for attacks or that someone harasses you. (Ombudsman for children 2020, p. 23, own translation)

The CRC expresses through several *General comments* and *Concluding observations* a specific concern to countries where certain groups of children are victims of discrimination and unfair treatment. The UNCRC, in Articles 5 and 18, describes that parents have the responsibility to promote the development of their children and to guarantee children's rights. In this task, the State parties shall be supportive. However, most contributions in this book tell about unacceptable differences in the living conditions of children in their country, be it in Latin America or Sweden, in the US or New Zealand. The CRC observed this in the *Concluding observations to Sweden* (CRC 2015), and expressed concern over the differences and the lack of equivalence for children in Sweden in education, health care, services, and support. As the UNCRC now has status as national law in Sweden, there will be an interesting trial of exactly what the undertakings of Article 4 implies: "States Parties shall undertake such measures to the maximum extent of their available resources". Many issues are in line to be brought to court, e.g. what rights to food and support does a child, living in Sweden without legal papers have? To education and health care? Although the relevant articles in the UNCRC are valid for all children in Sweden, practice tells differently.

In the case of Norway, the CRC (2018) expressed worries of discrimination, exemplified by children of Roma families, who, it seems, are being separated from their families with disproportionate frequency. Similar concern was brought up in the *Concluding observations to Croatia* (2014) regarding minority groups, especially around Roma children.

*The third dimension* about collective rights is in this part of the book was most often brought up when referring to indigenous children and their rights. Wagner describes that the US in its constitution is a society based on individuals living



under equal conditions. A common preconception is that anyone can succeed, and shortcomings are explained by individual mistakes and failures. This means that collective rights are not respected. However, Wagner shows huge variations in living conditions, e.g. child mortality is 40% higher among indigenous children than national average, indicating that different groups in the society do not live under the same conditions. Mayol Lassalle illustrates a similar lack of respect for knowledges and collective rights in Latin America, especially among indigenous, afro-descendants, migrants and in rural communities.

Article 30 in the UNCRC is focused on children's rights to enjoy his or her culture and to use his or her own language. This right is further explained in the *UN Declaration on the Rights of Indigenous Peoples* (UN 2007). In a comparison between Australia, Canada, New Zealand, Sami and the USA, Lee-Hammond and Jackson-Barret (2019) show that these linguistic rights are not currently provided. Primary reasons are still ongoing impacts of colonisation on Indigenous cultures and languages and inadequate provision of resources to support education in these cultures and languages. ECE is described as proven to be a suitable place for education to fulfil these rights. However, Lee-Hammond and Jackson-Barret (2019, p. 315) conclude that "there is a significant mismatch between the intentions of the policy and the practice of enacting Indigenous children's linguistic rights in early childhood". Sweden has ratified the UNDRIP and recognises the Sami as indigenous people. However, previously Sami children were regularly moved from their families to Swedish schools, deprived of their mother tongue. Still today, Sami children report about discrimination and bullying, often manifested as exclusion (Ombudsman for children 2020; Orama 2011). Similar treatments are happening in Norway (CRC 2018).

Today, nations do not assign equal treatments to all children, where indigenous children, children from minority groups or migrant children risk maltreatment. In Syria, since 2018, there are children living as prisoners in refugee camps, children who are citizens of other countries, but were born in, or brought to, Syria by their parents. Wagner tells about the maltreatment of children on the US-Mexico border. Children in camps or on the move are among the most vulnerable children, and State parties should make their responsibilities for realising the UNCRC a top priority (OMEP 2019a).

### ***Parental Authority – Children's Rights***

Three of the chapters bring up aspects linked to *the fourth dimension* of intergenerational rights (Davis 2014). Peng Xu describes in a historic review the importance of integrating old Confucian wisdom parallel to implementing a child rights perspective. In Confucian thinking, the father is to be honoured and listened to, and children should listen and learn. Wagner explains that in the US, the authority of parents for some people is so vital, that the intergenerational communication only goes

one-way. Tasevska shows how the importance of parents is underlined in the guidelines and strategic plans of North Macedonia.

As stated before, UNCRC ensures parents the primary responsibility for their children. However, children shall be protected against maltreatment and they have the right to privacy and integrity. But what about situations when the parent is not living up to the task, or worse, the parents' decisions and actions are harmful or without respect for the child? Wagner tells in her chapter that this is a major issue in the US. Some argue that children under 18 years of age are not entitled to any rights other than those their parents bestow upon them.

In Sweden, children's and parents' positions in investigations and court processes must be further clarified. As of today, parents may block the social services from talking with their child, or the police to talk with a child without the parent being present in the room. This is an obstacle and a violation of Articles 3 and 12 in the UNCRC. With the new situation of the UNCRC adopted as Swedish law, the question of children vs parents will be investigated, and new praxis will be developed (Ombudsman for children 2020). One idea is to introduce a third party, to support the child through the procedure.

Mayol Lassalle is the only author in this part of the book that brings up something related to *the fifth dimension* of biocentric/ecocentric rights (Davis 2014). She points out that the United Nations also have adopted 17 Sustainable development goals (UN 2015), and that integrating the struggle for children's rights, as stated in the UNCRC, and the SDGs are of vital importance for the future. OMEP, the World organization for early childhood education, runs a world project on education for sustainability in early childhood since 2009 (Engdahl 2015). The overall purpose of the project is to re-orient and transform education in early childhood settings towards a culture of sustainability, by giving voice to young children through participation, and by bringing teams of early childhood professionals together around a common language for discussion and development of the quality of the education. The result of the project is about empowering children and adults to move towards cultures of sustainability in early childhood (OMEP 2019b).

## **The Dimensions of Rights in Part II on Children's Perspectives**

The chapters approaching the UNCRC from the children's perspectives seem to address various dimensions of the rights, however not all of them. All the contributions in this part of the book address *the first dimension*, which is about foundational recognition of children as human rights' holders and children's right to live, survival, protection, and participation. There are descriptions of adults, and of conditions created by them, that may strengthen the execution of the UNCRC, thereby facilitating children's wellbeing. The foundational dimension of rights is somehow taken for granted by the authors, who in one or another way, go beyond it.

## *Children's Agentic Participation Rights*

All children have the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during migration proceedings, housing decisions or the child's day-to-day home life. The adults, be it parents, teachers, or others, are responsible for enabling child participation, therefore they must adapt their listening in accordance with the age and maturity of the child (CRC 2009). Taking the child's opinions into consideration implies an openness for change. It is not just an act of listening but requires an open and sensitive approach and a positive stance about implementing the children's ideas into the decision making. CRC (2003) in the *General comment No. 5* maintains that children may add relevant perspectives and experiences, that should be included in the decision makings and policy development. The right to participation is universal, for all children, even those that may be harder to reach, by age or functionality. Children often tell that they perceive an inferiority towards adults, and they also tell about different experiences, different conditions of childhood, and they want adults to become better listeners:

Still, you are quite powerless as a child because the grown-ups think that they know better. So, you may say what you want, and even be listened to, but it is like it doesn't matter for them, they think they know better. ...

At home, only older people have the right to talk about different things, children shall be quiet and show respect. Sweden is different from my country. Here, all authorities, politicians, this staff, they listen to the children. Maybe one holds back when the parents are present, and one doesn't dare to say anything. ...

I think we ourselves should explain what we think, so they maybe understand from our perspectives, what we feel ... and then they might get that they do wrong. (Ombudsman for children 2020, p. 35, own translation)

The disappointed attitude shown in the quotes above might even be dangerous for society. Kvamme (2019) invites to a discussion about what happens if the children's opinions and life conditions are not recognised in the society? Why should they have to wait for maturity? He refers to the ongoing school strikes, initiated by Greta Thunberg (2019), where millions of children have used their rights, both as citizens and following the UNCRC.

*The second dimension*, about children's agentic participation rights are elaborated in Ewa Lewandowska's chapter. She recognizes children as agents and participants by meeting them as research participants, capable of making and expressing their meanings of their rights in the institutions of ECE and family. *The second dimension* of the rights is also present in Katarina Bogatić's chapter, where she discusses children's right to play by asking about how time for play is safeguarded at home and in ECE. She asks how much time, and how it is given, they spend for an activity conducted on children's terms, where children are agents, actors, and participants. The conditions for children's participation are also discussed in the chapter by Glynne Mackey and Diti Hill-Denee, who approach the child as an actor

and agent, by embracing the diversity of children and thereby the necessity of heterogeneous solutions in order to facilitate wellbeing. The child as an actor, agent and participant is however not present in the chapter of Ivana Visković. In this chapter, the child seems to be objectified by psycho-sociological knowledge on what is good for the child, and even by its rights. Such descriptions may function as an example of how easy it is to miss the child as an agent, actor and participant when talking about creating the best possible world for children.

During the COVID-19 pandemic, in some countries (i.e. Norway, Sweden, New Zealand and Australia), the governments informed children directly about the health crisis in ways and with a language appropriate to the children. In this way, the children had the possibility to use their communicative rights, asking their questions, and thus be relevantly informed in an adequate way.

In the case of Croatia, the CRC (2014) comments about inadequate child participation in legal and administrative issues related to them, but also at home and even in education. The Ombudsperson for children (2020) states that children's participation is mostly on a declarative level in Croatia:

We are generally aware of the need to involve children in decision-making processes, so local communities, through the active work of children and youth city councils, most often offer them to provide ideas on design playgrounds and other places for children and young people.

However, children and young people are not purposeful and age-appropriate involved in discussions on national public policies that relate to their lives and generally only occasionally engaged in discussions. Children are often invited to these processes by the criterion of their success and excellence (by school success, communication skills, knowledge of English language, etc.), which contradicts the recommendations of the UN Committee on the Rights of the Child on the need to enable every child to exercise their participatory rights. (Ombudsperson for children 2020, p. 52)

Giving only some groups the chance to be active citizens is contrary to one of the main ideas of the UNCRC (1989) about not perceiving rights as a privilege. Recommendations from the CRC (2014) and Ombudsperson (2020) emphasize the necessity for education to focus on democratic citizenship from the earliest age.

### *On children's Right to a Communications Procedure*

Entitled to rights implies for the child also the right to complain if your rights are violated. With an optional protocol, UN (2011) wanted to reinforce and complement national and regional mechanisms allowing children to submit complaints for violations of their rights. The protocol starts by reaffirming the status of the child as a subject of rights and as a human being with dignity and with evolving capacities. The protocol is motivated because children's special and dependent status may create real difficulties for them in claiming their rights and in complaining about violations of their rights. The protocol encourages States parties to develop appropriate

national mechanisms to enable a communications procedure where children have access to effective remedies at the domestic level. UN points out the important role that national human rights institutions and other relevant specialized institutions, mandated to promote and protect the rights of the child, can play in this regard (UN 2011).

Complaints, in the protocol called communications, should be filed to the Committee on the Rights of the Child (CRC) to carry out the functions necessary to investigate the complaint. Communications may be submitted by an individual or group of individuals, claiming to be victims of a violation by that State party of any of the rights in the UNCRC.

### *The Freedom of Association*

*The third dimension* of collective rights presuppose recognition among all participants and adds a certain quality to human meetings. Ärlemalm-Hagsér and Elliott (2020) refers to this as participation parity, a democratic norm where individuals (without discrimination of any kind) in a certain context and group have the possibility to participate in society, to communicate and interplay as respected equals. Making inequalities and inequities visible is the starting point for transformative change, for building new structures and routines.

Play is described as the children's arena for participation, for organizing themselves and developing their own culture (Bateson 2011; Bruner 1996; Corsaro 2011; Sutton-Smith 1997) and although play is the right of every child, according to Article 31 in the UNCRC, we put the discussion on play in the *third dimension* of collective rights (Davis 2014). Article 31 puts the right to play in a particular position. As it has to do with different forms of how children get together and participate in society, we must be sensitive to play as children's collective rights. Play is described as children's ways of being (Lillemyr 2013) and as children's preferred lifeform (Bateson 2011; Bath and Karlsson 2016; Pramling et al. 2019). Thus, it is during play that children create spaces for experiencing and living democracy on their own premises (Sadownik and Starego *in press*). Play is an activity that children want to be part of (Corsaro 2011; Lindqvist 1995; Sadownik 2018; Vygotskij 1978); playing invites child participation in different forms and may establish status, but also a hierarchy among children (Corsaro 2011).

Although play is paramount for young children, it often seems to be taken for granted. When the International Play Association in 2012 made a review of the National reports to the CRC in Geneva, they concluded that very few countries even mentioned play and how Article 31 of the UNCRC was implemented. The review was taken seriously by the CRC and resulted in *General comment No. 13 on article 31* (CRC 2013b). When analyzing the chapters in this book, we may see a similar pattern, not many authors bring up the importance of play or how the right to play is addressed in their countries. Research on play is carried out within different

theoretical paradigms, but all stress the importance of play. The CRC chose to not give one definition of play, but instead described the benefits of playing:

9. Play and recreation are essential to the health and well-being of children and promote the development of creativity, imagination, self-confidence, self-efficacy, as well as physical, social, cognitive and emotional strength and skills. They contribute to all aspects of learning; they are a form of participation in everyday life and are of intrinsic value to the child, purely in terms of the enjoyment and pleasure they afford. Research evidence highlights that playing is also central to children's spontaneous drive for development, and that it performs a significant role in the development of the brain, particularly in the early years. Play and recreation facilitate children's capacities to negotiate, regain emotional balance, resolve conflicts and make decisions. Through their involvement in play and recreation, children learn by doing; they explore and experience the world around them; experiment with new ideas, roles and experiences and in so doing, learn to understand and construct their social position within the world. (CRC 2013b, p. 4)

Although of significant importance, play should not be idealized. We are aware of that play is not always a joyful activity (Lillemyr 2013; Pellegrini 2011), rather it can become an arena for continuous and sometimes hard negotiations of who the child is to be in relation to the other children and how powerful the individual child's voice is in the child community (Corsaro 2011; Grieshaber and McArdle 2010). Play is thus framed by the context and the local culture, a very serious place of social survival and hegemony, where intentions, norms and rules are expressed, negotiated, produced and reproduced (Löfdahl and Hägglund 2006). Thereby, play is an aspect of daily life that is of greatest significance for the child. This is why Katarina Bogatić's chapter from the ECEC services in Croatia is so important as it focus on studying children's time for just playing. She relates to Article 31 of the UNCRC and also the to the collective dimension of rights.

To get together on your own premises and while playing negotiate the reality established in between the real and the imaginary worlds (Bath and Karlsson 2016; Pramling et al. 2019) has become a challenged practice. Play is put in danger either by the learning discourse that simplifies play to a (playful) learning method (Brooker et al. 2014), or the discourse of safety imposing more and more safety rules on ECEC services (Hansen Sandseter 2010). In both scenarios, the results may be replacing child-initiated activities with adult-organized ones. As Bogatić claims, overprotective parents are also limiting children's time for play. Article 31 seen in the light of this collective dimension of rights, will thereby require an understanding of play as an activity with intrinsic value. The school-like tradition of instruction with an instrumental use of play (as a learning method) is not responsive to the ECE traditions of holistic and play-based social learning and development (Pramling et al. 2019). To find a balance between children's agentic collective rights, e.g. in play, and the role of the teacher and how to teach in ECE is an important task for furthering a child rights perspective, both practice and research.

Sadownik (2018) shows in a study that children's possibility to participate in play relies on cultural capital. In the study, migrant children aged 4–6 when entering a play-based kindergarten had difficulties in joining the other children in play. The children struggled to become part of the play, but without necessary language skills, and without a supportive educator, they failed in their attempts of playing,

multiple times. Moreover, some of the children met professionals who assumed that play was the best arena to learn the language and left the children unsupported. Children's participation in play-based kindergartens is based on children's cultural and linguistic resources. Obviously, other obstacles may also block children's access to play, like bullying or bullying-related phenomena. So balancing child participation, there are also situations that require adult participation or interventions of different kinds.

*The third dimension* of collective rights appears also in Ewa Lewandowska's chapter, where the author is mostly interested in how the children perceive their rights and are respected as individual and collective subjects. In the part where the children are talking about their perspectives of freedom of associations, they mention that it is possible to "do some good things" (K7P1), for other people and for the environment. However, on the other hand the chapter also tells about children who articulate a lack of sense of agency, manifested as not having enough power, a sense of lacking initiatives and possible joint actions, undertaken by the children themselves. Here it is clear that the children not necessarily relate to themselves as individuals, but to children as collective.

Some of the children also share narratives of possible actions. This is related to *the fourth dimension* of intergenerational rights. The children are often referring to the adults. Such presumption, present in all the chapters in this part of the book on the children's perspective, is an example of a taken-for-granted-ness and an unawareness of an intergenerational dependence, especially in terms of survival. On the other hand, some children point at the intergenerational sources that are to help: "For the people who do not have a house, I can help build a house with my dad" (K4P2).

This might be understood as an effect of how the adults are collectively described in various ways in all the chapters. The adult collective and their agency seem to be built on the assumption that the implementation of UNCRC requires various social groups and communities to cooperate. The collaboration of socio-political systems (Lewandowska), family policies (Visković), family and ECE settings' daily schedules (Bogatić) as well as socio-economic-educational conditions (Mackey & Hill-Denee), would help all children, and would manifest adult collaboration and agency. Adult collective rights do not have to take agency away from children. Additionally, changes made only with reference to benefitting the perspective of the child, may well be good for the whole society, and not only for children. Collaboration around children's wellbeing is seen as good for all social groups. Analogically, "goodness for all" seems to come to the picture when the cultural majority takes into consideration needs and background of minorities and indigenous groups (See Mackey & Hill-Denee).

The indigenous aspect present in part II of the book, and the recognition of indigenous knowledge that Mackey and Hill-Denee write about, show 'that these dimensions are not mutually exclusive; they overlap and seep into each other' (Davis 2014, p. 24). *The third dimension* of collective rights, *the fourth dimension* about inter-generational rights and *the fifth dimension* about biocentric/ecocentric rights are in their chapter intertwined. The indigenous knowledge on human beings living



in the world build on great respect to all living species and organisms, as well as to non-living systems, like the land. These knowledges, developed in different parts of the world, were focusing on sustaining nature for future generations, by seeing human beings not as capital or centre, but as some of the elements interwoven in the great bio/ecosystem (Murriss 2018).

### ***Children Using their Rights to Complain***

*The fifth dimension* of rights is the least articulated in part II on children's perspectives, and it seems to be the future challenge in the coming years of UNCRC implementation and the efforts for reaching a sustainable world.

On 23 September 2019, Greta Thunberg and 15 children from all over the world filed a formal complaint to the CRC at UNICEF in New York (UNICEF 2019). They argue that governments' lack of decisions to stop climate change is a violation to the UNCRC. The climate crisis is also a crisis for human rights and children are the ones who will suffer most from the consequences of global warming. The children named five countries, Germany, France, Brazil, Argentina, and Turkey, five of the 44 countries that then had ratified the third optional protocol. The children however came from more countries, also India, the Marshall Islands, Nigeria, Palau, South Africa, Sweden, Tunisia, and the USA.

According to the optional protocol (UN 2011), State parties should follow up on the responsibilities they have signed for; to respect, protect and fulfil the rights of the children. The children allege these countries are recklessly causing and perpetuating life-threatening climate change and have failed to take necessary preventive and precautionary measures to respect, protect, and fulfil the petitioners' rights. In particular, the communication alleges that the petitioners' rights to life, survival, and development (Article 6, 27), health (Article 24), education and culture (Articles 28, 29, 30, 31) have been violated. Without vital actions, they argue that the climate crisis will endanger their livelihoods.

Following the optional protocol, the CRC shall address the complaint from the children as soon as possible (UN 2011). First, it must be determined if the communication is admissible, which includes whether the petitioners have exhausted the legal options in their home countries for addressing their concerns. Another point to deal with is that some of the children who filed the communications live in countries that have not ratified the optional protocol. This is the case for Greta Thunberg and Sweden. However, these children have managed to add one more dimension to their struggle. They are acting according to their rights, with relevance to all five dimensions of rights. The children appear to be in the front line, working for biocentric/ecocentric rights.

Children within the *Fridays for future* (Thunberg 2019) movement are united in a demand for State parties to fulfil the obligations made in the Paris treaty 2015 to prevent climate change. The obligations in this, and similar treaties, the goals and the values may thus be understood as universal, valid for all and everywhere. Here,

children actively participate in society, pointing at disastrous omissions from politicians and passivity from adults. The way we handle the *Fridays for future*-movement, and also the COVID-19 pandemic, is an important measure of how we manage to uphold democracy (Kvamme 2020). There is a need to shift perspectives. Children and young adults are in majority of the humans to live after 2030. Children and what children say, what they propose must be put in the centre of development and decision making (Kvamme 2020).

### **The Dimensions of Rights in Part 3 on Educational Perspectives**

The authors in part 3 come from Argentina, Australia, Korea, Norway, Spain and the United Kingdom. Following Davis' (2014) five dimensions of rights, all chapters on educational perspectives presented in part 3 are in line with *the first dimension* – supporting children's right to education as foundational.

There is a common understanding that the right to education is a prerequisite to reach all other rights (Lundy 2012), in parallel, SDGoal no 4 on Education is a prerequisite to reach all other SDGs, as collection of rights. Verity Campbell-Barr joins this way of reasoning by quoting the UN Sustainable Development Goal 4.2 about quality early childhood education for all girls and boys by 2030. The very existence of this goal highlights the inequalities in access to ECEC. She points at the adult responsibility to uphold and respect the UNCRC. In ECE institutions, teachers and educators must be well informed on child rights perspectives to better understand children's experiences.

Collaboration between policy and education can make a change and open for a broader understanding of the dimension of rights and the fulfilment of the sustainable development goals. Transformative education for change is based on always relating multiple perspectives to each other (Gothenburg recommendations 2008). These perspectives include space, time, culture and different disciplines, as well as a non-anthropocentric dimension. The right to education thus cannot properly be described as simply a right 'to' education in the way that there is a right to an adequate standard of living or access to healthcare (Lundy 2012).

### ***The State of the Art***

30 years after the adoption of the UNCRC, the authors in this book show that children's rights are still violated all over the world. Children's right to education is founded on four pillars – availability, accessibility, acceptability and adaptability. Unfortunately, all of them are challenged. Enrolment of the youngest children (birth to two) in ECE is on average 32%, and in Europe, it varies from less than 1% in

Turkey to 60% in Luxembourg, Iceland, and the Netherlands (OECD 2019). Enrolment rate for children aged three to five is generally high, but there are still countries, i.e. Saudi Arabia and South Africa, where less than 20% of the children attend ECE institutions.

Barriers to participation in high quality ECEC remain also in Europe (European Commission 2020). The report *Equity in school education in Europe* confirms that there are clear benefits for children who participate in early childhood education and care (ECEC) in terms of their overall development and academic performance, and this is especially valid for disadvantaged students. The report concludes:

Nevertheless, survey data reveal that in the majority of European countries, children from disadvantaged families participate less in ECEC. Policies for improving equity in ECEC include extending access (both universal and targeted) as well as improving the quality of provision. Other important measures address the challenges faced by disadvantaged families such as cost, cultural and linguistic barriers and lack of information. (European Commission, 2020, p. 14)

Early education is most important for vulnerable children (UNESCO 2019), these are to be treated as children with special rights (see Article 23, UNCRC). However, 56% of these children do not have access to ECE (UNESCO 2019). Similar, not fulfilled obligations for young children are common amongst refugees and asylum seekers (see Article 28, UNCRC). This here presented data represents a strong motivation for governments and national policies to change their policy and resource allocation to ensure the best interests for the children.

Farrell, in this book, states that the legislative and policy drivers in the UNCRC to provide ECE institutions may provide the conditions under which children's rights can be realized, holistic human rights, as in the *Early Years Learning Framework*:

All children have the right to an education that lays a foundation for the rest of their lives, maximizes their ability, and respects their family, cultural and other identities and languages ... children have the right to play and be active participants in all matters affecting their lives (Commonwealth of Australia 2009, p. 5).

According to the national curricula for the preschool in e.g. Sweden (NAFE 2018) and Australia (Commonwealth of Australia 2009), preschools should express a child-centred humanistic perspective where children have equal rights to be listened to and to participate in democratic processes. Children are increasingly regarded as competent actors on their own terms (Dahmen 2014; Pramling et al. 2019). Childhoods are perceived as social, cultural and historic phenomena. From an objectifying position, waiting to *becoming* adults, on to a position where children were to be treated primarily as human *beings*, we have now entered a new phase: "Today, children and adults are considered, at the same time, as *beings* (as agents in the present) and *becomings* (in development)" (Pramling et al. 2019, p. 6). Wall (2010) calls this a time for *childism*, to be understood as an emancipating concept, in comparison with the concept feminism. Gustafsson (2019) describes three aspects that characterize the child in our time: 1) children are human beings, not becoming beings, 2) every child may bring something new and unique to us and, 3) a child is

a rights partaker. Dahmen (2014) points at living in educational institutions gives opportunities to learn, understand and live individual and collective rights.

Facilitating the child's holistic development and reaching their full potential is a task often delegated to the sector of early childhood education (ECE) and schools, what again raises questions about their quality. The ECE sector is acknowledged for "laying solid foundations for learning at school and throughout life" (European Commission 2019, p. 1), but also for poverty reduction, gender equality, migrant integration, social coherence, and social cohesion (Council of the European Union 2019; EENEE 2018; Eurydice 2019; OECD 2006). These impressive goals do, however, depend on and require high quality ECE centres. Otherwise, participation in low quality settings can lead to the opposite results (Council of the European Union 2019). Thus, high quality education and care centres are inseparable from implementing UNCRC, and that public investments in ECE are important for fulfilling the UNCRC in local policies.

### *The UNCRC Is Not Well-Known*

From many national reports, surveys show that neither the children, nor professionals or other adults know enough about the UNCRC. In Norway, even among relevant professional groups, the knowledge of the rights of the child remains insufficient (CRC 2018). In 2019 in Sweden, only half of the 11-year-olds could relate some content from the UNCRC. This is remarkably a low number, in a well-educated country with a reputation of being child friendly. Among the population at large, 95% knew of the UNCRC, but only 41% knew any of the content (Ombudsman for children 2020). Women knew more about the UNCRC than men, and the knowledge increased with the level of education.

Early childhood education should not be limited to ensuring the introduction level of the rights to children and adults, but encompass a broader perspective (Maleš et al. 2003) and therefore include education *about* children's rights, *for* children rights and *in a child rights friendly environment*. Education about and for children's rights includes knowledge and positive attitudes towards understanding the UNCRC, as covered by *the first two dimensions* of rights (Davis 2014). Alderson (2018) clarifies that children seldom know, or understand, their rights, so adults should help their emancipation. Education institutions should take responsibility to teach about children rights. However, he asks, are we prepared enough, based on this example:

... at a well-attended national conference about children's rights for university lecturers of educational psychology, when asked, not one person said they had read the UNCRC. (Alderson 2018, p. 183)

Implementing the UNCRC is part of Article 42, and State parties are required to come up with a strategy to continuously ensure all children knowledge of their rights, and to inform professionals and the society at large (CRC, 2015).

## ***The Importance of Quality Early Childhood Professionals***

The poor knowledge about the UNCRC makes it necessary to address the issue of the quality of the education and care services children attend daily. As the quality is reported to depend on an educated, professional, and competent workforce (Council or European Union 2019), it is of importance to strengthen initial teacher education, but also continuous professional development. The heterogeneity and diversity of modern societies, together with complexities of human relationships and their needs, may not be met by one-fit-all standards, but require reflective teachers (Sharmahd et al. 2017). Farrell and Pramling Samuelsson (2016) discuss the variety of backgrounds and life experiences early childhood teachers meet every day. Teachers must be able to see individual children and their best interests in the context of their complicated trajectories and often contradictory needs. This is of particular importance in case of children from migrant and indigenous families, but also for children from difficult family backgrounds and poor households.

The UNCRC (1989) could be understood as offering a universal language on children's rights. However, countries around the world bear witness of different understandings of the rights, regarding the children's social, cultural, and economic backgrounds. In today's world, where one in eight people is migrating (UNESCO 2019), education faces a very diverse group of learners. Teachers must have the skills to organize quality education despite depopulation in small rural communities, or in urban areas, with high turnover of children and staff. The right to education is both an individual and a collective right and may be considered as a prerequisite to reach the *ffth dimension* of rights (Davis 2014).

Education in children's rights leans on a supportive atmosphere and assumes informed and engaged professionals. Education about children's rights should be part of the initial teacher education (Osler and Starkey 2017), this in order to avoid disrespecting children's rights, based on ignorance, superficiality, preoccupation with other problems and bad experiences in their childhood (Maleš et al. 2003). Robson (2016) questions whether ECE teachers have the necessary knowledge to create a child rights environment, given that the Teacher Standards in England hardly mention children's rights. Ann Farrell, in her chapter, also enhances the need for right-based guidelines such as *Early Childhood Australia Code of Ethics*. Regardless of the (non)existence of professional standards that include children's rights, teachers' professional ethics presuppose their obligation to assume the role of promoter and protector of children's rights (Robinson and Vaealiki 2015).

## ***Children as Agents***

Turning to *the second dimension* about recognising children's agentic participation rights, it may be discussed if it is possible to rethink education, in order to uphold children's rights, without letting the children be active and agentic members of the

society (Davis 2014). Bennett Woodhouse (2003) states that a child centred approach within the child rights movement should ensure children the right to participation, and this is not just a question of respect, but something to be actively pursued, i.e. by incorporating children's voices in the development of projects, documents and/or curricula. Therefore, the initiative described here by Park and her co-authors is a step forward to including children as agentic participants in building collective and intergenerational rights. Eunhye Park and her associates report about the lack of considering and implementing children's rights when planning project for children.

Living in a multicultural, diverse society presupposes coexistence in educational institutions. Analía Mignaton gives in her chapter insight in understanding children's collective rights, *the third dimension* of rights (Davis 2014). Examining collective rights means considering that the situation probably is different from the perspective of diverse groups in the society and in families, which might be challenging. Different child rearing styles nurture different approaches to children's rights as constructed in the UNCRC (Dahmen 2014). These different styles come together in educational institutions. Education is thus given *a task* to address children's previous individual experiences in order to reach and respect collective rights.

Both Concepción Sánchez-Blanco and Berit Bae approach, in their chapters, the agentic participation rights and collective rights. While Sánchez-Blanco refers to children's perspectives as a contribution to children's rights, Bae refers to an educational policy perspective. Children's perspectives are mirrored in the agentic participation rights by their readiness to share ideas and to take an active role in society. In contrast, an educational policy perspective presents children's active role as it is perceived by adults. To ensure respecting the core principles of the UNCRC, neither the individuals (as presented by Sánchez-Blanco), nor the community (as presented by Bae) should take sole responsibility. Children understand the world differently than adults do (MacNaughton et al. 2007). Campbell-Barr's deliberation around the meaning of child participation makes her question whether children's participation is neglected simply because adults do not understand, or realise, the meaning of participation.

The experience of alienation, exclusion or other forms of discrimination tend to occur in life-stories of youth who at some point radicalise their worldview and join right wing or terror organizations (European Commission 2016; Grattan 2008). That makes the way in which educational and care institutions meet cultural and religious diversity and what friendships and life trajectories they can enable among children and parental group an important aspect of their quality.

Additionally, Mignaton presents a unique approach to the culture of parenting and education in Argentina and addresses also in this way *the fourth*, intergenerational *dimension* of rights (Davis 2014). An intergenerational approach to children's rights might be understood as equalising power between children and adults (Reynaert and Roose 2014). It is about promoting communication between older, even historic, generations, the ones living here and now and, most importantly, the ones that are to live in the future. Alderson (2018), furthering this thought, discusses if children should have the possibility to intervene into the UNCRC, giving them the real power proposed in that document.

Ann Farrell re-questions the position of children within their agency and participation. She points out that the best interests of the child should become a primary national interest. Even though Australia is advancing children's rights, e.g. by the *National Quality Framework*, there is a scarcity of effectively shared power between children and adults. Even though contemporary ECE curricula are founded on child-centred principles, child centredness is most often represented by adult constructions of children's perspectives (Sommer et al. 2010). Farrell suggests making a habit of shifting perspectives, and thereby shifting the power between children and adults, instead of the current illusion of adult-child sharing. An empowered child may influence local and global changes. Eunhye Park and her associates are focusing on developing approaches towards respecting the child as one who has impact in the world. A systematic review by Correia et al. (2019) expressed concern over the lack of shared decision-making and power-sharing between educators and children in early childhood. Ann Farrell and Eunhye Park, together with her associates, are addressing concern with the lack of research on children's rights and are moving towards *the fifth dimension* of biocentric/ecocentric rights (Davis 2014).

Elliott et al. (2020) argue that it is necessary to develop new ways of thinking and acting to make a sustainable future possible. Critical in the process is to challenge the orthodoxies, e.g. in conceptions, notions, and dogma, that allow unsustainable structures to remain within education and society. Equally important is to scrutinise the complex and intertwined relationships between humans and nature. Humans cannot manage without clean water, clean air and food, and as the COVID-19-pandemic and the climate crisis show, time is running scarce (Elliott et al. 2020).

## Milestones, Challenges, and Recommendations

In this book, our contributors have been asked to write about their specific countries and contexts. The UNCRC is an international treaty, ratified by State parties, and it applies to all children. However, children are living in different countries and under specific citizenships. Nevertheless, the chapters bear witness of the importance of the UNCRC for moving the status of children forwards toward becoming respected citizens in their own contexts. During these 30 years, we have seen children's rights continuously being strengthened in constitutions, among the public, in children and their teachers around the world (Engdahl 2019). However, many rights for children still remain to be implemented, and we have a huge task in front of us to ensure all the world's children become rights bearers and rights partakers, and that a child rights perspective permeates our societies.

Children in the world, 30 years after the UNCRC was adopted, are living under unequal conditions and interpretations of their rights, and they individually have diverse needs and interests. There are still children who, for one or the other reason, do not know of their rights, lack a safe home and quality education and care, the right to play, health and well-being. Sustainable futures for all will require work in



the different dimensions of the rights with various groups of children and their families around the world, but safeguarding the UNCRC for all, is a must.

In this final section, we will elaborate on children's rights in four areas: the importance of education, the need to widen the concept of rights, the allocating of resources and the importance of giving voice to and listening to children.

## ***Reorienting Education***

The primary question in this book is *What does the children's rights mean today?* It has been made clear that the right to education is a prerequisite to reach all other rights. If children do not know of their rights, the society has failed to implement the UNCRC. If adults do not give priority to children, then human values are at risk. In this, education plays a crucial role. Education enables individuals to grow, to communicate and to understand more of the surrounding world.

It is not enough to adopt international treaties and to ratify UN conventions, if the society continues to do business as usual, without opening to the new challenges that lie in e.g. climate change, pandemics, and unsustainable lifestyles. Today, education cannot follow old curricula from the nineteen hundreds, both the children and the content have changed. We must reorient education towards the foundational principles of the UNCRC: no discrimination, making decisions in the best interests of the children, ensure all children's right to life, survival and development and promoting the children's right to give voice and to be listened to. For the Decade for Education for sustainable development 2005–2014, UNESCO argued for a reorientation where formal, informal, and non-formal education and learning processes for sustainability must be strengthened and prioritized. This reorientation was illustrated in some key education principles that still are highly relevant, also in education about human rights (UNESCO 2005):

- interdisciplinary and holistic
- values-driven
- critical thinking and problem solving
- multi method
- participatory decision making
- applicability and
- locally relevant.

Ann Farrell, in her chapter, underlines the importance of education in these times. Education has the enormous challenge of reorienting curricula and learning processes towards sustainability and ensuring professional development of educators to take up these new challenges. Such education should be a dialogic and participatory process of play-responsive teaching and learning which values the knowledge and experience that the children bring to education (Pramling et al. 2019). The EU policy (Sharmahd et al. 2017) stressing the importance of professional learning communities (PLC) of staff working at ECE settings, with time and

resources to continuously reflect over their own practice, gives hope and support for a strengthened child perspective.

### ***Broadening the Concept of Rights in ECE***

As we are writing this book, there are ongoing wars in the Middle east and Africa, huge numbers of people are fleeing and migrating also in Latin America, extreme numbers of people, as much as 40% of them children, are living in refugee camps. Some children are not registered in any state system or live in a forced displacement situation. The UNCRC includes basic rights to life, survival and development, and the right to play and to participation also for these global children. Boldermo and Eriksen Ødegaard (2019), in a research review, point at the shortage of research on migrant children, their childhoods and experiences. Under what conditions are young migrant children living? What does a prolonged everyday life outside of ordinary local and societies imply? According to the researchers, such questions should be addressed urgently, in order to approach social sustainability. Collectively, we must address these challenges, advocating for the allocation of resources to ensure the rights of the UNCRC also for these groups of children.

In 2020, it is also the time when the corona virus spread around the world and developed into the COVID-19-pandemic. We are writing this chapter during the months when the virus upset all aspects of society and illustrated the need for ethical and political leadership. There is an increasing focus on the human-animal environment disease interface. The COVID-19 is a virus that originated from contact with animals, in this case a seafood and animal market in Wuhan, China. These kinds of infections demand action and investment in prevention to face novel challenges to human and animal health. Kock et al. (2020, p. 87) states: “The frequency, severity, and financial impacts of these events are growing, and the world can no longer afford to just wait and see”. But governments and civil society have not been heeding these warnings (Kock et al. 2020). What lessons will be learned and how will we, humanity, change in the aftermath of this pandemic? We need solutions for a future and just world with ten billion inhabitants. Otherwise, if we just go back to living as before, climate catastrophes, ecological collapses and deadly pandemic crises will continue. Quoting from the Agenda 21-summit in Rio in 1992, we want to stress that all steps in the future must include the children:

Children not only will inherit the responsibility of looking after the Earth, but in many developing countries they comprise nearly half the population. The specific interests of children need to be taken fully into account in the participatory process on environment and development in order to safeguard the future sustainability of any actions taken to improve the environment. (UN 1992, chapter 25:12)

We have as a theoretical framework for this chapter used the model of five dimensions of rights (Davis 2014). The model enables ECE professionals to combine values, rights, and sustainability in their ECE. Young children know a lot more than

adults think, and they are interested in issues related to sustainability. Melting icebergs, the extinction of living species, global warming and polluted sea are examples of crucial planet boundaries that are at their tipping points (IPCC 2019; Lenton et al. 2019; Rockström et al. 2009). We hope that the year 2021 will mark the cross-road when the biocentric and ecocentric rights of the planet, living and non-living, finally became trusted and valued information for all kinds of decision makings and education.

The pandemic has in 2020 affected and changed the lives and routines for young children, often with huge limitations on the children's vital need to play, move and relate with their peers, and with reduced social contacts beyond the family. However, we do not know the outcome or the effects of the COVID-19 pandemic. Education changed radically and was moved to the on-line sphere as most countries chose to close preschools, schools, and universities. A universal recommendation of social distancing, 1–2 metres apart, was implemented around the world. However, on social distancing, this cannot be a strict recommendation in ECEC. Characteristically, young children's play and communication lean on relationships, gestures, hugs, physical contact, body language and facial expression, and this is also fundamental within ECEC.

UNESCO (2020) were quick in offering advice on distance learning solutions for primary and secondary schools and for universities, but there were no recommendations for ECE. From the previously common debate about how many hours a young child could spend without harm in front of a screen, ECE teachers were now asked to organize online activities for children and families. Being forced to stay at home under quarantine restrictions is stressful for both parents and children. Teachers started to build online kindergartens offering children everyday contacts with their peers and teachers, trying to help both children and parents to cope with the new situation. Researchers and teachers express concern about the possible effects upon children of extended school closures, particularly about children with special needs and those who are especially vulnerable due to other life circumstances. There is a risk for increased violence and child abuse in the homes, and reports on such negative behaviour as well as of poverty and hungry children are increasing (CNGO 2020; Dalton et al. 2020).

After many months in lockdown, the crucial importance of children's access to ECEC became obvious, and thus State parties began to reopen preschools, supported by recommendations, such as:

- Sick people (children, teachers, parents) should not be in preschool.
- Remember good hygiene, frequent hand washing, stricter sanitation requirements and extra cleaning.
- Reduce the contact frequency between people; staff should not go between multiple groups or between preschools; meetings and conferences could most often be virtual.
- Reorganize to smaller group sizes with fewer children per teacher.
- Arranging as much as possible of the play and education out-doors, and no parents allowed indoors.

According to the UNCRC, young children are citizens, and during and after the pandemic State parties must consider their specific rights to play, education, care, health, economy, and social support. The pandemic activates many new questions for research on the rights of young children, to be discussed, and later evaluated. How are the children's right to participation met? Can an online kindergarten, followed in one's home, be acceptable? For how many hours, if any, can you schedule young children to be seated in front of screens?

### *The Allocation of Resources for ECE*

Implementing the UNCRC is linked not only to human resources, but also to economic resources. In many chapters in this book, the authors exemplify lacking equivalence and too few ECE settings with references to insufficient funding. At the same time, resources were found when fighting the COVID-19 pandemic, and to counteract the effects of shutdowns of workplaces, although clearly, these resources were not in the budget at the beginning of 2020. The way in which the world emerges from the COVID-19 crisis will have consequences for tackling climate change. Governments worldwide in October 2020 have committed over 12,000 billion US Dollar to recover from the Covid-19 pandemic (Andrijevic and Rogelj 2020). Meeting the goals of the Paris Agreement does only need 10% of that enormous amount of resources. So, this would be a good opportunity to advocate for directing some of these post COVID-19 resources to ESD and also to ECEC.

Among economists, there is a growing movement questioning the traditional way to talk financing, budgeting, and economy. Raworth (2017) argues for a new economic paradigm called *doughnut economics*. It is related to the research on planet boundaries (Rockström et al. 2009) and adds to the boundaries, who are founded within natural science. The tipping points mark the limits for the planet, but there is a need for addressing also social and cultural values for a sustainable future. We should strive for living in balance between social and environmental boundaries.

In Fig. 17.2, the outer circle shows the planet boundaries and marks that there is an ecological ceiling. In the middle, the social and cultural values and necessities are described. In between, in the green doughnut, there is a safe and just space for humanity, linked to a regenerative and distributive economy. Although we only introduce this new economic paradigm here in this concluding chapter, we really want to highlight that there are new theories for sustainability in environmental social, cultural, and economic dimensions.

A few years after the Agenda 21 was adopted (UN 1992), politicians and decision makers started to ask for green analyses and consequences to be included in budgets. In a few years, the doughnut model has the power to make a corresponding change in the ways costs and investments are presented and asked for. Human well-being could, according to Raworth (2017), be operationalized by the UN sustainable goals as the foundation of the economy of the twenty-first century, instead of using the Gross Domestic Product (GDP). Organizing the global and local

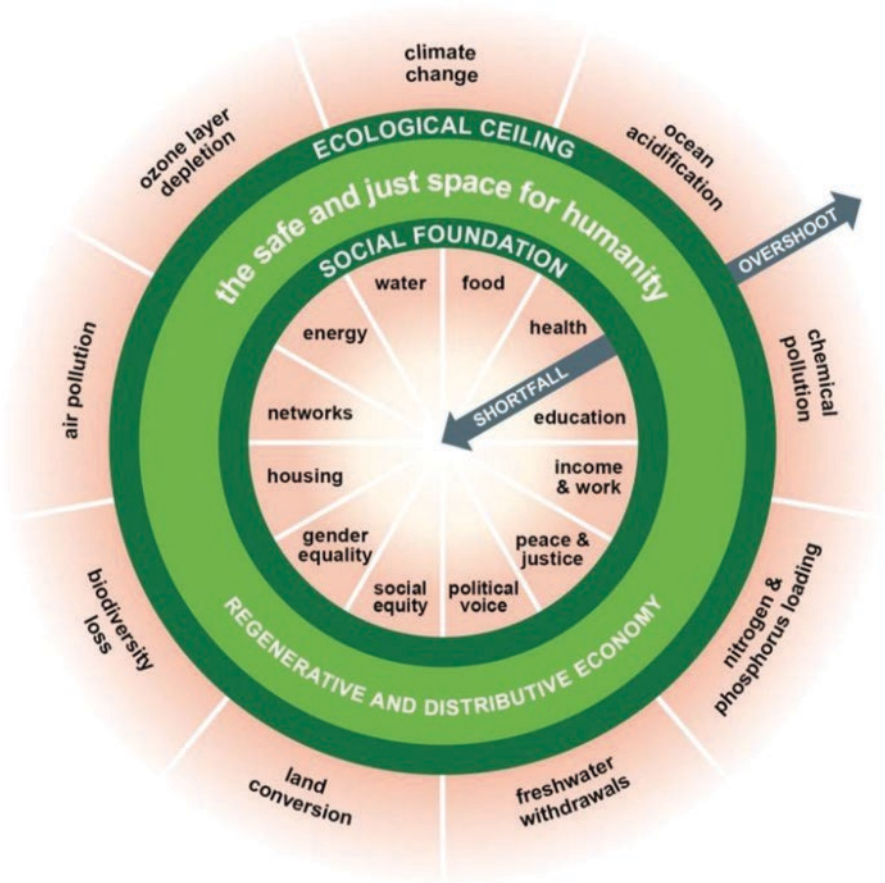


Fig. 17.2 The safe and just doughnut. (Raworth 2017, p. 218)

economies around general well-being for the planet and for humans may thus be the necessary basis for the realization of all children’s rights. In 2020, Amsterdam seems to become the first city in the world to implement this model. When the COVID-19 crisis unmasked that a lot of people were living at the edge of poverty, the local government in one of the world’s richest and voted a best-to-live-in metropole, stated that another kind of budgeting and resource allocating was needed. As Raworth (2017) puts it, it is high time to organize our economies on values that really matter in the twenty-first century, as e.g. human rights for all children.

## *Children's participation*

As shown by many authors in this book, children's perspectives are of great importance today and for the future, and children have the right to be listened to and recognized in institutions where children participate directly and indirectly. The institutions of ECE must recognize children as the most important stakeholders, and their perspectives, thoughts and ideas shall provide starting points for developmental projects and improvements of education. ECEC quality is reported to be depending on the staff's competence to reflect over their own practice, while in these reflections striving to approach the perspective of the child (Sadownik and Grindheim *in press*).

Reorienting education to being based on the principle of child participation seems to be hard to realize. Although it is more common today to accept what is stated in Articles 12–14 in the UNCRC, that children have the right to be involved and to be heard in matters that are affecting them, the tradition that adults know what is best for children remains. Additionally, there is a long tradition of experts being allowed to define what is quality in ECE. Experts, e.g. in psychological and physical development, nutrition, and around safety, have been asked for their opinion about standards that should be met to ensure good, healthy development for children. Now is the time also to ask the children:

But what about of the influence of the primary users – the children themselves? Is anyone interested in the kind of daily life the children want? Does anyone regard children as experts when it comes to their own lives? (Langsted 1994, pp. 28–29).

Children's voices should be respected and treated as important, especially in ECE institutions created for them, but also in the society, in the intergenerational dialogue on issues that are of intergenerational importance. The *Fridays for future*-movement is an example of how children's voices reach the global political agenda, and the decision-makers at local, national, and international levels. The UNCRC empowers the right for these voices albeit coming from a social group that is not yet allowed to vote.

The child's right to grow up with the parents is clearly stated in the UNCRC. The ECE settings are arenas where professionals are obliged to collaborate with parents in the best interests of the child. The Norwegian Kindergarten Act argues:

The Kindergarten must, in collaboration and close understanding with the home, safeguard the children's need for care and play, and promote learning and formation as a basis for an all-round development. (Kindergarten Act, 2005, section 1)

The children's right to participation is also valid in the arenas of families, where on the other hand and formally speaking, the parents have full authority over their own children. In this book, authors have shown differences in parenting styles about to which degree the child's voice will be heard and affect the family decisions. Scandinavian countries represent a political context where the parental power over children is mediated and controlled by the state, and where Articles 12–14 are starting to be implemented. In the US, as a contrast, it is common to accept total control



of the children by their parents. In some chapters, an acceptance in society of corporal punishment is reported, which is a major violation of children's right to participation. These kinds of issues refer to children's right to be listened to and respected in an intergenerational dimension. However, respect for children's perspective is also about recognizing children's activities, activities that they initiate themselves, and run on their own premises, like play. Creating conditions and time for play in ECEC services is an important way of enabling child participation, as children in play invite adults to share their worlds.

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This book has circled around the question *What do the children's rights mean today?* 30 years after the adoption of the UNCRC, it is the most ratified of the conventions of the United Nations. The State parties have been urged to, and improved, the life and living conditions for children around the world, albeit to a varying degree. As shown by the authors, the UNCRC is of the highest priority, for the children and for the world. Our analysis of the implementation of children's rights has shown that it is no longer only about children and their health and well-being, education and care, participation, and freedom of association. To a larger degree, the examinations of the State parties implementation of the UNCRC show that the convention is strongly related to the contexts in which the children are living: ecological, economic, and socio-cultural.

The Corona crisis has shown how connected we are around the Globe. This crisis overshadowed for some time the climate crisis, however, both crises show that we are not living in a sustainable way. The Corona crisis can be seen as a health crisis, the climate crisis as an environmental crisis. Both, however, are linked and proofs of an existential crisis for our whole civilisation. The strong actions taken to stop COVID-19 show that change is possible. There are ways to continue decreasing the carbon dioxide levels and to restrain global warming, to implement the ecocentric/biocentric rights. Our generation is probably one of the last that based on the complexity of the situation can and must take responsibility to accomplish the challenging changes. It is of highest importance to strengthen a sustainable and just road, in the best interests of the children, for humankind and for the planet.

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