

# *Rights from the start:*

## *ECD and the Convention on the Rights of the Child (CRC)*

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### *The ECD community and the Convention on the Rights of the Child*

*The Convention on the Rights of the Child is the most widely ratified human rights instrument; it is undoubtedly also the most widely accepted framework for action in favour of young children. There is an undeniable commitment on the part of the international community to use the provisions of the Convention as an agenda for action. It guides international efforts to identify the persisting life conditions that put very young children at risk and pre-empt their healthy and optimum growth and development. The Convention can be used to actively promote the quality of care – through policies and practices – that young children need and are entitled to as a part of their basic human rights. It offers child advocates, such as those of us in the ECD community, and States Parties the opportunity to define a truly forward looking and proactive strategy to promote and protect the rights of all children.*

The fact is that we have an international treaty that integrates the civil, political, economic and social rights of children – young children included. However, eleven years after the ratification of the Convention and ten years after the World Summit for Children, we in the ECD community continue to face some big challenges. Young children are too often excluded, and their particular conditions and needs are invisible within discussions of this international treaty. The challenge is to make the most of the opportunities offered by the CRC, to inform and mobilise all those who are responsible for young children's care

and for ensuring their development, including policy makers. Whether in rich or poor countries the ECD community must continue to remind governments, as States Parties, about their obligations to young children: *'...The options before leaders who are striving to do what's best for children and best for their country seem obvious: assure that every child, without exception, is registered at birth and starts life safe from violence, with adequate nutrition, clean water, proper sanitation, primary health care and cognitive and psychosocial stimulation, or fail their moral and legal obligations as set forth in the Convention on the Rights of the*

*Child' (Carol Bellamy, The State of the World's Children 2001 UNICEF)*

We must, therefore, ensure that national and local policies translate into concrete and sustained commitments for young children, and that there are sufficient resources allocated for quality ECD programmes and services.

To meet this challenge, we face the continuing need to educate all stakeholders about the importance of ECD, and the benefits of quality early childhood experiences, not only to the child, the caregiver and the family, but also to the community and society.

Our task is to make a clear link between 'the responsibility of all States Parties to implement the Convention for the full protection and promotion of the rights of all children' and ECD within our local and national settings. The link is this: protecting children's rights can only be accomplished by providing quality holistic attention from the start.

In essence, the Convention on the Rights of the Child can be a very effective advocacy tool for young children and families. It encourages States Parties to introduce or revise domestic legislation in order to ensure affirmative action for those young

# Preamble

## *The United Nations Convention on the Rights of the Child 1989*

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognising that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognised in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialised agencies and international organisations concerned with the welfare of children.

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, 'the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth',

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognising that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognising the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries .....

children in the greatest need and those who live in vulnerable conditions. The monitoring mechanisms and reporting requirements offer many opportunities to clarify how the goals, objectives and programming strategies in ECD relate to the articles of the Convention. Targets set out in National Plans of Action (NPAs) that are a requirement of the CRC for implementation of the Convention at country level can allow those of us within the early childhood community to advocate for more comprehensive and clearly articulated National goals for ECD. It is imperative that we monitor these National Plans of Action and implementation targets to make sure young children do not disappear.

Linked to that advocacy process, we need to initiate information, education and communication (IEC) activities to generate more awareness and broader political support for ECD programmes at both national and local levels of government. We must keep the message present in the public eye: that harmonising domestic law and establishing enabling policies for improved access to quality ECD programmes are two of the most important requirements for States

Parties in order to effectively fulfil their commitments as signatories to the Convention. Our message to policy makers: legislation and policies related to ECD can – and should – be a priority focus.

#### Through an ECD lens: understanding the Convention on the Rights of the Child

An international treaty can easily remain at the level of rhetoric and abstractions to which lip service is paid. After the lengthy debates leading to its drafting and the intense lobbying for its ratification, there is indeed a danger that it will simply gather dust and be forgotten, only to be pulled out and drawn upon when an extreme case calls for its use. But an international treaty can also be brought to life by those who care enough to use it and maximise its potential. By translating the principles and articles of the CRC into more concrete terms, we can all help to bring it a step closer to full implementation.

The UN Convention on the Rights of the Child is one of those international treaties that was not only kept alive and as visible as possible, but that continues

to be studied and interpreted by the UN Committee on the Rights of the Child, human rights specialists and the global children's rights movement, with the goal of making it a reality for all the world's children.

An overview of the general principles and the specific Articles of the Convention that are directly related to early childhood care and development may assist us in our work of promoting and protecting the rights of young children and of educating all stakeholders about their rights.

#### General principles of the Convention on the Rights of the Child

The Committee on the Rights of the Child has repeatedly emphasised that the Convention should be considered as a whole, and interpreted in an integrated manner that builds on the interrelationships among all the Articles, particularly Articles 2, 3, 6 and 12, which it has elevated to the status of general principles.

#### *Non-discrimination: ensuring the rights of each child: Article 2*

1. States Parties shall respect and

ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

The fundamental obligations of States Parties in relation to the rights outlined in the Convention – to 'respect and ensure' all the rights of all children without discrimination of any kind, are established in the first paragraph of Article 2, along with Articles 3(2) and 4. Article 2 addresses the topic of discrimination in relation to the enjoyment of rights, and it requires action against 'all forms of discrimination' beyond the issues raised by the Convention.

The non-discrimination principle, however, does not pre-empt affirmative action for children. The Convention specifies that special attention needs to be given to the many (young) children who belong to vulnerable and disadvantaged communities. Poverty is clearly a major cause of discrimination that affects children in both rich and poor countries. The Committee has emphasised that implementing this Article must 'not be made dependent on resource and budgetary constraints'. When governments cut down on public spending, resources for public ECD programmes, which are primarily the more accessible services for children from disadvantaged communities, usually fall victim, unless there is a clear political commitment to ECD.

Other articles of the Convention highlight the need to pay special attention to particular groups of children, in an effort to concretise the non-discrimination principle. These groups are often the ones that the ECD programmes in different countries have been trying to reach: children without families (Art. 20), refugee children

(Art. 22), disabled children (Art. 23), children of indigenous communities (Art. 30), and children in situations of armed conflict (Art. 38).

*In their best interests: Article 3*

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, and in the number and suitability of their staff, as well as competent supervision.

One of the changes brought about through the CRC Accord is that it allows us to shift the discourse on young children from NEEDS to RIGHTS. Instead of saying: 'we must meet children's needs', then arguing whether survival, health, or education are more pressing needs, we are now challenged to think of the situation in terms of children's rights to survive and thrive as whole human beings. And because the CRC states clearly that there is no hierarchy of rights (the right to safety is not more important than the right to develop to one's full potential, for example), using the CRC in our work can help support arguments for holistic attention to children.

***A Rights Perspective Compared to a Needs Perspective on ECCD***

NEEDS PERSPECTIVE	RIGHTS PERSPECTIVE
- Child is a passive recipient	- Child is an active participant
- Needs imply goals – including partial goals (eg, 90 percent of girls should be enrolled)	- Rights imply that all children (100 percent) should be served
- Needs can be met without sustainability	- Rights must be met with sustainability
- Needs can be ranked in a hierarchy	- Rights cannot be hierarchically organised
- Needs do not necessarily imply duties	- Rights involve duties
- Needs are associated with promises	- Rights are associated with obligations
- Needs may vary across cultures and settings	- Rights are universal
- Needs can be met through charity	- Charity is not acceptable in a rights approach
- Meeting needs often depends on political will	- Realising rights depends on political choice

Source: Jonsson U 'A Rights Compared to a Needs Perspective on ECCD' (1998): UNICEF Regional Office for South Asia.

In essence, a Rights approach helps us get beyond the view of work with disadvantaged young children as charity work with needy beneficiaries, and repositions ECD as an essential part of the effort to create strong and healthy societies with citizens who are able to participate.

PROGRAMME STRATEGY	FOCUS OF THE INTERVENTION	OBJECTIVE	MODELS/APPROACHES
1. Deliver a service to children	the child 0-8	<ul style="list-style-type: none"> <li>• ensure survival</li> <li>• promote health/nutrition</li> <li>• support comprehensive development</li> <li>• promote socialisation</li> <li>• develop rehabilitation services</li> <li>• create child care</li> <li>• encourage school achievement</li> </ul>	<ul style="list-style-type: none"> <li>• maternal/child health</li> <li>• home day care</li> <li>• centre-based programme</li> <li>• 'add on' centres</li> <li>• school (formal; non-formal)</li> <li>• distance education</li> <li>• comprehensive child development programme</li> <li>• religious school</li> </ul>
2. Support/educate caregivers	<ul style="list-style-type: none"> <li>• Parents/family members</li> <li>• caregivers</li> <li>• teachers/educators</li> <li>• siblings</li> <li>• elders and other community members</li> </ul>	<ul style="list-style-type: none"> <li>• create awareness</li> <li>• increase knowledge</li> <li>• change attitudes</li> <li>• improve/change practices</li> <li>• enhance skills</li> </ul>	<ul style="list-style-type: none"> <li>• home visiting</li> <li>• parent education courses</li> <li>• Child-to-Child</li> <li>• family life education</li> <li>• support networks for parents/caregivers</li> </ul>
3. Promote child-centred community development	<ul style="list-style-type: none"> <li>• community members</li> <li>• leaders/elders</li> <li>• community health workers</li> <li>• community organisers</li> </ul>	<ul style="list-style-type: none"> <li>• create awareness</li> <li>• mobilise for action</li> <li>• change conditions</li> <li>• take on ownership of programme</li> </ul>	<ul style="list-style-type: none"> <li>• social marketing</li> <li>• social mobilisation</li> <li>• technical mobilisation</li> <li>• literacy programmes</li> <li>• school curriculum</li> <li>• media</li> </ul>
4. Strengthen national resources and capability	<ul style="list-style-type: none"> <li>• programme personnel</li> <li>• supervisors</li> <li>• management staff</li> <li>• professionals</li> <li>• paraprofessionals</li> <li>• researchers</li> </ul>	<ul style="list-style-type: none"> <li>• increase knowledge</li> <li>• enhance skills</li> <li>• change behaviours</li> <li>• strengthen and sustain organisations</li> <li>• enhance local capability</li> <li>• increase local/national resources</li> <li>• develop local materials</li> </ul>	<ul style="list-style-type: none"> <li>• organisational development training</li> <li>• pre-and in- service training of caregivers teachers</li> <li>• experimental/demo projects</li> <li>• collaborative cross-national research projects</li> <li>• action research</li> </ul>

PROGRAMME STRATEGY	FOCUS OF THE INTERVENTION	OBJECTIVE	MODELS/APPROACHES
5. Strengthen demand and awareness	<ul style="list-style-type: none"> <li>• policy makers</li> <li>• general public</li> <li>• professionals</li> <li>• media</li> </ul>	<ul style="list-style-type: none"> <li>• create awareness</li> <li>• build political will</li> <li>• increase demand</li> <li>• change attitudes</li> <li>• create an enabling environment</li> </ul>	<ul style="list-style-type: none"> <li>• social marketing</li> <li>• multi-media dissemination of knowledge</li> <li>• advocacy</li> </ul>
6. Develop national child and family policies	<ul style="list-style-type: none"> <li>• policy makers</li> <li>• families with young children</li> <li>• society, over time</li> </ul>	<ul style="list-style-type: none"> <li>• create awareness</li> <li>• assess current policy for families with young children</li> <li>• identify gaps</li> <li>• create supportive policy</li> </ul>	<ul style="list-style-type: none"> <li>• relate national to international efforts (EFA, CRC)</li> <li>• participatory policy development</li> </ul>
7. Develop supportive legal and regulatory frameworks	<ul style="list-style-type: none"> <li>• policy makers</li> <li>• legislators</li> <li>• families with young children</li> <li>• society, over time</li> </ul>	<ul style="list-style-type: none"> <li>• increase awareness of rights and resources</li> <li>• create supportive workplace</li> <li>• ensure quality child care</li> <li>• implement protective environmental standards</li> <li>• institute maternity/paternity leave</li> </ul>	<ul style="list-style-type: none"> <li>• create alliances (women's group, community groups, etc)</li> <li>• innovative public/private collaboration</li> <li>• tax incentives for private support of ECCD programmes</li> </ul>
8. Strengthen international collaboration	<ul style="list-style-type: none"> <li>• governments</li> <li>• donor agencies</li> <li>• bilateral agencies</li> <li>• foundations</li> <li>• international NGOs</li> </ul>	<ul style="list-style-type: none"> <li>• create international standards</li> <li>• share experience</li> <li>• distil and share knowledge</li> <li>• maximise resources</li> <li>• increase awareness</li> <li>• increase resources</li> <li>• maximise impact and effectiveness</li> </ul>	<ul style="list-style-type: none"> <li>• international conventions</li> <li>• Consultative Group on ECCD</li> <li>• international Vitamin A Consultative Group</li> <li>• international Working Group on Safe Motherhood</li> <li>• Association for the Development of Education in Africa (ADEA)</li> <li>• Save the Children Alliance</li> </ul>

Source: Evans JL with Myers RG and Ilfeld EM (2000); *Early Childhood Counts: a Programming Guide on Early Childhood Care and Development*; The World Bank

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Governments and civil society need to ensure that the best interests of children are always served and that children are prioritised. This is the emphasis of Article 3. Other major principles must be considered in determining the best interests of individual children, as well as of groups of children: non-discrimination, maximum survival and development and respect for the child’s views.

Article 3 requires States Parties to assess the impact on children of the national political, social and economic conditions and government actions (or inaction). This means that mechanisms must be developed to effectively undertake this assessment. It also means that the results of these assessments can and should be used to develop policies for ECD. It is timely that selected countries have undertaken country case studies on ECD indicators within the context of the Global Thematic Review on ECD for the EFA 2000 Assessment.\* These are important starting points for expanding and refining the bases for assessing impact on young children of government policies and programmes, and for assessing whether their best interests are served.

In countries where work on ECD indicators is being undertaken, it would be important to actively and proactively link these efforts to the overall monitoring and reporting systems for the UN Convention. Efforts to promote ECD indicators at a global and regional level will help tremendously for country-level monitoring and reporting on the UN Convention, since ECD indicators will account for a significant part of the required information.

States Parties are encouraged to adopt a comprehensive approach to the implementation of the Convention. A comprehensive approach is considered more effective and consistent with the provisions and general principles of the Convention. Within ECD, a tool which is available to us to promote as a comprehensive approach is the ‘Complementary ECD Programming Strategies’ promoted by the Consultative Group on ECCD, that has been adopted in many countries. These Complementary Programming Strategies help to clarify how such a comprehensive approach to implementing the Convention can be made to work for young children. It is a useful tool for States Parties to adopt.

For example, the ASEAN member nations have organised an ECCD Working Group consisting of inter-agency and multidisciplinary teams from the ASEAN member countries, and in October 2000 have adopted an ASEAN version of this framework for programming in ECCD in the region.

Quality ECD programmes have always been family focused, and in many communities living in especially difficult circumstances, ECD programmes have served as effective safety nets for families. Article 3 of the Convention encourages States Parties to provide families with support systems, especially when they are unable or unwilling to ensure the child’s well-being. This Article provides a powerful argument for family-based ECD programming.

Implementing Article 3 also requires a review of policies and standards applied to child-focused institutions and services that include day care, health facilities and educational institutions working with young children. This provides a good justification for developing standards that are developmentally appropriate and culturally relevant for early childhood care institutions.

*The right to survival and development: Article 6*

1. States Parties recognise that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

This concept is considered crucial to the implementation of the whole Convention. Article 6 clearly goes beyond the fundamental right to life, as it sets out the responsibility of States Parties to ensure survival and development ‘to the maximum extent possible’. A holistic concept of development has always been promoted by the Committee on the Rights of the Child, in the same way that the early childhood community has been the most consistent advocate for the total goal of development. In the *Guidelines for Periodic Reports*, the Committee on the Rights of the Child asks States Parties to describe measures taken ‘to create an environment conducive to ensuring to the maximum extent possible the survival and development of the child, including physical, mental, spiritual, moral, psychological and social development in a manner

compatible with human dignity, and to prepare the child for an individual life in free society.’

Article 6 is not just about preparing a young child for later childhood, and older children for adulthood. It calls attention to children’s current and emerging needs from the first year of life. This article should also be viewed in connection with the articles of the Convention (Articles 5 and 18), which emphasise not only the State’s responsibility, but also the important role of parents and the family in promoting child development.

*The right to be consulted, to be heard, to express themselves: Article 12*

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a

representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Children’s right to participation is seldom linked to the early childhood years. Some countries have reported that they set a minimum age on the right of the child to be heard, for example in custody proceedings following parents’ separation or divorce. However, Article 12 does not set a lower age limit on children’s rights to express their perspectives and needs. Furthermore, as the Committee and other children’s rights experts have pointed out, it is clear that children do form their own views on various issues affecting their lives from a very early age. So the Convention offers no justification for the view that there is a lower age limit for considering children’s perspectives.

We must clarify what it means to fulfil the provisions for ensuring young children’s participation within the Convention, specifically in relation to ECD programmes. Too often participation is viewed as ‘children voicing their opinions’, something most often addressed in terms of older, verbal

children. Further, there is sometimes outdated information about child development, particularly in regard to the capacity of young children to express themselves, to make sense of their world and their life experiences, that reinforces this notion that the rights related to participation do not apply to young children. But participation is larger than giving opinions. It has to do with everything a young child does from the beginning to construct an understanding of the world and to learn to act within developmentally appropriate social contexts. Those of us with expertise in understanding the sometimes non-verbal or verbally different expressions of children need to act as interpreters for people who would assert that young children can not and do not communicate their needs and interests.

Children’s participation in decision-making in the family is emphasised within the Convention. The *Guidelines for Periodic Reports* seeks information on efforts to educate families, caregivers and professionals working with children and the public awareness raising efforts about the need to encourage children’s participation and their right to express

their views. The civil rights and freedoms of children within the family was a topic of one of the Committee’s General Discussions (October 1994). One of the conclusions was that the ‘family is the ideal framework for the first stage of the democratic experience for each and all of its individual members, including children.’

The foundation for children’s participation within the family and community, within the groups to which he or she belongs, for example in playgroups, child care settings, and schools, is certainly established in the early childhood years through the quality of adult to child and child to child interaction that takes place in these settings.

The Convention provides a major breakthrough in reinforcing the view of young children as active rather than passive and dependent. This has always been the point of view of those working closely with young children, who can see for themselves how children are active participants in the various social contexts for their growth and development.



### Articles about parents and families

#### *The CRC and parents and families: Articles 5 and 18*

Moving beyond those four Articles that have assumed the status of general principles, other Articles have enormous significance for the ECD community. For example, Articles 5 and 18 are directly about parents and families – the first foci for ECD programmes in seeking to support children's holistic development.



Mozambique: Conversas em Grande Roda project photos: Paula Nimpuno-Parente

Article 5 requires that States Parties shall respect the responsibilities, rights and duties of parents or, where

applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate guidance in the exercise by the child of the rights recognised in the present Convention. Article 18 adds specificity:

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents, or, as the case may be, legal guardians have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their childrearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate

measures to ensure that children of working parents have the right to benefit from childcare services and facilities for which they are eligible.

Together, these two articles of the Convention provide a framework for the relationship between the child, parents, family and the State. In the preamble of the CRC (see page 9) and through these two articles, the Convention reiterates the importance of the family as the primary and 'natural environment for the growth and well-being of its members particularly children'. At the same time, the Convention clarifies that the child must be 'an active subject of rights' and emphasises the child's exercise of his or her human rights. This supports the view of children and childhood as necessarily visible, active and dynamic rather than invisible, passive and dependent.

There are two important concepts in defining this relationship introduced through Article 5 : the concept of 'parental responsibilities' and the 'evolving capacities of the child'. These concepts balance the role of family as caregiver and the child as an active

human being who can exercise his or her rights as a member of the family, as a member of the community and as a citizen.

Article 18 addresses the balance of responsibilities between the child's parents and the State. Specifically, it highlights the need to support parents to enable them to fulfil their responsibilities. While Article 18 establishes the role of parents as primarily responsible for their children's care and development, other articles (5 and 30) define family in a flexible manner and acknowledge the role of community, ethnic group, or culture in the child's growth and development.

The Convention highlights the importance of parent education and the provision of support for parents to enable them to fulfil their responsibilities as caregivers and to respect and promote their children's rights. The *Guidelines for Periodic Reports* seeks information on parent education programmes, on counselling for parents about child development, and on the effectiveness of these interventions. Information is also

sought about ways in which ‘the evolving capacities of the child’ are communicated to parents and caregivers.

Some countries have provided information about parent education within ECD programmes in fulfilment of their responsibilities as States Parties. For example, the Indonesian government, in its Initial Report, highlighted the Bina Keluarga and Balita (BKB) project: ‘to empower poor mothers and communities with knowledge and skills allowing them to interact with and provide mental stimulation for the very young child, that is, the zero to 3 year old child ... close to 1.3 million mothers in some 18,500 villages have been trained in the programme ...’. The report also mentioned that this ECD programme has been elevated to the status of a national movement by the government of Indonesia. (Indonesia, *Initial Report*, vol. 2, paragraphs 59 and 60)

The Committee on the Rights of the Child, in its *Concluding Observations* following the submission of, and dialogues on Initial Reports from States Parties, has also stressed the continuing

need for parent education (for example in Namibia, Philippines, Tunisia).

Some countries have reported on the difficulties faced by female headed families, for example Namibia: ‘female headed households confront special problems in the area of childrearing. Women generally have unequal access to the limited opportunities for formal employment in Namibia, particularly because of continuing patterns of gender discrimination and partly because wage employment is concentrated in the urban areas ... The consequences for children are illustrated by the 1990 UNICEF survey, which found that children in households headed by women are more likely to be stunted in growth ... The survey showed that in Namibia, female headed households had particular problems breastfeeding – they often had to introduce solids at an early age, or give up breastfeeding altogether, because of the need to work ... Also, in female headed households, primary responsibility for the care of young children often falls upon older siblings or grandparents. This contributes to the school dropout rate for young girls, putting them at an educational

disadvantage, which tends to help perpetuate women’s unequal access to formal employment. (Namibia *Initial Report*, 140-1, 232-4)

The Committee on the Rights of the Child has also called attention to the need to provide government support for families in need through a variety of interventions, including community-based ECD programmes like child care centres, family day care, play groups, and toy libraries.

Article 18 specifies the need to support working parents. The provisions of Article 3 (3) were originally drafted specifically in reference to child care services to address the growing concerns about provision of child care for very young children that will respond to their developmental needs.

The Committee has encouraged countries to support ECD programmes, as in the case of Honduras and Jamaica, through their *Concluding Observations*: ‘The Committee encourages the State Parties to support further measures to promote early childhood development and the provision of child care services and centres for working mothers’.

(Jamaica, *Initial Report Concluding Observations*, paragraph 24).

Countries have reported on policies related to parental benefits as they relate to care for young children. For example, Italy reported on the recognition by their Constitutional Court of ‘the right to take six months of leave, while keeping their post and receiving allowance equal to 30 percent of their pay, during the first year of the child’s



life; the right to take time off when the child is sick, during the first three years; and the right to daily rest to care for the child during his first year of life (Italy, *Initial Report*, paragraph 94).

Finland reported on government support for parents: 'The State therefore contributes to the general maintenance costs of children, those incurred by the care of small children, disability, illness of a child, as well as to the housing cost of low income families. Finland has accepted that the State's responsibility for the care of small children should not be limited to day care provision for working parents. A new standard was reached in 1990 when parents with small children were given an absolute statutory right, according to their choice, either to municipal day care for their child or to home care allowance ... Under the current legislation, in 1995, a similar right will be extended to all children under the age of four' (Finland, *Initial Report*, paragraphs 423, 411).

#### **Other Articles of special significance to the ECD community**

In addition to the major principles and the articles that relate to parents and families, there are other articles of the Convention that are directly related to young children and thus to programming and policies in ECD. These include the following.

#### ***The rights of young children in relation to media: Article 17***

Article 17 is focused on the role of mass media in relation to children's rights. It includes the obligation of States Parties to ensure that children have access to a diversity of information and material. This includes especially materials that will contribute to children's well-being and mental health and that support the aims of education, as set out in Article 29. Article 17 takes a proactive stance and encourages the production of children's books, promoting storytelling as a foundation for literacy, and promoting the development of media with a particular regard for the local and indigenous languages.

While encouraging access to media, Article 17 also emphasises the State's responsibility to protect children from the negative impact of violence in media and the presence of inappropriate content and visual images. Thus, Article 17 is especially relevant to supporting the development of young children as consumers and users of media, as well as protecting them from potentially harmful effects of media.

Article 17 is also related to children's right to freedom of expression and encourages access of children to various forms of media as a means to promote children's participation. Developmentally appropriate media products have been especially effective for facilitating young children's participation.

Children's media specialists developed the Children's Television Charter which is also anchored on the CRC. The Charter seeks to promote standards of quality for children's television that are consistent with the rights of children to various forms of media that are supportive of their development and their learning. This Charter was first widely endorsed at the First World Summit on Children and Television held in Melbourne, Australia in 1995. In 1996, at the Asian Summit on Children's Rights and the Media, governments, private broadcasters and non-government organisations affirmed their commitment to promoting children's rights to a child friendly media environment through the Asian Declaration on Child Rights and the Media. A follow up regional forum was convened in 2001 to assess progress

made and reaffirm commitment to promoting children's rights in relation to Article 17.

#### ***The right to special protection: Article 19***

This has been widely known as 'the special protection' clause of the Convention. Article 19 requires children's protection from 'all forms of physical or mental violence' while in the care of parents or others. States are required to initiate a variety of measures – legislative, administrative, social, educational – to protect children from all forms of abuse. These protective measures include the provision of appropriate support to children and families. Article 19 must also be viewed in relation to Articles 5 and 18, which address parental responsibilities and the provision of support for parents and Article 28, in relation to school discipline.

The Committee's *Guidelines for Reports* include a request for information on the 'educational and other measures adopted to promote positive and non-violent forms of discipline, care and treatment of the child; effective procedures for the establishment of

Philippines: PPBM (Association of Registered  
Childcare Providers Malaysia)  
from: *Working with young children and families:*  
a resource book

social programmes to provide necessary support for the child and for those who have the care of the child, including rehabilitation measures.

ECD programmes are well-positioned to be designated as effective prevention programmes, especially because of the interactive and intensive working relationships established with parents. The 'timing' of ECD interventions also makes them suitable as a vehicle for prevention. It is a time when parents are generally most receptive to helpful information about child development, discipline, childcare, and so on. In the Philippines, the Comprehensive Programme for the Special Protection of Children includes ECD as the main prevention component for this national programme, jointly developed by the government and NGOs who comprise the Special Committee for the Protection of Children.

*The right to be healthy and to health care: Article 24*

Article 24 builds upon and develops the theme of 'right to life, to survival and development' set out in Article 6. Paragraph 2 of Article 6 provides a

non-exclusive list of appropriate measures that States must take in pursuing full implementation of children's right to health care with emphasis on the development of primary health care.

The Committee on the Rights of the Child promotes the same broad definition of health that has been promoted by the World Health Organisation and UNICEF: 'a state of complete mental and social well-being, and not merely the absence of disease or infirmity'. This underscores the holistic nature of the Convention and its links to the broad definition of child development that is promoted by the Convention.

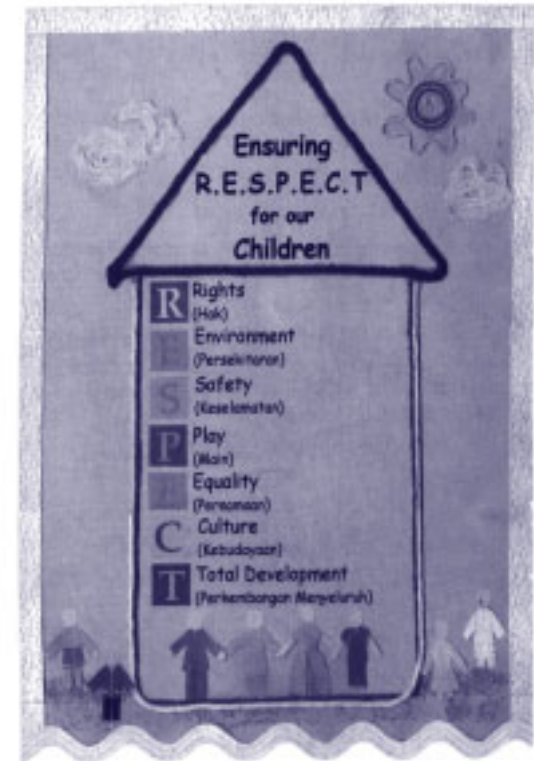
The *Guidelines for Periodic Reports* seeks information that is generally part of national ECD information databases: infant and child mortality, provision of necessary medical assistance and health care to all children with emphasis on primary health care; measures to combat disease and malnutrition; the proportion of children with low birth weight; the proportion of the population affected by malnutrition;

prenatal and postnatal care for mothers; health education for parents and children; HIV/AIDS treatment and prevention.

Also significant for young children is that Article 24 (3) states that appropriate measures should be taken with a view to abolishing traditional practices prejudicial to health. Since many of these traditional practices often take place when the child is very young and unable to consent or resist, this is relevant to ECD programmes.

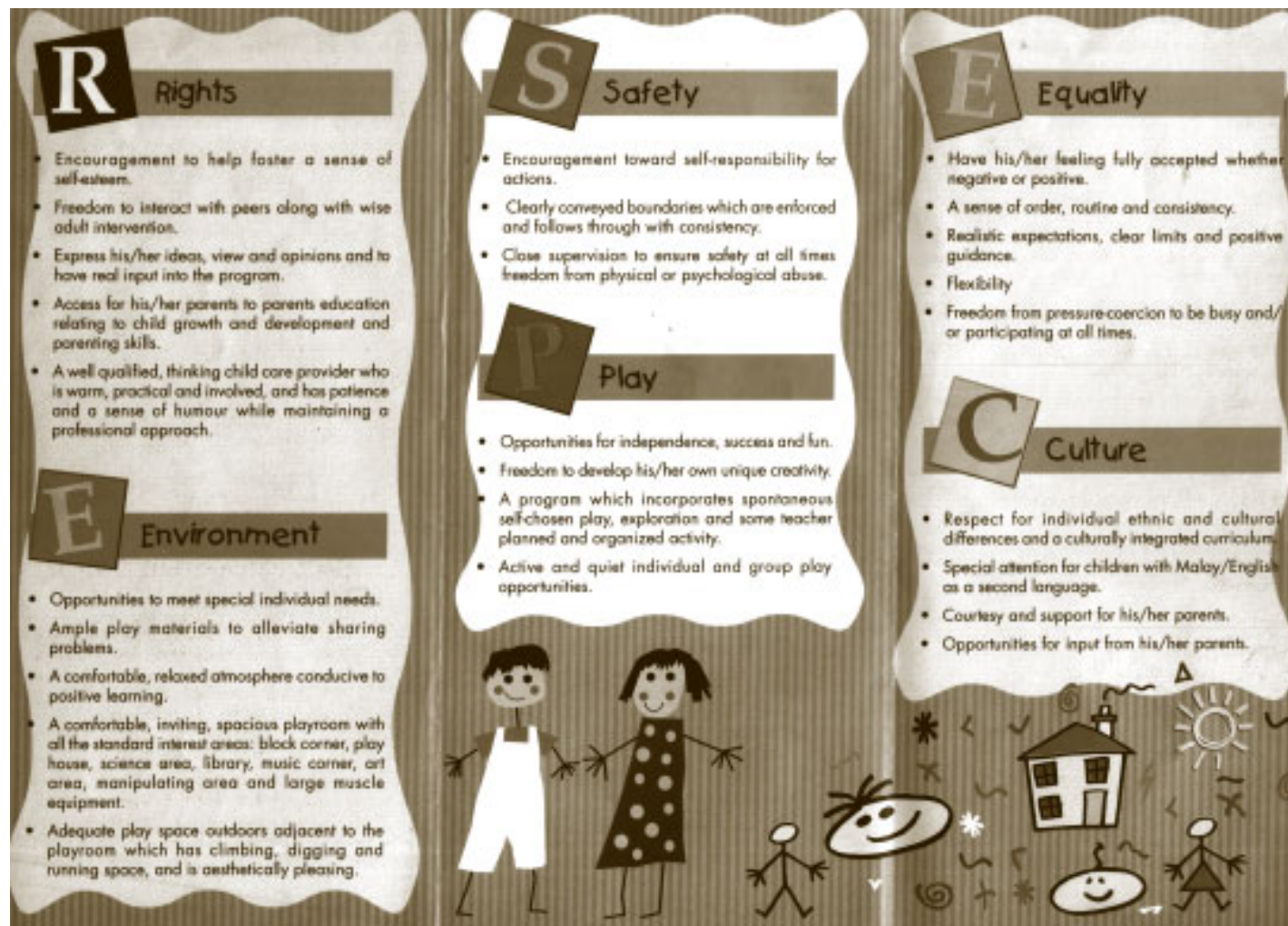
*The right to an adequate standard of living: Article 27*

Article 27 provides children with a right to an adequate standard of living for their full development. While parents are primarily responsible for ensuring that this right is fulfilled, States are enjoined to assist parents when needed. This article links two essential principles of the Convention: the child's right 'to development – to the maximum extent or to their fullest potential' (Articles 6 and 29); and the primary responsibility of parents in securing this right to development, which is reflected in paragraphs 2 and 4



of Article 27. What is important is the recognition that the child's life conditions definitely affect the fulfilment of the child's right to optimum development. Article 27 identifies the different components of development: physical, mental, spiritual, moral and social. This clarifies the fact that an adequate standard of living does not just refer to meeting the child's basic physical needs such as food, clothing and housing, but to the





fact that children’s cognitive, social and emotional needs must also be addressed.

In regard to Article 27, discussions convened by the Committee on the Rights of the Child have been maximised to highlight the concerns about the impact of structural adjustment policies in countries dependent on international aid. They highlight the impact of recession, and special challenges for so called transition economies, such as post communist Eastern Europe. Since these financial situations significantly affect public expenditures for children’s programmes, it is an important issue to discuss in relation to public ECD programmes.

*The right to education: Article 28*

Article 28 establishes the child’s right to education. The definition of ‘education’ is not limited to schooling, although subparagraph (e) on school dropouts and Article 29 (2) on private ‘educational institutions’ do suggest that this is generally the goal and the expectation. Article 28 does not explicitly refer to early childhood education, but the *Guidelines for Periodic Reports* asks for information on:

'any system or extensive initiatives by the State to provide early development and education for young children, especially for young children from disadvantaged groups' (paragraph 106).

Some countries have reported on the significance of ECD programmes in relation to the implementation of Article 28: 'Various programmes have been initiated to provide equal opportunity to the girl child by reducing their work burden and providing better access to school and health facilities. These include: ... the Early Childhood Education and Care (ECEC) project within the Education Programme which promotes home-based child care and parenting education, as well as community-based child care centres. Child development activities help reduce the childcare burden of older girls, allowing them to attend school' (Nepal *Initial Report*, paragraph 71).

Article 28 also calls upon States Parties to ensure regular attendance at schools and the reduction of dropout rates. So far, there are no examples of reference to ECD programmes in reports on school attendance, and the guidelines for reports do not ask countries to

specify whether children have participated in ECD programmes. However, this would be valuable data to push for, since there is strong evidence available from research, regarding the benefits of quality ECD programmes, and the impact these can have on reducing dropout and school failure.

#### *The right to play: Article 31*

Article 31 sets out the child's right to play, which seems to be the most natural right. Yet there is a tendency to overlook its importance particularly in relation to ECD programming. For young children, play is a major life activity, a primary means for interacting, learning and communicating and thus for development. Play is essential to all children's lives at all ages, but especially for young children. The value of play in a child's life has been most emphasised by the early childhood community, both in its work with parents and in its discussions of the provision of care and education through more organised forms of ECD.

#### **Conclusion**

The ratification of the UN Convention on the Rights of the Child has

presented both challenges and new opportunities for the early childhood community. It has pushed us to clarify how the Articles and provisions apply to young children. It has pushed us to speak up in forums where the Convention is being discussed. It has pushed us to recognise the need to raise public awareness about the nature of, and the processes involved in early childhood care and development.

It is our job within the ECD community to keep young children on the international, national, and local agendas. We can maximise the potential of using the CRC as a vehicle for promoting ECD as a priority in both national and global agendas for children by doing the following.

- Interacting with States Parties in preparing, submitting and disseminating the initial and periodic reports and the Concluding Observations of the Committee.
- Actively monitoring the implementation of the Convention in regard to ECD.
- Participating in the creation of periodic national reports as well as independent NGO reports.
- Participating in dialogues with the States Parties and the members of

the Committee on the Rights of the Child. These dialogues must centre on the assessment and implementation of recommendations for States Parties, and on further elucidation of the principles of the CRC in relation to ECD.

- Participating in local, national, and international dialogues about ensuring children's rights under the law (and ensuring young children's inclusion within that dialogue).
- Understanding how the legal frameworks, policies, practices and attitudes within our spheres of influence reflect (or fail to reflect) our countries' ratification of the CRC.

We in the ECD community must do all we can to transform the promises made through the UN Convention on the Rights of the Child into concrete actions for all of the world's children – right from the start of their young lives. ○

*\* Prepared by Robert G Myers, The Consultative Group on Early Childhood Care and Development, for UNICEF and for the EFA Forum, 26-28 April 2000, as a contribution to the EFA 2000 Assessment, February 2001*