



A Guide to General Comment 7:
**'Implementing Child Rights
in Early Childhood'**



United Nations Committee on the Rights of the Child
Comité des Droits de l'Enfant des Nations Unies
Comité de los Derechos del Niño de las Naciones Unidas



Bernard van Leer  *Foundation*



A Guide to General Comment 7:
***‘Implementing Child Rights
in Early Childhood’***

**United Nations Committee on the Rights of the Child
United Nations Children’s Fund
and Bernard van Leer Foundation**

© 2006 Bernard van Leer Foundation, The Hague

The original texts extracted in this volume are, in several cases, also protected by copyrights held by others. They have been included with the permission of the copyright holders. Their inclusion should in no way be considered to nullify or otherwise compromise the authority of these copyrights.

The opinions expressed herein and any statements represented as fact do not necessarily reflect the views and policies of the Office of the United Nations High Commissioner for Human Rights, the United Nations Committee on the Rights of the Child, the United Nations Children's Fund, or the Bernard van Leer Foundation, nor should they be assumed to do so.

ISBN: 90-6195-089-9

Contents

Foreword	vii
Acknowledgements	ix
About this Monograph	x
Introduction: Functions of the Committee on the Rights of the Child	1
I. The Day of General Discussion	7
A. Background and Introductory Remarks	7
<i>Norberto I. Liwski: Implementing child rights in early childhood</i>	8
<i>María Francisca Ize-Charrin: Even the youngest children have rights</i>	10
B. Keynote Presentations	11
<i>Patrice L. Engle: Comprehensive policy implications of child rights</i>	12
<i>Venkatraman Chandra-Mouli: A classroom's worth of children under 5 is dying every minute</i>	17
<i>Peter Laugharn: Our children are the future</i>	20
C. Recommendations of the United Nations Committee on the Rights of the Child	25
II. The General Comment	31
A. Introduction to the General Comment	31
B. General Comment No. 7, 'Implementing Child Rights in Early Childhood'	35
III. Illuminating the General Comment: Submissions at the Day of General Discussion	57
A. Young Children and Their Rights	58
1. Introduction	58
<i>Committee for Legal Aid to Poor and Forum for Crèche and Childcare Services: Exploring rights of the child in early childhood</i>	58
2. The young child as a rights-holder	63
<i>Directorate of Early Education, Province of Buenos Aires: Children have a right to childhood</i>	64
<i>Bruce Abramson: The Convention rights of babies and young children: three key issues</i>	67
<i>Canadian Child Care Federation: Keeping our promises: rights from the start</i>	70

	<i>African Group at the United Nations (Geneva):</i>	
	The legal acknowledgement of the child	73
3.	The young child's right to survival, health and development	74
	<i>European Association for Children in Hospital:</i>	
	Steps for implementing the child's right to health	75
	<i>Elaine Petitat-Côté: The Committee's 'concluding observations'</i>	
	in relation to the health of children	76
	<i>Rubén D. Efron: The rights of children with special needs</i>	
	and the importance of play	79
	<i>Věra Mišurcová: Implementation of children's traditional</i>	
	games in early childhood	80
	<i>Lothar Friedrich Krappmann: The right of the young child to rest,</i>	
	leisure and play	81
4.	The young child's right to attend educational institutions	83
	<i>sos Kinderdorf International: Examples of early childhood education</i>	83
5.	The young child's right to participate	85
	<i>K. Shanmuga Velayutham: Right to participation among</i>	
	young children in India	86
	<i>IPPA, the Early Childhood Organization:</i>	
	Implementing a focus on participation	88
	<i>Commission on Early Childhood, City of Geneva: Early childhood:</i>	
	rights as a pathway to citizenship?	91
	<i>Council of Europe: Children, participation, projects: how to make it work</i>	93
B.	Examples of Violations of Children's Rights	94
	<i>Luciana Luisa Papeschi and Michele Trimarchi: Respect the rights of</i>	
	the child, and the child will learn to respect the rights of others	95
	<i>Peter Newell: End all corporal punishment of children</i>	97
	<i>Human Rights Watch: HIV-positive children in India</i>	98
	<i>India Alliance for Child Rights: India's girl child:</i>	
	the imbalance in the ratio of girls to boys	100
C.	Vulnerable Groups of Children in Early Childhood	103
	<i>Comunità Papa Giovanni XXIII: Starting sound practices early</i>	103
	<i>Chris Gardiner: Institutional care</i>	105
	<i>Friends World Committee for Consultation (Quakers):</i>	
	Children of imprisoned mothers	106
	<i>SRG Welfare Society of Bangladesh:</i>	
	Poor and destitute working children in Bangladesh	108
	<i>Razia Ismail Abbasi: What has changed for girls in India</i>	
	in the decade since Beijing and Cairo?	110
D.	Child Rights and Their Implementation in Various Regions	112
	<i>Bulu Sareen: The status of the young child in India</i>	113
	<i>Government of Venezuela: Early childhood in the Venezuelan</i>	
	education sector: implementing child rights	115

<i>UNICEF New Zealand National Committee and Action for Children and Youth Aotearoa: About early childhood: the view from a developed country with minorities</i>	117
<i>Gustavo Mascó: Two projects in the Archdiocese of Buenos Aires National Children's Trust, Costa Rica: Inputs to the working groups of the Committee on the Rights of the Child</i>	119
<i>Carol Bower: Young children in South Africa</i>	123
<i>Victoria Martínez: Early childhood in a human rights perspective</i>	126
<i>UNICEF: Examples of good practices (Brazil, Burkina Faso, Indonesia, Uzbekistan)</i>	128
E. Proposed Amendments to the Convention	131
<i>German League for the Child: Recommendations to amend Convention articles</i>	132
<i>Coalition of Non-Governmental Organizations for the Rights of the Child: Proposal to amend or improve formulations of Convention articles</i>	135
IV. Background Materials on Children in Early Childhood	139
<i>Kimberly Browning: Longitudinal studies on early childhood programmes: an international perspective</i>	140
<i>Martin Woodhead: Early childhood development: a question of rights</i>	145
<i>Gerison Lansdown: The evolving capacities of the child</i>	150
<i>Caroline Arnold: Positioning early childhood development in the 21st century</i>	154
V. The United Nations Convention on the Rights of the Child	161
VI. Membership of the United Nations Committee on the Rights of the Child	185

Foreword

The United Nations Convention on the Rights of the Child is applicable with regard to all persons under the age of 18. But the Committee on the Rights of the Child has noted regularly when reviewing the reports submitted by states parties that information on the implementation of the Convention with respect to children before the age of regular schooling is often very limited. Usually, for these young children, the reports cover only certain aspects of health care, mainly infant mortality, immunization and malnutrition, and selected issues in education chiefly related to kindergarten and pre-school. Other important issues are rarely addressed.

This experience is the reason the Committee decided to devote its Day of General Discussion 2004 to the topic 'Implementing Child Rights in Early Childhood'. The purpose of the Day of Discussion was to generate more awareness on this topic and to adopt recommendations that would be based on the results of the event and would also underscore the full entitlement of young children to the rights enshrined in the Convention.

The Committee was very pleased with the considerable support of the Bernard van Leer Foundation and UNICEF in the organization of the Day of General Discussion, which was held at Palais Wilson, Geneva, on 17 September 2004.

Around three dozen papers were submitted to the Committee on this occasion. The papers furnished a great deal of information on the perspectives of a wide variety of organizations and individuals. UNICEF, for example, prepared an extremely thorough account of the major policies and approaches it is executing in favour of 'early childhood development', one of the five priorities set out in its then current 'medium-term strategic plan' (2002–2005), but there were also submissions from organizations as diverse as the Archdiocese of Buenos Aires, the Friends World Committee for Consultation (Quakers), Human Rights Watch, SOS Kinderdorf International, which gives family-based care to children who are unable to live with their parents, the SRG Welfare Society, which works mainly among Bangladesh communities to support the rights of indigenous and minority people, and the Commission on Early Childhood of the City of Geneva. Indeed, the range and depth of the contributions at the Day of General Discussion seemed to confirm that the Committee had done well to choose a topic revolving around child rights in early childhood.

It is the Committee's policy to make, when appropriate, maximum use of the results of a Day of General Discussion. That is why the Committee decided to elaborate on ideas and issues related to the Day of General Discussion 2004 in a General Comment with the aim of supplying states parties with more detailed information and guidance regarding the implementation of children's rights in early childhood. The Committee considered a first draft in May 2005 and, after broad consultation with interested parties and experts, the Committee discussed proposed revisions and, on 30 September 2005, adopted General Comment 7. The Committee is grateful for the crucial support provided during this drafting process by the Bernard van Leer Foundation. It is likewise appreciative of the generous contribution of Professor Martin Woodhead, who was invited by the Committee to act as special advisor during the preparation of the General Comment.

The plan to publish the present monograph grew out of consultations between the Committee and the Bernard van Leer Foundation during the course of these events. It was realized that a book documenting the drafting of a General Comment by the Committee would represent something of an innovation because of the insights it could offer into

the significance of these key interpretive documents and the nature and functions of the Committee.

The volume describes the background of the Day of General Discussion held on 17 September 2004 and contains, in extracted form, the papers submitted to the Committee at that time, along with other relevant material. It also presents the General Comment that was the outcome. Each section includes an introduction with additional information on the process.

We hope that this book might aid child's rights advocates at the local level, human rights activists, particularly those with no special legal knowledge, and the general reader interested in child rights, human rights and the United Nations, including university students and researchers in law, social work, international relations, or other, associated areas.

We hope also that the publication of this monograph will encourage more research into the work of the Committee, the effects of the Convention on the protection of rights within countries through the adoption of positive policy changes, the enactment of favourable laws, the recognition of these rights before courts, and other worthy efforts in many places throughout the globe to advance children's rights as human rights.

Jacob Egbert Doek
Chairperson,
United Nations Committee on the Rights of the Child

Acknowledgements

The United Nations Committee on the Rights of the Child, the Bernard van Leer Foundation and the United Nations Children's Fund express their appreciation to all who have contributed to this volume and to the process behind the drafting of the General Comment that it elucidates. The members of the editorial group for this monograph merit recognition, namely, Patrice Engle of UNICEF, New York, for her comments and suggestions, Lothar Krappmann, who has acted as chairman of the group and as guide in the workings of the Committee on the Rights of the Child, of which he is a member, Patricia Light-Borsellini of the Bernard van Leer Foundation, who generated significant financial support for the publication and who has added valuable and substantial insights, Martin Woodhead of the Centre for Childhood, Development and Learning at the Open University, United Kingdom, whose inputs have been extensive and essential, and Robert Zimmermann, consultant to the Bernard van Leer Foundation, who has helped realize and finalize the text.

About this Monograph

Organization

This purpose of this volume is to illuminate the drafting process that led to the publication of General Comment No. 7, on ‘Implementing Child Rights in Early Childhood’, by the United Nations Committee on the Rights of the Child. Following the Introduction, Section I describes the Day of General Discussion 2004 on ‘Implementing Child Rights in Early Childhood’. Section II contains the text of General Comment No. 7, along with a brief analysis. Section III offers, in extracted form, the texts submitted by various organizations and other interested parties to the Committee during the Day of General Discussion; it is expected that these may assist the reader in acquiring a better understanding of the General Comment. Section IV provides texts that supply additional insights into the background to the General Comment. Section V reproduces the Convention on the Rights of the Child. Section VI, the final one, lists the members of the Committee on the Rights of the Child as of the 40th session, 12-30 September 2005, when General Comment No. 7 was adopted, as well as the members of the Committee as of the 37th session, 13 September–8 October 2004, during which the Day of General Discussion was held (17 September).

A note about the editing

This book is based on extracts taken from presentations at the Day of General Discussion and other relevant material. This method results in ellipses.ⁱ In some instances, because of limitations in space, the extracting process has resulted in extremely reduced texts that cannot do justice to the originals. In particular, many of the submissions contain recommendations to the Committee on possible components of the General Comment, none of which have been included in this publication. For interested readers, the full, unedited versions of all texts, along with much other relevant material, have therefore been made available on the website of the Bernard van Leer Foundation, at www.bernardvanleer.org.

In order to render the overall text more pleasing and easier to read, punctuation and spelling have been made to conform to the generally accepted style adopted by UNICEF and other United Nations organizations.ⁱⁱ This style, with relatively few, minor exceptions, relies on a direct adaptation of the initial spellings and word divisions proposed in the *Oxford English Dictionary*.ⁱⁱⁱ Likewise, abbreviations and acronyms have usually been written out, as they are often applied inconsistently among the various contributions. Footnotes within texts are sometimes the explanatory additions of the editors.

The main exception to this approach is the texts of conventions, the Convention on the Rights of the Child, for example, as well as the text of General Comment No. 7. These are reproduced with the spelling and punctuation as found in the originals as adopted.

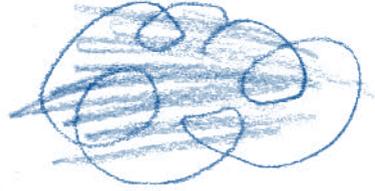
i A variation on the three-and-four-dot method is employed here.

ii Note that, rather than the French-influenced *-ise* ending often preferred in British English, the American preference for the Greek- and Latin-influenced *-ize* spelling of verb endings has been favoured, for example, ‘organize’, ‘organization’ and ‘organizing’. See the entry under ‘-ize’ in the *Oxford English Dictionary*.

iii In our case, this is the complete, uncondensed, unabridged version of this monumental work (second edition, with supplements and addenda).

About the illustrations

The drawings at the start of each chapter were made by children of group three of the Duinoordschool in The Hague, The Netherlands. After being explained what “children’s rights” are, the children, age 6-8, depicted what they believe every child across the world should be entitled to. The most important rights, according to the children, include the right to a home, food, education, health care and the right to grow up in a peaceful and secure environment. The children’s names are included in the back cover.



Introduction: Functions of the Committee on the Rights of the Child

This volume describes the drafting process of the General Comments of the United Nations Committee on the Rights of the Child by following the process in one instance: the drafting of the Committee's General Comment No. 7, on 'Implementing Child Rights in Early Childhood'. In the course of accomplishing this goal, the monograph presents numerous documents and papers outlining current expert opinion on the meaning of the United Nations Convention on the Rights of the Child, with special emphasis on the rights of young children.

This Introduction supplies the reader with an overview on the monitoring and interpretive functions of the Committee on the Rights of the Child and other international human rights bodies, the nature and role of the 'concluding observations' and General Comments issued by these bodies and the purpose of the Days of General Discussion convened periodically by the Committee.

This publication has been motivated by the hope that a lifting of the curtain on the work of the Committee on the Rights of the Child will lead to greater awareness of the difficulties encountered in implementing human rights conventions and covenants, but also greater understanding of the sense and values stimulating dedicated advocacy for human rights through the Convention.

The United Nations Convention on the Rights of the Child provided for the establishment of a monitoring body, the United Nations Committee on the Rights of the Child. The Committee is composed of 'independent experts' elected by ratifying countries.¹ The experts typically represent a variety of professional backgrounds, including human rights, international law, juvenile justice, social work, health care and journalism. Many have been active in governmental or non-governmental organizations. The Treaties and Commission Branch of the Office of the United Nations High Commissioner for Human Rights, which is located in Geneva, supplies secretariat support to the Committee. The Committee currently holds three sessions per year, each lasting approximately four weeks.

The Committee is responsible for determining whether children fully enjoy the rights recognized under the Convention on the Rights of the Child. The Committee therefore regularly reviews the progress achieved by countries in the realization of the obligations they have undertaken under the Convention with regard to the promotion and protection of these rights. The Committee does this by examining relevant information available through United Nations agencies and other diligent sources, but it also employs a type of monitoring system that is common to all human rights bodies. The system relies on periodic reports transmitted through the secretary-general of the United Nations by national governments ('states parties') on child-welfare legislation and other meaningful measures countries have adopted that give effect to the Convention rights within their territories.²

1 Articles 43 to 45 of the Convention set out the procedures and responsibilities related to the formation, composition and work of the Committee (see Section v). There are currently 18 members of the Committee (see Section vi).

2 Article 44 of the Convention specifies the various responsibilities involved in the monitoring system (see Section v).

A report must be submitted by a state party within two years of the entry into force of the Convention with respect to the state party and then every five years thereafter.³ The report must indicate factors and difficulties, if any, affecting the realization of the Convention. The Committee may request appropriate additional information from a state party.⁴

For states parties, the preparation of the reports should, in theory, be seen as an opportunity to conduct a comprehensive review of national law, policy and practice and make improvements where necessary.

For the Committee, the examination of the reports is the occasion to remind governments of their commitments under the Convention and mobilize them to inaugurate change. It thus becomes a highly significant mechanism of international accountability.

The Committee and government representatives of each of the states parties consider the relevant reports at Committee sessions. The Committee adopts ‘concluding observations’ following the deliberations. These constitute an essential document. Governments are expected to implement the recommendations they contain, and the observations are meant to be widely publicized within the state party so as to serve as the basis for a national debate on ways to improve the enforcement of the provisions of the Convention.

The articles of the Convention on the Rights of the Child and other human rights treaties are detailed in their specification of rights, but much less so in matters of the promotion and protection of these rights within the particular circumstances of different societies, communities and legal systems. The practical experience of states parties with everyday applications of the provisions of human rights treaties in individual contexts leads to the identification of problems and questions of interpretation. Besides their monitoring function, the Committee on the Rights of the Child and other human rights bodies are therefore also responsible for supplying authoritative guidance in light of such problems and questions. This work is focused on the publication of formal statements in which a treaty body explains the specific content of a treaty or other instrument.⁵ These formal statements are known as ‘General Comments’.

Though General Comments are not of themselves legally binding documents, they are widely regarded as useful contributions to the understanding of human rights instruments.⁶

3 Article 49 of the Convention explains the requirements for entry into force (see Section v).

4 In many jurisdictions, the monitoring and reporting procedure is augmented or supported by the work of specific individuals or entities charged with this task. A children’s commissioner or an office of ombudsman for children has been created in, for example, Austria, British Columbia (Canada), Iceland, Michigan (United States), New Zealand, Norway and Sweden. Coalitions of non-governmental organizations or other governmental or non-governmental entities have been set up to perform similar functions or have been assigned such functions by law in, for instance, England and Wales (United Kingdom), Ghana, New South Wales (Australia), the Philippines, Sweden and Uganda.

5 There are seven human rights bodies that monitor implementation of the core international human rights treaties: the Human Rights Committee (International Covenant on Civil and Political Rights), the Committee on Economic, Social and Cultural Rights (International Covenant on Economic, Social and Cultural Rights), the Committee on the Elimination of Racial Discrimination (Convention on the Elimination of All Forms of Racial Discrimination), the Committee on the Elimination of Discrimination against Women (Convention on the Elimination of All Forms of Discrimination against Women), the Committee against Torture (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), the Committee on the Rights of the Child (Convention on the Rights of the Child) and the Committee on Migrant Workers (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families).

6 For an analysis of the relevance of General Comments to an issue related to the Convention on the Rights of the Child, see Doek, Jacob Egbert (2004), ‘The Convention on the Rights of the Child: Fostering Critical Thinking as an Aim of Education’, *Early Childhood Matters*, no. 102 (June), Bernard van Leer Foundation: The Hague.

Moreover, the production of General Comments on the scope of the treaties and the meaning of individual provisions has proven invaluable in giving the treaty bodies broader influence.⁷

Because many national constitutions and legal statutes incorporate international law or draw inspiration from international human rights instruments and because ratifying countries have committed themselves to implementing a particular convention, national courts often refer to treaty or convention provisions in their interpretations of national law. Thus, it has been recognized that ratification and implementation of a human rights convention may impose legal duties, and General Comments can help clarify these duties.

Indeed, non-governmental organizations and other rights advocates have pointed to General Comments as authoritative interpretations of rights in litigation before national courts of states parties, and tribunals in many countries have acknowledged the juridical value of General Comments as evidence of the intentions and meanings of the instruments. A particularly rich example is offered by the General Comments of the Human Rights Committee under the International Covenant on Civil and Political Rights. National court decisions citing the interpretations contained in these General Comments are numerous throughout the world.

Even with regard to economic, social and cultural rights, there are cases where violations of these rights have become actionable in some jurisdictions on the basis of a country's ratification of the International Covenant on Economic, Social and Cultural Rights, recognition of aspects of these rights in national law or judicial precedent, and interpretations of General Comments by the United Nations Committee on Economic, Social and Cultural Rights.⁸

The situation with respect to the two international covenants discussed above is relevant for the use of the Convention on the Rights of the Child to advocate for and protect children's rights given that the Convention supports both civil and political rights and economic and social rights.⁹ Likewise, reference is made to the General Comments of the Committee on the Rights of the Child in arguments to espouse rights in other areas.¹⁰

The two Committee functions outlined above – monitoring and interpretation – require a steady exchange of information between the Committee and other groups, including governments. Thus, to enhance its understanding of the implications of the Convention and remain updated on emerging trends and fresh issues of concern, the Committee periodically devotes discussions during its regular sessions to one specific article of the Convention or a related topic.¹¹ In order to encourage transparency and the participation of experts and other individuals and groups with an interest in the work of the Committee, these 'Days of General Discussion' are well publicized in advance, and they are open to the public.

7 The points in this and the next paragraph are made in Clapham, Andrew (2000), 'Defining the Role of Non-Governmental Organizations with Regard to the UN Human Rights Treaty Bodies', in Anne F. Bayefsky (ed.), *The UN Human Rights Treaty System in the 21st Century*, Kluwer Law International: The Hague.

8 See, for example, COHRE (2003), *Litigating Economic, Social and Cultural Rights: Achievements, Challenges and Strategies*, Centre on Housing Rights and Evictions: Geneva.

9 The submission by Bruce Abramson in this volume provides an analysis. Note also the formulation in the Preamble to the Convention (see Section v).

10 The cross-fertilization apparent in efforts to link human rights and international trade is only one example. See Sub-Commission on the Promotion and Protection of Human Rights, Commission on Human Rights (2002), 'Liberalization of Trade in Services and Human Rights: Report of the High Commissioner', E/CN.4/Sub.2/2002/9, 25 June, United Nations Economic and Social Council: New York.

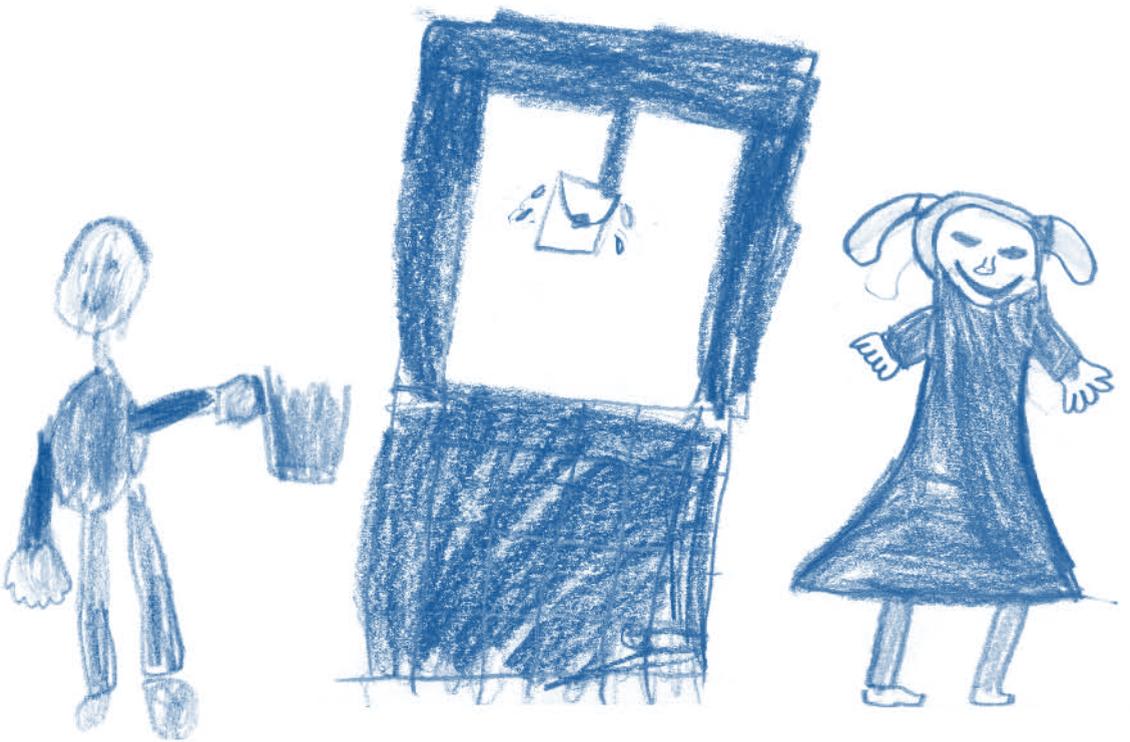
11 Rule 75 in the Committee's rules of procedure sets out this approach. The Committee is empowered by article 43 (8) of the Convention (see Section v) to establish its own rules of procedure.

The importance to the Committee of the issue of child rights in early childhood was such that the Committee decided, during its 33rd session (19 May-6 June 2003), to hold a Day of General Discussion on this topic the following year.

The Day of General Discussion on 'Implementing Child Rights in Early Childhood' was duly held on 17 September 2004, during the 37th session of the Committee (13 September-8 October).

Outside participation at these discussions typically takes the form of submissions to the Committee that describe particular points of view. In the case of this Day of General Discussion, around three dozen papers were presented by interested groups both large and small, well known and less well known.

Given this substantial response, the Committee therefore resolved, following careful deliberations, to elaborate as expeditiously as possible a General Comment on the topic of child rights in early childhood. Relying on ideas generated through the Day of General Discussion, as well as the expertise of the Committee, the General Comment, the seventh to be issued by the Committee, was adopted in Geneva on 30 September 2005 at the end of the 40th session of the Committee (12-30 September 2005).



I. The Day of General Discussion

*United Nations Committee on the Rights of the Child
Day of General Discussion on
'Implementing Child Rights in Early Childhood'
17 September 2004*

A. Background and Introductory Remarks

In accordance with rule 75 of its provisional rules of procedure, the United Nations Committee on the Rights of the Child periodically devotes one day during a regular Committee session to a general discussion on a specific article of the Convention or on a child rights theme. Such 'Days of General Discussion' may lead to the identification of issues requiring further examination, and they can also serve as a basis for additional work on the interpretation of the articles of the Convention. Days of General Discussion are usually held about once per year.

Since the first one in 1992, Days of General Discussion have been convened on the economic exploitation of children, the rights of the child and the role of the family, the rights of the girl child, the administration of juvenile justice, the rights of children with disabilities, HIV/AIDS and children's rights, violence against children, and other themes.

On Friday, 17 September 2004, during its 37th session (13 September–8 October 2004), the Committee on the Rights of the Child conducted a Day of General Discussion on the topic 'Implementing Child Rights in Early Childhood'. The meeting took place at the Office of the United Nations High Commissioner for Human Rights, Palais Wilson, in Geneva. It was open to the public, and, as has been typical of the other Days of General Discussion, it attracted broad attendance among human and children's rights advocacy groups, non-governmental organizations, youth groups, other civil society organizations, United Nations bodies and specialized agencies, government observers and representatives, experts and other interested individuals.

The aim of the Day of General Discussion was to broaden understanding and raise awareness about the rights of the youngest children in order to facilitate the full implementation of these rights by states parties to the Convention on the Rights of the Child and other concerned parties.

Specifically, the Committee divided the discussions under two subheadings:

- 'Starting sound practices early': guaranteeing the rights to survival and development among young children, including the rights to health, nutrition and education and guaranteeing the right to rest, to leisure and to engage in play and recreational activities.*
- 'Young children as full actors in their own development': participation in the family, the school setting and the community and the role of day-care centres, early childhood programmes, pre-schools, pre-primary schools and the first years of primary education in promoting the child as a rights-holder.*

Implementing child rights in early childhood

Norberto I. Liwski

Norberto Liwski, a member of the Committee on the Rights of the Child, is president, Defence for Children International, Argentina, and a member of the Executive Committee of the Inter-American Children's Institute of the Organization of American States. The following text is based on extracts translated by the editors from 'Realización de los derechos del niño en la primera infancia', the original in Spanish. It provides a brief introduction to the work of the Day of General Discussion on 17 September 2004, including a description of several of the goals.

The United Nations General Assembly, at its Special Session on Children in 2002, adopted a Plan of Action that committed Member States, inter alia, to the '... implementation of national early childhood development policies and programmes to ensure the enhancement of children's physical, social, emotional, spiritual and cognitive development'.¹²

Then, the Committee on the Rights of the Child decided, at its thirty-third session, to devote the Day of General Discussion in 2004 to the theme of 'Implementing Child Rights in Early Childhood'.¹³ ...

In its announcement of the meeting, the Committee states that 'Having reviewed since 1993 the situation of child rights in almost all countries of the world, the Committee has noted that the rights of babies and young children are too often overlooked'. ... This is so although 'it is widely recognized that early childhood is a crucial period for the sound development of young children and that missed opportunities during these early years cannot be made up at later stages of the child's life'.

In regards to the implementation and scope of the Convention, the announcement points out that 'it is still frequently believed that these children can only benefit from the protection rights recognized in the Convention'. ...

This is the situation that demands our attention ... in the search for approaches appropriate to early childhood and requiring us to examine the fundamental characteristics of the survival, protection and development of the child along two main tracks: (a) how to guarantee the right of young children to survival and development, in particular the right to health, to nutrition and to education, and (b) how to guarantee the right to rest and leisure, to engage in play and to recreational activities.¹⁴

From this perspective, in the analysis of the theme of the discussions, there are several relevant aspects that should be highlighted: (a) the partial and fragmentary nature of the realization of some rights set out in the Convention and the emphasis on protection rather than participation ... , (b) the disparity between the commitments taken on by the General Assembly through the document 'A World Fit for Children' ... and the results thus far obtained, and (c), especially as regards health, the need to review sectoral and social approaches, including individual principles and the implementation of programmes and initiatives.

12 United Nations (2002), 'A World Fit for Children', Resolution adopted by the General Assembly, A/RES/S-27/2, United Nations: New York, paragraph 36 e. The resolution consists of a declaration and the Plan of Action. The resolution was adopted by 180 countries. The Special Session took place on 8-10 May.

13 The 33rd session occurred from 19 May to 6 June 2003.

14 For (a), see, for example, articles 6, 24, 27, 28 and 29 of the Convention; for (b), see article 33 (see Section v).

From this starting point, we shall consider the theme of the discussions, gradually proceeding from a general overview of the normative function of human rights and, especially, the Convention on the Rights of the Child. We shall seek to analyse the gap between commitments and realities in terms of compliance with the Convention and the role of the states parties as guarantors of this compliance. We shall propose certain methods to consolidate social or sectoral approaches. . . .

In fact, a systematic observation of the implementation of social policies reveals that these social policies, instead of being focused on rights, tend to generate fragmented responses that emphasize protection, usually prompted by emergency situations. . . .

Countries in the developing world, within a context of significant cultural homogeneity, possess characteristics that produce a similar impact, often dramatic, on children and adolescents. High maternal, infant and under-5 mortality rates, poor immunization coverage, difficulties in access to health services, with the resulting rise in the risk in pregnancies and inadequate growth monitoring during early childhood, inadequate promotion of breastfeeding, the lack of appropriate nutrition and the large share of the population without safe drinking water constitute evidence of substantial shortcomings in the ability of children to exercise their rights in early childhood.

In this context, we must submit guidelines and an assessment framework that will foster the design of an effective response in keeping with the obligations set forth in treaties and covenants. . . .

The effort to overcome the gap between commitments and realities and fully to realize rights requires a change in social and political practice . . . so as to make public policy effective and ensure consistency in policy planning and implementation and the participation of the various actors, including the population at large, but especially children and their families, as the main protagonists and actors.

Three critical components are essential to the design of an appropriate approach: the elaboration of social policies that reflect a rights perspective, a view of citizenship that encompasses not only individuals, but also civil society organizations, and the development of community health concepts. . . .

A distinction must be drawn between the needs-based approach and the rights-based approach in the development of public policies and in the planning generated by civil society organizations. A needs-based focus produces a vision aimed at solving specific problems that require immediate and swift attention; however, at the same time, it concentrates on specifics and converts the citizen into a passive subject who must be considered from the standpoint of the problem. In contrast, a rights-based approach fosters a vision of citizenship whereby the citizen is a holder of rights. . . .

Many rights have evolved on the basis of needs, but a rights-based approach adds moral and legal obligations in addition to responsibility. . . . A rights-based approach urges and empowers the holders of these rights to demand them, which means that they [the holders of the rights] are not viewed as an object of charity (as, indeed, may be the case in the needs-based approach), but as individuals demanding their legal rights.

This vision must be complemented by that of social citizenship, whereby individuals are organized into institutions, groups, or other sorts of civil society organizations for specific purposes of participation and the exercise of citizenship so as to be protagonists in the creation or recognition of a right and in the search for its proper realization.

In this sense, the unity of meaning and action established in local communities through the strengthening of social organizations will then be associated, through the principles and

provisions of human rights treaties, with a practical tool for effective dialogue with public entities in the design of public policies and the development of plans and programmes from a standpoint enabling their development and assessment within a rights perspective. . . .

In this context, proposals for local development based on concepts of people's participation, equality of opportunity, the openness of state entities and the promotion of the regional economy become particularly significant.

It is essential, then, . . . to resituate the concept of citizenship within development strategies and the strengthening of democratic life within communities. . . .

Even the youngest children have rights

María Francisca Ize-Charrin

At the Office of the United Nations High Commissioner for Human Rights, Palais Wilson, in Geneva, on Friday, 17 September 2004, at 10 in the morning, the Day of General Discussion on the theme 'Implementing Child Rights in Early Childhood' was called to order. Jaap Doek, the chairperson of the United Nations Committee on the Rights of the Child and the chairperson of the meeting, welcomed the participants. He said that he looked forward to hearing their views on a topic that merited greater attention.

In her keynote speech, María Francisca Ize-Charrin, representing United Nations High Commissioner for Human Rights Louise Arbour, then briefly analysed the importance of the Committee's Days of General Discussion and listed some of the impacts of the Committee's General Comments, particularly in education, including human rights education.

Ms Ize-Charrin is chief of the Treaties and Commission Branch, Office of the United Nations High Commissioner for Human Rights, Geneva. The Treaties and Commission Branch acts as the secretariat of the United Nations Committee on the Rights of the Child. Contact: Office of the High Commissioner for Human Rights, United Nations Office at Geneva, 1211 Geneva 10, Switzerland, Fax: (+41) 22 917.90.11, e-mail: InfoDesk@ohchr.org, web: www.ohchr.org.

. . . This is the 14th general discussion day that this Committee has organized. I am impressed by the impact of these thematic debates, which have generated many new activities and important decisions. These include the UN Study on the Impact of Armed Conflict on Children, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and, more recently, the UN Study on Violence against Children and four General Comments, two of which are being drafted at the moment. I am convinced that today's debate will again result in valuable and creative recommendations that will be used by states parties, UN agencies and bodies, NGOs and others to advance the cause of the human rights of children. The willingness of this Committee to work in tandem with a wide spectrum of partners is . . . appreciated particularly as [this] makes its work dynamic and deeply anchored in the concrete realities of daily life. . . .

Today's discussions offer a unique opportunity for human rights experts, education and child development specialists, researchers, parents, policy makers and government representatives to exchange ideas, experiences and perspectives on early childhood development policies. . . .

The Convention on the Rights of the Child not only protects the rights of every human

being below the age of 18, including infants and young children, but also provides guidance on how children should be raised and educated. Interestingly, the Convention contains an article on the aims of education (article 29). The Committee has given further explanation on what this article entails in its General Comment on the aims of education of 2001 (CRC/GC/2001/1): education shall be directed to, notably, ‘the development of respect for human rights and fundamental freedoms’. This is one of the themes which you will discuss today. It was also the focus of the discussions a group of experts who met earlier this week at the Graduate Institute for Development Studies – just next door – to draft a Plan of Action for the World Programme for Human Rights Education to begin on 1 January 2005. The first phase of the programme focuses on . . . primary and secondary school systems, as requested by the 60th Commission on Human Rights. The definition and principles of human rights education contained in the draft plan of action draw largely on the Convention on the Rights of the Child and related literature. ‘Human Rights Education within the school system’, it says, ‘should be understood as a process which includes both “human rights through education” and “human rights in education.” Participatory rights of the children, for example, are an inherent part of the draft plan of action.

Even though the first phase of the World Programme for Human Rights Education deals only with human rights education in primary and secondary school, the draft plan stresses that ‘education requires a human rights approach that implements human rights throughout the whole education system and in all learning environments’. This is where you, your discussions, your submissions to the Committee and the recommendations that the Committee will adopt following this day of debate will most probably remind us that even the youngest children have the right to be sensitized to human rights education and to grow up in an environment of understanding, peace, tolerance, equality of sexes and friendship among all peoples, as specified in the Convention. . . .

B. Keynote Presentations

Following the introductory remarks on behalf of the United Nations High Commissioner for Human Rights came three keynote addresses. Patrice Engle, representing the United Nations Children’s Fund, proposed a very thorough analysis of the problems faced by young children in our modern world and the importance of the Convention on the Rights of the Child in engaging with these problems.

Venkatraman Chandra-Mouli, of the World Health Organization, pointed out that the equivalent of a classroom of children under the age of 5 died of preventable or treatable diseases each minute of each day. He said that the right to survival of newborns and young children must be a priority. Disease driven by poverty is responsible for the vast majority of child deaths and cases of child disability.

Peter Laugharn, executive director of the Bernard van Leer Foundation, said that early childhood was a period of vulnerability, but also capability. Both should be emphasized in work on children’s rights. He added that non-governmental organizations should make sure their own childhood development programmes are rights based and should attempt to maintain a focus on the capacity and potential of children, as well as children’s needs.

Comprehensive policy implications of child rights

Patrice L. Engle

Patrice Engle is senior advisor, Integrated Early Childhood Development, UNICEF, New York. Within the United Nations system, the United Nations Children's Fund is a worldwide advocate for children's rights and well-being. It works in nearly 160 countries and territories around the globe. The country examples contained in the UNICEF submission are extracted in 'Examples of good practices' (in Section III, D). Contact: UNICEF House, 3 United Nations Plaza, New York, NY 10017, Tel.: (+1) 212.326.70.00, Fax: (+1) 212.887.74.65, 887.74.54, web: www.unicef.org.

. . . At the Special Session of the United Nations General Assembly on Children in May 2002, 180 nations adopted the outcome document 'A World Fit for Children', in which they recognized that 'A world fit for children is one in which all children get the best possible start in life.'¹⁵ The outcome document echoed the first underlying principle of the Convention on the Rights of the Child: the child's right to life, survival and development.

During the first years of life, the trajectory of a child's future begins to be set. This includes not only whether or not the child will survive, but also the child's eventual height, learning ability, willingness to trust people . . . , self-esteem and risk of disease later in life. Poverty, frequent illness, unsanitary and polluted environments, poor nutrition and violence steal a child's potential. Overburdened families may not have the information, time, or safe places to support the stimulating play and learning opportunities that are necessary for their children to learn and develop. Young girls may miss out on opportunities to learn and not have the time to play that boys do. Emergencies place children at great additional risk, and it is usually those who can ill afford another threat who suffer most. In every part of the world, children are facing these threats. . . .

A good start in life means that each and every child, from infancy forward, has the right to live in a nurturing, caring and a safe environment that enables [the child] to survive and be physically healthy, mentally alert, emotionally secure, socially competent and able to learn. . . .

Human rights principles

Human rights principles apply to all areas of early childhood development. With regard to children and their rights, these principles are reinforced by the four general principles of the Convention: non-discrimination, [the] best interests of the child, [the] right to life, survival and development, and respect for the views of the child.

Universality and non-discrimination: Discrimination can occur between families, as when only some members of the community have access to these services, as well as within the family structure. Families may give preference on the basis of gender, birth order, disability and sometimes even on physical attractiveness. . . .

Indivisibility and interdependence: For the child to develop, all rights must be met. The basis of early childhood development . . . is the indivisibility and interdependence of child rights.

¹⁵ United Nations (2002), 'A World Fit for Children', Resolution adopted by the General Assembly, A/RES/S-27/2, United Nations: New York, page 4.

The best interests of the child should guide decisions made by families and by states when families are not available. . . .

Participation of children: . . . From birth, children communicate their needs and preferences; by the age of 3, most children can communicate ideas and thoughts in words. The spirit of this right should be met by making sure that care providers (families, schools) are able to listen to children's views and take them into account. . . .

An integrated and holistic approach

UNICEF advocates an integrated approach to early childhood development. . . . This approach . . . involves strengthening bonds between parents and children and evaluating the effectiveness of institutions and services for young children. An integrated approach that protects and fulfils the multiple rights of individual children is the only way to ensure the best possible start in life for a child. . . . Early childhood development is child centred, family focused, community based, society supported and globally advocated.

Promoting the survival, protection and development of the child

. . . Over 10 million children die before their fifth birthday each year from preventable illnesses. At least 18 million low birthweight babies are born each year. Over 50 million children's births are not registered annually. More than 150 million children under 5 suffer from malnutrition in developing countries, which contributes to half of all deaths of children under 5. Iodine deficiency threatens the learning abilities of three million infants each year. More than 40 per cent of children aged 0-4 in developing countries suffer from anaemia.¹⁶ Severe malnutrition in early childhood often leads to deficits in cognitive development. Malnourished children score more poorly on tests of cognitive function, have poor psychomotor development and [poor] fine motor skills, have lower activity levels, interact less frequently in their environments and fail to acquire skills at normal rates. Malnourished children have more illnesses, are less ready for school and have difficulty learning. At least 10 per cent of children experience some form of disability, and a much higher [percentage] will not be raised in environments adequate to support their potential for learning. . . .

Importance of the family environment

. . . [A] child's survival and growth, as well as . . . intellectual, social and emotional development, depend on the care and nurturing [the child] receives within the family or community. . . . When children are brought up in a loving and supportive family environment, they are likely to manifest high levels of self-confidence and self-esteem, curiosity and the desire to learn. . . .

Parents usually know how to fulfil the needs and rights of young children. . . . Thus, respect for and support to the family are important components of any state's actions aimed at helping the family to prepare the child for lifelong learning. This includes raising awareness of the importance of the involvement of both parents in the child's care and upbringing. . . .

¹⁶ For these and other such statistics, see 'UNICEF: Monitoring the Situation of Children and Women', at www.childinfo.org.

Children deprived of a family environment

A growing number of children are deprived of a family environment. They may be orphaned by the HIV/AIDS pandemic, separated from their families in an armed conflict, abandoned or rejected by their parents, or separated from their parents in their own best interests. Children deprived of a family environment are 'entitled to special protection and assistance provided by the State' (article 20 of the Convention). . . .

A child's separation from families should be averted through enhanced access to social services. If separation is unavoidable, it is essential to ensure that children be cared for in an environment that provides some sense of continuity in upbringing methods and cultural background. For this reason, it is highly preferable that the child be cared for in the wider family or, as relevant, community. . . . Institutional care should be used only as a last resort. . . . It is important that the state ensure reintegration with parents or provide an alternative permanent family-based solution, offering sufficient care options, with appropriate decision-making on their use, acceptable conditions of care and adequate protection of children's rights in care situations.

A growing number of recommendations from international and regional fora suggest the need for universally accepted standards to enhance guidance for and monitoring of alternative care for children who do not or cannot live with their parents. . . .

Violence within the family

The physical, sexual and psychological abuse of young children is a phenomenon that crosses all borders and occurs in the richest and poorest communities. It has a dramatic impact on the life and development of the child, and many societies demonstrate high rates of child deaths due to maltreatment.¹⁷ Young children are particularly at risk both as a consequence of their vulnerability and inability to protest and as a result of the pressures and responsibilities young parents often face. In rich nations, it has been found that, for children below 1 year of age, the risk of death from maltreatment is three times greater than that for children between the ages of 1 and 4. In turn, this latter group has twice the risk of death from maltreatment as children aged 5 to 14.

In many cases, girls are more vulnerable to violence and maltreatment than boys. In some communities, there is explicit gender discrimination that manifests itself in female infanticide or that sees girls receiving less nourishment than boys. . . . The higher mortality rate among girls is exacerbated by their lower access to health care. Moreover, in certain countries where female genital mutilation . . . is practised, the age at which girls are forced to submit to this procedure is dropping.

Children who have experienced violence are more likely to exhibit health and behavioural problems, including problems with their weight, their eating and their sleep, as they grow older. . . . The same is often true for young children who have witnessed violence.

One of the first steps to protecting children from violence is recognizing those at risk. Risk factors in families include poverty and socio-economic stress, often compounded by drug and alcohol abuse. Those most likely to come into contact with young children, including medical staff and health workers, must be sensitive to the symptoms of violence.

¹⁷ UNICEF (2003), 'A League Table of Child Maltreatment Deaths in Rich Nations', *Innocenti Report Card*, no. 5, UNICEF Innocenti Research Centre: Florence.

More broadly, violence against children and, in particular, violence within the family must be generally recognized by society as a serious rights abuse. . . .

Birth registration

Birth registration, a fundamental right under article 7 of the Convention on the Rights of the Child, is crucial for the recognition of every child as a legal subject and a rights bearer. . . . When children are unregistered, their enjoyment of a range of other rights, including education and health care, participation and protection, is jeopardized. . . .¹⁸

Birth registration can be promoted through synergetic initiatives fully consistent with an integrated approach to early childhood development. . . . An efficient and cost-effective means to reach unregistered infants in remote communities involves civil registrars travelling with mobile immunization teams or health visitors.

Health and nutrition

The Convention on the Rights of the Child recognizes the right of all children to the highest attainable standard of health and, specifically, the right to good nutrition. . . .

. . . By expanding the number of women who exclusively breastfeed during their child's first six months, at least 1.3 million infant lives could be saved this year. As a global public health recommendation, infants should be exclusively breastfed for the first six months of life to achieve optimal growth, development and health. Thereafter, to meet their evolving nutritional requirements, infants should receive nutritionally adequate and safe complementary foods, while breastfeeding continues . . . up to 2 years of age or beyond. . . .

States should support proven and cost effective micronutrient interventions to prevent and combat the deaths, illnesses and disabilities associated with iodine deficiency disorders . . . , iron deficiency anaemia and vitamin-A deficiency. . . . Salt iodization is the most logical and effective solution to iodine deficiency disorders. . . . For pregnant women, who have greater iron needs, iron/folate supplements can prevent maternal and infant deaths. Educational campaigns clarify the important role of iron in the diet. When iron-rich foods are not widely available or affordable, fortifying staple foods such as flour [are] an alternative for reaching a large portion of the population. Finally, in malaria-endemic countries, anti-malarial interventions such as bed-nets are critical for preventing anaemia because malaria is often a major underlying factor. Giving vitamin-A supplements to children over 6 months [of age] who need them increases . . . resistance to disease and improves . . . chances of survival, growth and development, while breastfeeding support is key to reducing vitamin-A deficiency among young children. In some countries where there is adequate industrial and commercial infrastructure, fortifying food staples such as flour, sugar and margarine can help end vitamin-A deficiency.

Health services should pay particular attention to young children with disabilities. The majority of impairments are preventable, and good maternal care and nutrition and safe childbirth are key elements in this prevention. . . . For children with disabilities, very early intervention, with a lot of interaction with the parent or caregiver, promotes healthy development. . . .

18 For a full discussion of the significance of birth registration, see UNICEF (2002), 'Birth Registration: Right from the Start', Innocenti Digest, no. 9, UNICEF Innocenti Research Centre: Florence.

In the majority of developing countries and especially in rural areas, specialized medical rehabilitation services remain limited. All the same, relatively simple interventions, such as advice on breastfeeding, play activities and activities to promote self-sufficiency and limit dependence are . . . effective and inexpensive. There is enormous scope for increasing support to mothers and families as regards early detection of impairments and advice on early stimulation through alternative health services and especially through mother and child health programmes and by means of personnel involved in vaccination activities. . . .

States should also support community-based health care mechanisms. . . .

Early learning

Article 29 of the Convention on the Rights of the Child establishes the child's right to education. However, learning and education do not begin with primary school. They begin with responsive and stimulating adult-infant interaction.¹⁹ . . . Information about early learning and development should be made widely available so that families do not miss these early opportunities. Research shows that children profit from organized early learning experiences, particularly the poorest children. . . .

The Convention specifically enjoins states to support working parents in their needs for childcare. Article 18 suggests that states should 'take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible'. . . .

Caregivers of all kinds should be fully aware of children's needs during early childhood and know how to fulfil these needs. . . .

With such an understanding comes a new responsibility as a caregiver: the responsibility of interacting with children's as actors in their own development and balancing this with the right kind of stimulating guidance. . . .

Play and recreational activities

Play is one of the main ways in which young children learn and develop cognitive and motor skills. It also provides children with opportunities to form social relationships and learn how to interact with and treat others. . . . The more a family is able to provide play materials and safe play spaces for a young child, the greater are the opportunities for learning. Families also need to support play between adults and the child. They should encourage games, dancing and singing both in the home and among children at a community level. . . .

. . . Funding for public play spaces, such as playgrounds, can facilitate play in communities, especially in those where safe play spaces are scarce. Some [play areas] could be made specific for younger children. Lending libraries with toys and books for young children make play materials more available to families with limited resources. In emergency and conflict situations, nutritional rehabilitation centres and temporary shelters should incorporate play as children recover from trauma. . . . Play in conflict situations may be even more important than under normal circumstances. . . .

19 Myers, Robert G. (2000), 'Atención y desarrollo de la primera infancia en Latinoamérica y el Caribe: Una revisión de los diez últimos años y una mirada hacia el futuro', *Revista Iberoamericana de Educación*, no. 22, Organization of Ibero-American States for Education, Science and Culture: Madrid.

Learning environments for young children should be child centred. That means that there should be ample opportunity for children to learn through active engagement with learning materials and people rather than being only teacher directed. . . . One of the strengths of early learning centres is that children learn the basics of democracy: how to express their desires, how to make plans and carry them through and how to make simple decisions.

This 'democratic approach' to learning would help create pre-schools where teachers/caregivers internalize and practise interactive early childhood care. . . . The children will be better prepared for school and better in improving their knowledge and use of various life skills. . . .

A classroom's worth of children under 5 is dying every minute

Venkatraman Chandra-Mouli

Venkatraman Chandra-Mouli is medical officer and coordinator, Adolescent Health and Development, Department of Child and Adolescent Health and Development, World Health Organization. The World Health Organization is the United Nations specialized agency for health. It has over 190 member states. Contact: World Health Organization, 20 Avenue Appia, CH-1211 Geneva 27, Switzerland, Tel.: (+41) 22 791.21.11, Fax: (+41) 22 791.31.11, e-mail: info@who.int, web: www.who.int.

. . . One of the most fundamental rights of the child is his or her right to survival. We all know that, without it, no other rights have any meaning. Surely then, the survival of our world's newborns and young children must be a priority.

Sadly, the reality today is that the equivalent of a classroom of children under the age of 5 dies from preventable or treatable diseases each minute of each day. Thus, while we are celebrating the 15th anniversary of the Convention on the Rights of the Child this year, close to 11 million young children will lose their lives prematurely, having been denied their most basic right, the right to survival.

Unfortunately, the tragedy does not stop here. Deaths represent only a small portion of childhood suffering. Many more children endure lifelong consequences due to inadequate care and ill health early in life. For instance, maternal nutrition and inadequate breastfeeding and complementary feeding represent huge risks to the health of those children who survive. Over 50 million children are wasted, and, in low-income countries, one in three children under 5 suffers from stunted growth. The effects of poor nutrition continue over the child's life, contributing to poor school performance, reduced productivity and other measures of impaired intellectual and social development. . . .

We know what causes these stunning numbers of child deaths, what prevents those children that do survive from developing in an optimal manner and what effective and affordable medical interventions exist to combat these immediate causes. Why then does this shocking problem and, indeed, blatant violation of children's most fundamental rights persist?

It persists because current health service delivery strategies do not reach those children most in need, especially the poor, because their families or caregivers lack the knowledge or financial resources and support to provide good nutrition, because families or caregivers do not have access to the solutions that can save lives.

But we also need to look beyond these intermediate, underlying determinants. We need to systematically take into account those factors which hinder parents, families, or caregivers in

accessing and properly utilizing information, resources and care.

It does not come as a surprise to know that the vast majority of child deaths and disability are due to conditions and disease driven by poverty. But economic exclusion is not the only underlying factor. Social exclusion and deprivation must also be recognized as root causes for . . . deaths and less than optimal development.

Children in poor and marginalized families are more likely to die than their better-off peers in the first month of life, in the first year of life and before they reach the age of 5. Children in those families are sick and injured more often and more seriously. They are less well nourished and are more likely to lag behind in growth and psychosocial development.

Discrimination in various forms further exacerbates the situation and often lies at the root of both poverty and poor health status. Gender discrimination, leading to continuing inequities in the care and feeding of girls in various parts of the world, including female infanticide, contributes to higher rates of infant and child mortality. The crucial link between maternal health, education and infant survival and development is well known. Yet, persistent low status of women in many societies prevents them from accessing the information and education which would enable them to take better care of their children.

So, what is needed?

The actions to be taken are manifold and require . . . short-term and long-term action, as well as a multisectoral approach.

Governments, intergovernmental organizations and civil society must show a strong and sustained commitment framed within the context of . . . legal obligations under the Convention on the Rights of the Child and ongoing efforts to reach international goals and targets, including the Millennium Development Goals.

The Convention must provide the overall normative and legal framework for addressing child survival and development. Article 24, supported and guided by the general principles of the Convention and linked to other relevant provisions of the Convention, including articles 4, 5, 7, 17, 18, 19, 23, 26 and 27, provides a clear and comprehensive platform for required action, and clearly states governments' obligations vis-à-vis the respect, protection and fulfilment of the survival, development and health rights of the very young.

In practice this means that . . . increasing and sustaining coverage of infant and child populations with interventions known to be effective [are] needed immediately, especially interventions that help families and communities care for their young and that improve the quality of health services.

Governments need to ensure:

- Provision of skilled attendance during pregnancy, childbirth and the immediate postpartum period;
- Adequate availability of and access to safe and appropriate drugs, for example antibiotics for pneumonia;
- Promotion and facilitation of exclusive breastfeeding during the first six months of life, with appropriate complementary feeding from six months and continued breastfeeding for two years or beyond;
- High and sustained levels of immunization.

But, while the availability of effective and affordable interventions, as well as services, is crucial, we need to make sure that all parents, families [and] other caregivers have access to interventions and services [and] the knowledge and means to use them and that they have

access to appropriate information, as well as support.

Governments need to:

- Develop, implement and monitor appropriate and comprehensive policies, strategies and laws, with a strong focus on the particular needs of the most vulnerable and marginalized children, thereby providing a supportive and protective political and regulatory environment for addressing child survival and development. This includes, for example, the development, implementation, monitoring and evaluation of a comprehensive policy on infant and young child feeding in line with the Global Strategy on Infant and Young Child Feeding. But it also includes developing and implementing legislation which is in conformity with the International Code of Marketing of Breastmilk Substitutes.
- Allocate adequate resources and ensure that budgets are child centred.
- Empowering parents and families with knowledge, skills and adequate resources to care for their young, including the development of mechanisms for ensuring meaningful and well-informed community participation at all levels in . . . decision-making processes and [the] design of health services, ensuring that the voices of the most vulnerable are being heard and their needs taken into account.
- But also protect parents, families and other caregivers from harmful information and practices, including the sale of illicit drugs and medication by private providers and misleading information concerning infant and young child feeding practices, including issues concerning breastmilk substitutes.

But the obligations do not lie with governments alone. And they need assistance in fulfilling those obligations, as no single actor can take on this challenge alone. It requires the joint strength of all duty bearers: governments, bilateral and multilateral agencies, non-governmental organizations and the private sector. To facilitate this multisectoral approach, a global child survival partnership is being formed to respond to the health crisis facing children and to assist countries in their efforts. . . .

The future of human societies depends on children being able to survive and to achieve their optimal growth and development. But they count on all of us – the duty bearers – to create a supportive, protective and enabling environment. The World Health Organization and its partners are strongly committed to do so, and it calls upon all duty bearers – governments, the United Nations family and civil society – to turn the principles of the Convention on the Rights of the Child [into] a reality. The Convention provides a sound normative and legal framework for the types of action . . . just described. Framing our actions within the context of the Convention no longer allows us to neglect or overlook the rights of the very young among us.

Both 'A World Fit for Children' and the Millennium Development Goals have given us a fresh opportunity to renew our commitment to the world's children, including the youngest, to help them survive and to improve their lives and well-being. It is clear that we must urgently put knowledge into action if we want to ensure . . . better health for the vast majority of children in this world. . . .

Our children are the future

Peter Laugharn

Peter Laugharn is executive director of the Bernard van Leer Foundation. The Foundation has been working on early childhood development issues for 40 years. For over 20 years, the Foundation has been concentrating solely on young children from birth to 8 years of age. It supports programmes in more than 40 developing and industrialized countries. This support includes grants, the commissioning of studies and research, and publishing and advocating. Foundation programmes are mainly implemented through non-governmental organizations. Contact: Bernard van Leer Foundation, PO Box 82334, 2508 EH The Hague, The Netherlands, Tel.: (+31) (0)70 331.22.00, Fax: +31 (0)70 350.23.73, e-mail: registry@bvleerf.nl, web: www.bernardvanleer.org.

. . . The adoption of the Convention on the Rights of the Child and its almost universal ratification [have] created a whole set of opportunities and challenges. One of these challenges is that the practice lags far behind the concept. And another of these challenges is that, in the vast majority of countries, the rights of the very youngest children are virtually ignored.

Four arguments for supporting early childhood development

There are a number of compelling arguments for concentrating on the youngest members of our society. . . .

The *scientific argument* is . . . based on developmental research that has shown that the early years are extraordinarily important in relation to a child's development intellectually, emotionally, socially, physically and morally. We know . . . that, particularly during the early years, both physical and environmental factors play a significant role in child development.²⁰ . . .

- Before the age of 1 [of the child], brain development is quicker and more encompassing than heretofore thought. Cell formation is essentially complete prior to birth, but brain maturation continues.
- The brain is extraordinarily susceptible to environmental influences. Brain development is seriously compromised by inadequate nutrition prior to birth and during the first years of life. Consequences can include . . . learning disabilities and mental illness.
- Early environments influence brain development. Infants raised in stimulating environments have better brain function at age 12 than those raised in less stimulating environments.
- Early stress adversely affects brain function, learning and memory. Young children who experience extreme stress [are], later in life, . . . at greater risk [of] behavioural, emotional and cognitive problems.²¹

20 Shonkoff, Jack P., and Deborah A. Phillips (eds) (2000), *From Neurons to Neighborhoods: The Science of Early Childhood Development*, Committee on Integrating the Science of Early Childhood Development, Board on Children, Youth, and Families, National Research Council and Institute of Medicine, National Academies, National Academy Press: Washington, DC.

21 Young, Mary Eming (1996), 'Early Child Development: Investing in the Future', *Directions in Development*, World Bank, Washington, DC.

From the time of conception until a child enters primary school, development advances at a pace greater than any other stage in life. During this period, children develop remarkable linguistic and cognitive skills, and they begin to exhibit emotional, social and moral capabilities. Development can be compromised or enhanced depending upon the social and economic circumstances children experience, and long-term differences are clearly associated with social and economic circumstances. . . .

The *rights-based argument* for attention to the early years is [grounded] squarely on the Convention on the Rights of the Child. . . . Articles 2 (non-discrimination), 3 (the best interests of the child), 6 (inherent right to life, survival and development) and 12 (participation of the child) set out basic principles, while other articles are concerned with health, family, education and respect for the child in her or his own culture and environment.

. . . [Y]oung children are specifically mentioned . . . in terms of survival, health and malnutrition, [and] birth registration. . . . [I]n addition to the above, the following articles are specifically relevant to young children: article 5 (evolving capacities of the child), article 24 (health and social services), article 27 (standard of living), article 28 (education), article 29 (aims of education) and article 31 (leisure, recreation and cultural activities). . . .

The rights-based argument is further supported by commitments made by governments at the World Conference on Education for All, in Jomtien, Thailand, in 1990. Article 5 of the Declaration states that 'Learning begins at birth. This calls for early childhood care and initial education. These can be provided through arrangements involving families, communities, or institutional programmes, as appropriate'.²² During a follow-up meeting in Dakar in 2000, the first of the adopted goals [was]: 'Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children'.²³ . . .

The economic argument is as compelling as the scientific and rights-based arguments. . . .

The most valuable economic asset of any country is its population, known in economic terms as 'human capital'. Human capital is best developed by providing every child with the opportunity to [reach] her or his full potential. In early childhood this means focusing on health, learning and behavioural development. Underdeveloped language acquisition, social skills, lack of the ability to think critically and the capacity to learn, all of which develop during the early years, along with physical disabilities, learning impairments, poor preparedness for school and gender disadvantages, . . . keep prosperity and development from occurring. . . .

Cost-benefit analysis . . . holds that education is both a consumption good that gives immediate benefits and an investment good that gives personal and social benefits well into the future. . . . There are two core components of a cost-benefit analysis: a detailed estimate of all programme costs (regardless of the source of the financing) and the identification of multiple programme benefits or effects. . . .

Three long-term studies that conform to this pattern are available from the United States. The returns have been calculated at amounts between four and seven dollars for every single dollar spent on the early childhood programme.²⁴ These are rates of return on investment that many commercial enterprises would envy. . . .

22 Secretariat of the International Consultative Forum on Education for All (1990), 'World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs', World Conference on Education for All: Meeting Basic Learning Needs, Jomtien, Thailand, 5-9 March, United Nations Educational, Scientific and Cultural Organization: Paris, pages 5-6.

23 UNESCO (2000), 'The Dakar Framework for Action, Education for All: Meeting our Collective Commitments', World Education Forum, Dakar, 26-28 April, United Nations Educational, Scientific and Cultural Organization: Paris, page 8.

Research has shown that financial benefits of early childhood development programmes accrue directly to children and families and that there are financial and other benefits to communities and society as a whole. For example, the implications of improved health and nutrition on performance and mortality rates, increased school enrolment with lower repetition and dropout rates, influences on gender disparities, childbearing, unsocial behaviour. . . .

The *human development argument* is perhaps the most compelling of all the arguments for devoting resources to early childhood. Attention to young children and their families contributes to the overall quality of human experience. . . . This leads to an overall enhancement in the quality of any individual society. . . .

A recent review of 11 early childhood studies covering 15 countries lists the following as the most important and consistent findings:²⁵

- Early childhood development and care programmes in the early years can do much to prevent malnutrition and increase children's chances of survival.
- Intervention during the early years can assist in the healthy development of children cognitively, socially, emotionally and physically.
- Participation in pre-school programmes promotes cognitive development in the short term and prepares children to succeed in school.
- Early childhood programmes can reduce educational inequalities.
- Interventions can raise the status of mothers in the home and community.
- Interventions reduce gender inequalities.
- Early interventions generate economic returns and reduce social costs by reducing grade retention, special education placement, juvenile delinquency and substance abuse.

A range of studies on the effects of early childhood development programmes have highlighted a wide variety of findings. . . .

. . . [Q]uality early childhood programmes in many parts of the world have effects that last far longer than the programme itself, and . . . effects reach out to parents, future parents and society at large. . . .

What should an early childhood programme look like?

Early childhood development programmes are not only about the children, they are also about influencing the contexts in which children are growing up. . . . Programmes should build on the strengths that already exist within the family, community and society. At the same time, they should work to build up the strengths of the children:

24 Masse, Leonard N., and W. Steven Barnett (2002), 'A Benefit Cost Analysis of the Abecedarian Early Childhood Intervention', National Institute for Early Education: New Brunswick, NJ. Reynolds, Arthur J., Judy A. Temple, Dylan L. Robertson and Emily A. Mann (2002), 'Age 21 Cost-Benefit Analysis of the Title I Chicago Child-Parent Centers', *Educational Evaluation and Policy Analysis*, vol. 24, no. 4, pages 267-303. Schweinhart, Lawrence J., Helen V. Barnes and David P. Weikart (1993), 'Significant Benefits: The High/Scope Perry Preschool Study through Age 27', *Monographs of the High/Scope Educational Research Foundation*, no. 10, High/Scope Press: Ypsilanti, MI.

25 Browning, Kimberly (2004), 'Early Childhood Care and Development Programs: An International Perspective', unpublished paper, High/Scope Educational Research Foundation: Ypsilanti, MI.

- *Physical strengths*: such as prenatal care and nutrition for mothers, appropriate nutrition for children, immunization, appropriate shelter, clean water, good sanitation and hygiene, opportunities and encouragement to develop gross and fine motor skills.
- *Intellectual strengths*: such as language acquisition and exposure to stories, activities that encourage a child to explore, be curious . . . , understanding basic concepts such as numbers, colours, dimensions and so on, encouraging creativity and critical thinking.
- *Social strengths*: such as learning about one's own identity, understanding relationships in the family and neighbourhood, interacting with peers and others in accordance with accepted norms of the society, acquiring good communication skills, being able to cooperate.
- *Moral and emotional strengths*: such as having stable relationships, love, affection and a sense of security, understanding the belief system of family and society, learning what is wise and what is not wise, being a critical thinker, instilling and strengthening the ability to protect oneself.

The Convention presents development as a continuing process of interaction between the individual child, with his or her inherent characteristics, and the immediate and larger environment, resulting in evolving capacities and maturity.²⁶ . . . [T]he child is an active participant, not a blank slate to be manipulated.

Even the very youngest children can communicate, and it is our task, as adults, to encourage and assist them to develop their strengths and their skills. . . .

. . . [T]here are many options and many approaches. Some aspects need to be emphasized, such as the importance of programmes that support parents and families rather than replace them; such as training people from the local community to implement early childhood activities rather than insisting that all personnel be professionally qualified; such as communities and parents and children participating in decision-making about their programmes and the activities. . . .

Who should be responsible for early childhood development programmes?

Effective early childhood development programmes result from a series of mutually dependent partnerships of individuals, organizations and agencies. Governments have an essential role to play in that they can set the climate of opinion, and they are the ones who have to create the legal and policy frameworks. Governments set and endorse national agendas, validate private efforts, create a climate of acceptance and approval and establish priorities. They are also fundraisers and conduits for donor agencies.

Resources vary between countries, and not all can afford the same levels of coverage and services. . . . At the minimum, the role of government should be to make early childhood development policy – in collaboration with partners – and ensure its implementation. Such a policy should include items such as standards in training and curricula and legal and administrative measures for implementing the rights of children and women.

. . . Coordination is essential to ensure that all policies and actions have the best interests of the child at heart.

26 Petrén, Alfild, and Roger Hart (2000), 'The Child's Right to Development', in Alfild Petrén and James Himes (eds), *Children's Rights: Turning Principles into Practice*, Save the Children Sweden: Stockholm and UNICEF Regional Office for South Asia: Kathmandu.

In many countries, early childhood development programmes are initiated . . . or implemented by civil society organizations. . . . It is the government's role to create an environment (legal, policy, social) that will permit and encourage the healthy development of young children and their families. . . .

The aim is to build sustainable programmes and services that ensure that all young children have the opportunity to develop their innate potential to the greatest extent possible. That is our collective responsibility. The children cannot wait.

C. Recommendations of the United Nations Committee on the Rights of the Child

After hearing the opening statements, the participants at the Day of General Discussion separated into two working groups, which examined the two 'subheadings' of the deliberations: 'starting sound practices early' (fostering the rights to survival and development among young children) and 'young children as full actors in their own development' (the right to participation and the role of early childhood education in promoting the child as a rights-holder).

In remarks on the efforts of the first working group, Lothar Krappmann, committee member, noted that the rights of young children were often violated. Some of the violations affected the right to be cared for before and after birth, the right to stable relationships with parents and the right to life of girls. The working group had also reviewed obstacles to breastfeeding and the impact of the lack of the medicines needed to care for very young children.

Luigi Citarella, committee member, summarizing the discussions of the second working group, on young children as full actors in their own development, said there were serious challenges to the implementation of the Convention, the most difficult of which was related to cultural attitudes that disfavour children in many countries. Training and awareness-raising among parents, teachers and professionals were therefore identified as essential tasks.

During the Day of General Discussion, nearly three dozen papers were submitted for the consideration of the Committee. These papers form the core of Section III.

On 1 October, during the same session, the Committee issued the recommendations it had adopted on ways to improve the implementation of the Convention in terms of the theme of the Day of General Discussion, 'Implementing Child Rights in Early Childhood'. In drafting the recommendations, the Committee was inspired by the recommendations proposed by the working groups and the written contributions presented during the Day of General Discussion.

The recommendations, which are meant to provide practical guidance, are aimed primarily at states parties, but also at other relevant actors. Such recommendations, which are produced periodically by the Committee, may also be used in formulating the 'concluding observations' the Committee circulates following its consideration of the periodic reports by states parties on their efforts to comply with the Convention.

The text of these recommendations by the Committee was accompanied by the following note: 'These recommendations are based on the input to and discussions that took place during the Day of General Discussion and do not pretend to be exhaustive. Nevertheless, the Committee will prepare a General Comment on this theme which hopefully will be adopted in the course of 2005'.

Recommendations

United Nations Committee on the Rights of the Child

Introduction

1. The Committee reaffirms that the 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. Consequently, all of the rights recognized in the Convention apply to all persons below 18, including the youngest children (art. 1). Early childhood covers different age groups in different countries and regions, generally covering children aged below 4 to ones below 8 years, and the Committee does not favour the one over the other. The Committee, in organizing the Day of Discussion, wishes to underline the importance of early childhood development, since the early childhood years are critical for laying a solid foundation for the sound development of the child's personality, talents, mental and physical abilities.

Birth registration

2. The Committee recommends to States parties to undertake all necessary measures to ensure that all children are registered at birth, inter alia, by using mobile registration units and make birth registration free of charge. The Committee also reminds State parties of the importance of facilitating late registration of birth and to ensure that children, despite being not yet registered, have equal access to health care, education and other social services.

Comprehensive programme, including vulnerable children

3. In guaranteeing rights to the youngest children, States parties are urged to develop rights-based, multidimensional and multisectoral strategies that promote a systematic and integrated approach to law and policy development and provide comprehensive and continuous programmes in early childhood development, taking into consideration children's evolving capacity in light of article 5 of the Convention. In view of the crucial importance of early childhood programmes for the sound development of children, the Committee calls on States parties to ensure that all children are guaranteed access to these programmes, especially the most vulnerable. Such groups include girls, children living in poverty, children with disabilities, children belonging to indigenous or minority groups, children from migrant families, children without parental care, children living in institutions, children living with mothers in prisons, refugee and asylum-seeking children, children infected with, or affected by HIV/AIDS, and children of alcohol- or drug-addicted parents. States parties are further urged to promote and uphold the responsibilities, rights and duties of parents or legal guardians to provide appropriate direction and guidance to young children in the exercise of their rights, as well as provide an environment of reliable and affectionate relationships based on respect and understanding, given their significance for 'the development of the child's personality, talents and mental and physical abilities to their fullest potential' (article 29 (1), a).

Resource allocation for early childhood (article 4)

4. In light of the importance of early childhood development services and programmes for the short- and long-term cognitive and social development of children, States parties

are urged to adopt comprehensive and strategic plans on early childhood development within the rights-based framework and, accordingly, increase their human and financial resource allocations for early childhood development services and programmes. In view of the fact that States parties often do not allocate adequate financial and other resources to early childhood policies, services and programmes, it is important that there are sufficient allocations of public investment in services, infrastructure and overall resources allocated to the field of early childhood development. In this connection, State parties are encouraged to develop strong and equitable partnerships between the government, public services, families and the private sector to finance early childhood care and education.

5. In pursuing these actions, it is necessary that States parties and other stakeholders involved commit themselves to respect all the provisions and the principles of the Convention, especially its four general principles: non-discrimination; the best interests of the child; right to life, survival and development; and respect for the views of the child (articles 2, 3, 6, 12).

Data collection

6. The Committee reiterates the importance of comprehensive and up-to-date quantitative and qualitative data on all aspects of early childhood for the formulation, monitoring and evaluation of progress achieved and impact assessment of policies. In view of the lack, in many States parties, of adequate national data collection systems on early childhood for all areas covered by the Convention and that specific and disaggregated information on children in early years are not readily available, the Committee urges all States parties to develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, family structure, and urban and rural residence, and other relevant categories. This system should cover all children up to the age of 18 years, with specific emphasis on early childhood, particularly children belonging to vulnerable groups.

Best interests of the child (article 3)

7. In light of article 3 of the Convention, States parties must guarantee that in all activities and programmes concerning children, whether undertaken in public or private early childhood institutions, the best interests of the child shall be a primary consideration. States parties must ensure that the institutions, services and facilities responsible for early childhood development conform to the quality standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Right to survival and development/health/education (article 6, 24, 28 and 29)

8. Article 6 (2) of the Convention guarantees the right to survival and development to all children. The Committee reminds States parties and others concerned that this provision can be implemented only in a holistic manner, through the enforcement of all other provisions recognized in the Convention, including the rights to health, adequate nutrition and education (articles 24, 28 and 29). States parties to the Convention need to ensure that, in their first years, all children have access to adequate health care and nutrition, as stipulated in article 24, to enable them a healthy start in life. In this context, breastfeeding, access to clean drinking water and adequate nutrition are essential, and due attention should be paid to the importance of appropriate prenatal and postnatal health care for mothers to ensure healthy development of children in early years and a healthy mother-child relationship. To underline

the importance of education as part of early childhood development, the Committee recommends that States parties consider making early childhood education an integral part of basic/primary education as a tool to nurture the child's evolving capacities in a stress-free environment.

Right to rest, leisure and play (article 31)

9. In view of the insufficient attention given by States parties and others concerned to the implementation of the provisions of article 31 of the Convention, which guarantees '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', the Committee reiterates that these are key rights that enable every young child to fully develop his/her personality, talents and mental and physical abilities to their fullest potential. Recognizing that these rights are often endangered by all manner of external constraints hindering children to meet, play and recreate in stimulating and secure environments that are child appropriate, the Committee appeals to all States parties, non-governmental organizations and private actors to identify and remove potential obstacles to the enjoyment of these rights by the youngest children, including through poverty reduction strategies. In this connection, States parties are encouraged to pay greater attention and allocate adequate resources (human and financial) to the implementation of the right to rest, leisure and play.

Child participation (article 12)

10. The Convention on the Rights of the Child principally enshrines children's participation in all matters affecting children. Therefore, States parties must take all appropriate measures to ensure that the concept of the child as rights-holders is anchored in the child's daily life from the earliest stage: at home (and including, when applicable, the extended family); in school; in day-care facilities and in his or her community. States parties should take all appropriate measures to promote the active involvement of parents (and extended families), schools and communities at large in the promotion and creation of opportunities for young children to actively and progressively exercise their rights in the everyday activities. In this regard, special attention must be given to the freedom of expression, thought, conscience and religion and the right to privacy of the youngest children, according to their evolving capacity.

Community-based approach

11. The Committee recommends that States parties support early childhood development programmes, including home- and community-based pre-school education programmes, in which parents' empowerment and education are main features. They are urged to construct high-quality, developmentally appropriate and culturally relevant programmes by working with local communities rather than imposing a top-down approach to early childhood development practices. The Committee also recommends that States parties pay greater attention to and actively support the rights-based approach to early childhood development, including transition to primary school initiatives that build children's confidence, communication skills and enthusiasm for learning.

Training and research

12. The Committee encourages States parties to invest in systematic training and research in the field of early childhood development from a rights-based perspective. States parties are

encouraged to undertake systematic education and training of children and their parents, as well as all professionals working for and with children, in particular parliamentarians, judges, magistrates, lawyers, law enforcement officials, civil servants, personnel in institutions and places of detention for children, teachers, health personnel, social workers and local leaders. Furthermore, the Committee urges States parties to conduct awareness-raising campaigns for the public at large.

Assistance to parents, families and child-care institutions (article 18)

13. The Convention requires States parties to render appropriate assistance to parents, legal guardians and extended families in the performance of their child-rearing responsibilities, inter alia, by providing parenting education. States parties also should ensure the development of institutions, facilities and services for the care of children and to take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services, maternity protection and facilities for which they are eligible. In this regard, the Committee recommends States parties to ratify International Labour Organization Convention No. 183 on Maternity Protection. Finally, States parties must ensure that parents are given appropriate support to enable them to fully involve their young children in early childhood programmes, including pre-school education.

Human rights education (article 29)

14. In light of article 29 and the Committee's General Comment No. 1 on the aims of education (CRC/GC/2001/1), the Committee recommends that States parties include human rights education in pre- and primary school programmes. Such education should be participatory and adapted to the ages and evolving capacities of young children.

Role of civil society and private actors

15. With reference to its recommendations adopted during its 2002 general discussion day on 'The private sector as service provider and its role in implementing child rights' (see CRC/C/121, paras. 630-653), the Committee recommends that States parties support the activities of the non-governmental sector as a channel for programme implementation. It further calls on all non-state service providers to respect the principles and provisions of the Convention and, in this regard, reminds States parties of their primary obligation in ensuring its implementation. Early childhood professionals – in both the State and non-state sectors – should be provided with a thorough preparation, ongoing training and adequate compensation. In this context, States parties are reminded of their obligations for service provisions for early childhood development and that the role of civil society should be complementary, not a substitute, to the role of the state.

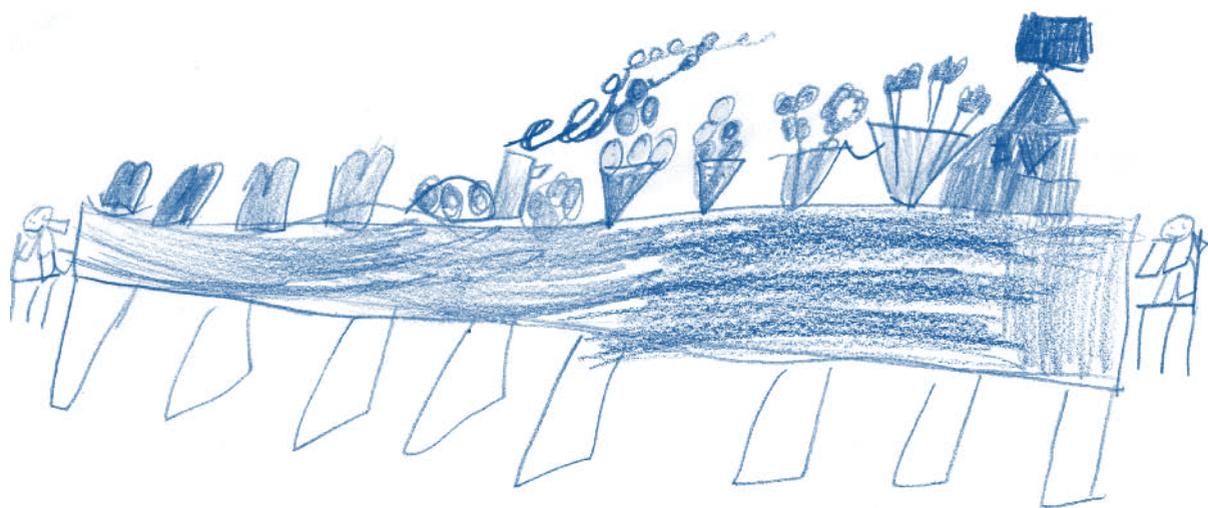
International assistance

16. The Committee recommends that donor institutions, including the World Bank, other United Nations institutions and bilateral donors support early childhood development programmes financially and technically, as one of their main targets to assist sustainable development in countries benefiting from international assistance.

Looking forward

17. The Committee urges all States parties, inter-governmental organizations, non-governmental organizations, academics, professional groups and grass-roots communities

to foster continuous high-level policy dialogues and research on the crucial importance of quality in early childhood development, including at the regional and local levels.



II. The General Comment

The General Comment that is the subject of this monograph is the seventh issued by the United Nations Committee on the Rights of the Child. The past General Comments of the Committee have concentrated on the following topics: General Comment 1: The aims of education, 2001; 2: The role of independent human rights institutions, 2002; 3: HIV/AIDS and the rights of the child, 2003; 4: Adolescent health, 2003; 5: General measures of implementation for the Convention on the Rights of the Child, 2003; and 6: Treatment of unaccompanied and separated children outside their country of origin, 2005.

For background on the practice among human rights bodies of issuing General Comments, see the Introduction to this volume. The text below provides a brief analysis of General Comment 7 by members of the Committee. This is followed by the General Comment itself.

A. Introduction to the General Comment

Jacob Egbert Doek, Lothar Friedrich Krappmann and Yanghee Lee

Adopted on 30 September 2005, at the end of the 40th session (12-30 September) of the United Nations Committee on the Rights of the Child, General Comment 7 represents the culmination of a process begun two years before, during the 33rd session, 19 May-6 June 2003, when the Committee announced the Day of General Discussion on this topic.

Jacob Egbert Doek, Lothar Friedrich Krappmann and Yanghee Lee are members of the Committee on the Rights of the Child, of which Mr Doek is chairperson.

Like the other human rights treaty bodies, the United Nations Committee on the Rights of the Child issues General Comments. These are intended to help develop a deeper understanding of central issues that emerge as the treaty bodies monitor the implementation of the conventions and covenants they are mandated to observe and supervise. The General Comments are addressed, in the first place, at the governments of the states parties to the respective convention or covenant. But they are also directed to society at large, including civil society, especially those organizations that share in the responsibility for implementing the human rights obligations of governments. In the case of the General Comments of the Committee on the Rights of the Child, they are directed, in particular, to parents and all other persons who live with children, care for children, or work professionally with children because these individuals ought to be reminded of the rights of children from time to time.

‘Young children’ has been a longstanding topic in many dialogues of the Committee on the Rights of the Child with states parties. Governments usually inform the Committee that they have adopted or are undertaking various measures to lower child mortality, reduce the incidence of preventable disease and provide healthy nutrition. They are also aware of care and education issues. It is widely recognized that young children require the attention, care and love of parents and caregivers and that children and parents should be provided by the community and the welfare system with the institutional support they need. Young children are thus viewed and treated as objects of care and protection.

Yet, the dialogues surrounding the needs of and provisions for very young children have almost never been grounded on a full respect for young children as rights-holders, that

is, as human beings who have individual feelings, their own perspectives and their own distinct interests, including the right to development and participation as stipulated by the Convention on the Rights of the Child.

This observation is the main reason for the Committee's decision to focus attention on children's rights in early childhood. The Committee's Day of General Discussion in September 2004 was devoted to this theme. The deliberations among the representatives of states parties, non-governmental organizations, other experts and the Committee members during the event (and reflected in the submissions in Section III) led to an urgent request that the Committee prepare a General Comment arguing that the provisions of the Convention on the Rights of the Child apply to young children as well. One of the goals to be embodied in the General Comment would be the interpretation of specific articles in the Convention as these pertain to very young children. A more fundamental goal would be to emphasize that the young child is not merely a fit object of benevolence, but, rather, that the young child is a rights-holder as is the older child and, indeed, every human being. Furthermore, the Comment would draw attention to the many severe problems being faced by young children that should be the concern of all states parties, as well as organizations and institutions involved in the realization of young children's rights.

During the following months, the Committee contacted experts and organizations in order to draft a General Comment of wide scope, competent understanding and practical relevance. During the sessions of 2005, the Committee discussed several versions of the General Comment 'Implementing Child Rights in Early Childhood'. The final version was adopted during the 40th session of the Committee, on 30 September 2005. Since then, the General Comment has been available on the website of the Office of the United Nations High Commissioner for Human Rights.²⁷ This volume presents the authorized, edited version.

General Comment 7 stands out because of its interdisciplinary character. Experts and other professionals in education, developmental psychology, medicine, health, law and sociology have cooperated in the drafting process. They have contributed insights from recent theories and research, as well as from broadly based experiences of services, institutions and programmes promoting children's well-being and development.

Knowledge of the processes of maturation and physiological development during the first months and the first years of life has been expanding significantly. We now know much more about the mental, cognitive, social and emotional development of babies and young children than did the working group that drafted the Convention during the 1980s. Research in the last decades has impressively confirmed that children from an early age are explorers with boundless curiosity and that they are judicious decision makers and social actors each with their own unique goals, interests and ways to communicate feelings and intentions. At the same time, the ability of young children to express these capacities is dependent on the dedicated support the children receive through their close relationships with their mothers and fathers, their other principal caregivers, their siblings and peers and the wider network of persons in their extended families, neighbourhoods, care centres and schools. We also know much more now about the factors influencing the activities and relationships of young children, including the numerous challenges to health, development and well-being.

The Committee is relying on this growing body of knowledge in order to generate a deeper understanding of the requirements of the Convention with regard to young children.

²⁷ The Committee's portion of the website is at www.ohchr.org/english/bodies/crc/index.htm.

Every law or administrative regulation, every institution or service, every parent, caregiver, teacher, or other early childhood professional must take this knowledge into account to ensure to young children their rights to life, survival and development, to health and nutrition, to adequate care at home or in alternative care facilities, to the promotion of their talents and abilities to the fullest potential, to protection against mistreatment and exploitation, and to respect for their views on the matters that most affect them.

The Committee wishes, through General Comment 7, to emphasize the importance of all aspects of children's rights. It wishes to underscore, through this brief introduction, the following concerns, to which it attaches special significance.

- The Comment clarifies that the young child must not only be regarded as a rights-holder in an abstract sense, but that the young child must also be accepted as an active participant in the routine processes of daily life. Without the child's contribution, no interaction of the child with other persons can be established, and no relationships can emerge. No person can learn in place of the child; the child alone has to acquire knowledge and ability. The child must discover the world primarily through the child's own activities and insights. Only when the child understands the nature of a healthy lifestyle can the child seek the most agreeable paths to achieve that lifestyle. Every attempt to find out the best interests of the child must be confirmed by paying attention to the child so as to capture the views and feelings the child expresses in verbal and non-verbal ways. Thus, young children are not only formally entitled to the rights that are vicariously claimed for them by parents or guardians, but should already begin to exercise those rights on their own in a practical sense through their actions and interactions, as well as through the concerns they express both for themselves and for others.
- The Comment draws attention to the fact that the young child has the ability to communicate views. The Convention does not restrict the respect it demands for the views of the child to those views that the child states in sophisticated terms. Young children use gestures and facial expressions, laughter and tears to express messages about their interests and wishes, to share their joy and excitement and to communicate their fears and worries. They may even use very destructive manifestations of inconvenience, distress, or anxiety to attract the attention of parents and other persons close to them. Care must be taken to fathom these signals. Thoughtful, sensitive persons must listen to and seek to comprehend and respond to the demands and emotional states of the child because the survival, well-being and development of the child depend on the child's integration through interaction with others.
- The Comment stresses that young children must rely on others who have a responsibility to ensure that children are provided with opportunities to acquire skills, learn about their own talents and realize their unique potential. Young children need support, communication, shared understanding and guidance. They can become extremely vulnerable if their surroundings do not promote their participation and help them to build up their capacities. Their surroundings cannot provide this encouragement if the children do not receive sufficient attention from caring persons, if their physical needs are not met, if their cognitive capacities are not challenged, if their emotional security is not ensured, or if they are not integrated within a network of social relationships in which they can play an active role, the more so if their rights are violated through humiliation, abuse, or exploitation. Early childhood is one of the most critical phases in life. Guaranteeing young children the proper conditions for growth will save the state and its services and

institutions the expense and energy required to deal with individuals who have not been able to find healthy, productive paths in lives begun so unfavourably. The investment in early childhood pays dividends through the young members of society who have thereby been able to realize their rich, natural capacities and enjoy the satisfactions of self-reliance and social responsibility.

- The Comment underlines the truth that governments, public services and persons who live and work with children all share the duty to establish the proper conditions so that children can realize their potential. This will require a sound institutional and social environment that allows interested individuals and groups to combine their efforts in favour of young children. A framework of policies, laws, programmes and other measures should ensure that the needs of young children are met to the maximum extent possible through available resources. The Comment strongly recommends that special plans of action be adopted for the identification of goals, the allocation of resources and the determination of time limits to achieve these goals. The appointment of a children's rights commissioner who has been vested with the mandate to monitor progress could help substantially to enhance respect for children and their well-being, development and prospects.

The adoption of this General Comment is not the end of the process of reflection about how the Convention on the Rights of the Child should be implemented so as to address threats to the well-being and proper development of young children. These threats require more consideration. Eventually, this may lead to more detailed General Comments on the risks being confronted by young children, parents and children's institutions and services.

In order to encourage the implementation of the Convention with regard to young children, this General Comment should be widely distributed. The Committee would very much welcome the translation of the General Comment into many languages and the publication of the General Comment in all countries so that it is readily available to everyone who comes into contact with young children. Working groups and workshops that discuss the General Comment and its provisions would be very beneficial in the endeavour to raise awareness of children's rights. The Committee hopes that governments, non-governmental organizations and concerned citizens will cooperate in undertaking meaningful initiatives focused on this goal.

The Committee has concluded from its many discussions with states parties that early childhood is an area of concern shared by most, if not all countries. For this reason, the Committee hopes that General Comment 7 proves to be a timely document that contributes to the implementation and realization of young children's rights.

B. General Comment No. 7, ‘Implementing Child Rights in Early Childhood’

Committee on the Rights of the Child

Forty-first session

Geneva, 9-27 January 2006

General Comment No. 7 (2005)

Implementing child rights in early childhood

I. Introduction

1. This General Comment arises out of the Committee’s experiences of reviewing States parties’ reports. In many cases, very little information has been offered about early childhood, with comments limited mainly to child mortality, birth registration and health care. The Committee felt the need for a discussion on the broader implications of the Convention on the Rights of the Child for young children. Accordingly, in 2004, the Committee devoted its day of general discussion to the theme ‘Implementing child rights in early childhood’. This resulted in a set of recommendations (see CRC/C/143, sect. VII),²⁸ as well as the decision to prepare a General Comment on this important topic. Through this General Comment, the Committee wishes to encourage recognition that young children are holders of all rights enshrined in the Convention and that early childhood is a critical period for the realization of these rights. The Committee’s working definition of ‘early childhood’ is all young children: at birth and throughout infancy; during the preschool years; as well as during the transition to school (see paragraph 4 below).

II. Objectives of the General Comment

2. The objectives of the General Comment are:

- (a) To strengthen understanding of the human rights of all young children and to draw States parties’ attention to their obligations towards young children;
- (b) To comment on the specific features of early childhood that impact on the realization of rights;
- (c) To encourage recognition of young children as social actors from the beginning of life, with particular interests, capacities and vulnerabilities, and of requirements for protection, guidance and support in the exercise of their rights;
- (d) To draw attention to diversities within early childhood that need to be taken into account when implementing the Convention, including diversities in young children’s circumstances,

²⁸ OHCHR (2005), ‘Report on the Thirty-Seventh Session (Geneva, 13 September-1 October 2004)’, 12/01/2005, CRC/C/143 (Sessional/Annual Report of Committee), United Nations Committee on the Rights of the Child, Office of the United Nations High Commissioner for Human Rights: www.unhcr.ch/tbs/doc.nsf/0/13559f8f4592baf7c1256fdd00391741?OpenDocument.

in the quality of their experiences and in the influences shaping their development;

(e) To point to variations in cultural expectations and treatment of children, including local customs and practices that should be respected, except where they contravene the rights of the child;

(f) To emphasize the vulnerability of young children to poverty, discrimination, family breakdown and multiple other adversities that violate their rights and undermine their well-being;

(g) To contribute to the realization of rights for all young children through formulation and promotion of comprehensive policies, laws, programmes, practices, professional training and research specifically focused on rights in early childhood.

III. Human Rights and Young Children

3. *Young children are rights holders.* The Convention on the Rights of the Child defines a child as ‘every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier’ (art. 1). Consequently, young children are holders of all the rights enshrined in the Convention. They are entitled to special protection measures and, in accordance with their evolving capacities, the progressive exercise of their rights. The Committee is concerned that in implementing their obligations under the Convention, States parties have not given sufficient attention to young children as rights holders and to the laws, policies and programmes required to realize their rights during this distinct phase of their childhood. The Committee reaffirms that the Convention on the Rights of the Child is to be applied holistically in early childhood, taking account of the principle of the universality, indivisibility and interdependence of all human rights.

4. *Definition of early childhood.* Definitions of early childhood vary in different countries and regions, according to local traditions and the organization of primary school systems. In some countries, the transition from preschool to school occurs soon after 4 years old. In other countries, this transition takes place at around 7 years old. In its consideration of rights in early childhood, the Committee wishes to include all young children: at birth and throughout infancy; during the preschool years; as well as during the transition to school. Accordingly, the Committee proposes as an appropriate working definition of early childhood the period below the age of 8 years; States parties should review their obligations towards young children in the context of this definition.

5. *A positive agenda for early childhood.* The Committee encourages States parties to construct a positive agenda for rights in early childhood. A shift away from traditional beliefs that regard early childhood mainly as a period for the socialization of the immature human being towards mature adult status is required. The Convention requires that children, including the very youngest children, be respected as persons in their own right. Young children should be recognized as active members of families, communities and societies, with their own concerns, interests and points of view. For the exercise of their rights, young children have particular requirements for physical nurturance, emotional care and sensitive guidance, as well as for time and space for social play, exploration and learning. These requirements can

best be planned for within a framework of laws, policies and programmes for early childhood, including a plan for implementation and independent monitoring, for example through the appointment of a children's rights commissioner, and through assessments of the impact of laws and policies on children (see General Comment No. 2 (2002) on the role of independent human rights institutions, para. 19).

6. *Features of early childhood.* Early childhood is a critical period for realizing children's rights. During this period:

(a) Young children experience the most rapid period of growth and change during the human lifespan, in terms of their maturing bodies and nervous systems, increasing mobility, communication skills and intellectual capacities, and rapid shifts in their interests and abilities;

(b) Young children form strong emotional attachments to their parents or other caregivers, from whom they seek and require nurturance, care, guidance and protection, in ways that are respectful of their individuality and growing capacities;

(c) Young children establish their own important relationships with children of the same age, as well as with younger and older children. Through these relationships they learn to negotiate and coordinate shared activities, resolve conflicts, keep agreements and accept responsibility for others;

(d) Young children actively make sense of the physical, social and cultural dimensions of the world they inhabit, learning progressively from their activities and their interactions with others, children as well as adults;

(e) Young children's earliest years are the foundation for their physical and mental health, emotional security, cultural and personal identity, and developing competencies;

(f) Young children's experiences of growth and development vary according to their individual nature, as well as their gender, living conditions, family organization, care arrangements and education systems;

(g) Young children's experiences of growth and development are powerfully shaped by cultural beliefs about their needs and proper treatment, and about their active role in family and community.

7. Respecting the distinctive interests, experiences and challenges facing every young child is the starting point for realizing their rights during this crucial phase of their lives.

8. *Research into early childhood.* The Committee notes the growing body of theory and research which confirms that young children are best understood as social actors whose survival, well-being and development are dependent on and built around close relationships. These relationships are normally with a small number of key people, most often parents, members of the extended family and peers, as well as caregivers and other early childhood professionals. At the same time, research into the social and cultural dimensions of early

childhood draws attention to the diverse ways in which early development is understood and enacted, including varying expectations of the young child and arrangements for his or her care and education. A feature of modern societies is that increasing numbers of young children are growing up in multicultural communities and in contexts marked by rapid social change, where beliefs and expectations about young children are also changing, including through greater recognition of their rights. States parties are encouraged to draw on beliefs and knowledge about early childhood in ways that are appropriate to local circumstances and changing practices, and respect traditional values, provided these are not discriminatory (article 2 of the Convention), nor prejudicial to children's health and well-being (art. 24.3), nor against their best interests (art. 3). Finally, research has highlighted the particular risks to young children from malnutrition, disease, poverty, neglect, social exclusion and a range of other adversities. It shows that proper prevention and intervention strategies during early childhood have the potential to impact positively on young children's current well-being and future prospects. Implementing child rights in early childhood is thus an effective way to help prevent personal, social and educational difficulties during middle childhood and adolescence (see General Comment No. 4 (2003) on adolescent health and development).

III. General Principles and Rights in Early Childhood

9. The Committee has identified articles 2, 3, 6 and 12 of the Convention as general principles (see General Comment No. 5 (2003) on the general measures of implementation of the Convention). Each principle has implications for rights in early childhood.

10. *Right to life, survival and development.* Article 6 refers to the child's inherent right to life and States parties' obligation to ensure, to the maximum extent possible, the survival and development of the child. States parties are urged to take all possible measures to improve perinatal care for mothers and babies, reduce infant and child mortality, and create conditions that promote the well-being of all young children during this critical phase of their lives. Malnutrition and preventable diseases continue to be major obstacles to realizing rights in early childhood. Ensuring survival and physical health are priorities, but States parties are reminded that article 6 encompasses all aspects of development, and that a young child's health and psychosocial well-being are in many respects interdependent. Both may be put at risk by adverse living conditions, neglect, insensitive or abusive treatment and restricted opportunities for realizing human potential. Young children growing up in especially difficult circumstances require particular attention (see section VI below). The Committee reminds States parties (and others concerned) that the right to survival and development can only be implemented in a holistic manner, through the enforcement of all the other provisions of the Convention, including rights to health, adequate nutrition, social security, an adequate standard of living, a healthy and safe environment, education and play (arts. 24, 27, 28, 29 and 31), as well as through respect for the responsibilities of parents and the provision of assistance and quality services (arts. 5 and 18). From an early age, children should themselves be included in activities promoting good nutrition and a healthy and disease-preventing lifestyle.

11. *Right to non-discrimination.* Article 2 ensures rights to every child, without discrimination of any kind. The Committee urges States parties to identify the implications of this principle for realizing rights in early childhood:

(a) Article 2 means that young children in general must not be discriminated against on any grounds, for example where laws fail to offer equal protection against violence for all children, including young children. Young children are especially at risk of discrimination because they are relatively powerless and depend on others for the realization of their rights;

(b) Article 2 also means that particular groups of young children must not be discriminated against. Discrimination may take the form of reduced levels of nutrition; inadequate care and attention; restricted opportunities for play, learning and education; or inhibition of free expression of feelings and views. Discrimination may also be expressed through harsh treatment and unreasonable expectations, which may be exploitative or abusive. For example:

- (i) Discrimination against girl children is a serious violation of rights, affecting their survival and all areas of their young lives as well as restricting their capacity to contribute positively to society. They may be victims of selective abortion, genital mutilation, neglect and infanticide, including through inadequate feeding in infancy. They may be expected to undertake excessive family responsibilities and deprived of opportunities to participate in early childhood and primary education;
- (ii) Discrimination against children with disabilities reduces survival prospects and quality of life. These children are entitled to the care, nutrition, nurturance and encouragement offered other children. They may also require additional, special assistance in order to ensure their integration and the realization of their rights;
- (iii) Discrimination against children infected with or affected by HIV/AIDS deprives them of the help and support they most require. Discrimination may be found within public policies, in the provision of and access to services, as well as in everyday practices that violate these children's rights (see also paragraph 27);
- (iv) Discrimination related to ethnic origin, class/caste, personal circumstances and lifestyle, or political and religious beliefs (of children or their parents) excludes children from full participation in society. It affects parents' capacities to fulfil their responsibilities towards their children. It affects children's opportunities and self-esteem, as well as encouraging resentment and conflict among children and adults;
- (v) Young children who suffer multiple discrimination (e.g. related to ethnic origin, social and cultural status, gender and/or disabilities) are especially at risk.

12. Young children may also suffer the consequences of discrimination against their parents, for example if children have been born out of wedlock or in other circumstances that deviate from traditional values, or if their parents are refugees or asylum-seekers. States parties have a responsibility to monitor and combat discrimination in whatever forms it takes and wherever it occurs, within families, communities, schools, or other institutions. Potential discrimination in access to quality services for young children is a particular concern, especially where health, education, welfare and other services are not universally available and are provided through a combination of State, private and charitable organizations. As a first step, the Committee encourages States parties to monitor the availability of and access

to quality services that contribute to young children's survival and development, including through systematic data collection, disaggregated in terms of major variables related to children's and families' background and circumstances. As a second step, actions may be required that guarantee that all children have an equal opportunity to benefit from available services. More generally, States parties should raise awareness about discrimination against young children in general, and against vulnerable groups in particular.

13. *Best interests of the child.* Article 3 sets out the principle that the best interests of the child are a primary consideration in all actions concerning children. By virtue of their relative immaturity, young children are reliant on responsible authorities to assess and represent their rights and best interests in relation to decisions and actions that affect their well-being, while taking account of their views and evolving capacities. The principle of best interests appears repeatedly within the Convention (including in articles 9, 18, 20 and 21, which are most relevant to early childhood). The principle of best interests applies to all actions concerning children and requires active measures to protect their rights and promote their survival, growth, and well-being, as well as measures to support and assist parents and others who have day-to-day responsibility for realizing children's rights:

- (a) Best interests of individual children. All decision-making concerning a child's care, health, education, etc. must take account of the best interests principle, including decisions by parents, professionals and others responsible for children. States parties are urged to make provisions for young children to be represented independently in all legal proceedings by someone who acts for the child's interests, and for children to be heard in all cases where they are capable of expressing their opinions or preferences;
- (b) Best interests of young children as a group or constituency. All law and policy development, administrative and judicial decision-making and service provision that affect children must take account of the best interests principle. This includes actions directly affecting children (e.g. related to health services, care systems, or schools), as well as actions that indirectly impact on young children (e.g. related to the environment, housing or transport).

14. *Respect for the views and feelings of the young child.* Article 12 states that the child has a right to express his or her views freely in all matters affecting the child, and to have them taken into account. This right reinforces the status of the young child as an active participant in the promotion, protection and monitoring of their rights. Respect for the young child's agency – as a participant in family, community and society – is frequently overlooked, or rejected as inappropriate on the grounds of age and immaturity. In many countries and regions, traditional beliefs have emphasized young children's need for training and socialization. They have been regarded as undeveloped, lacking even basic capacities for understanding, communicating and making choices. They have been powerless within their families, and often voiceless and invisible within society. The Committee wishes to emphasize that article 12 applies both to younger and to older children. As holders of rights, even the youngest children are entitled to express their views, which should be 'given due weight in accordance with the age and maturity of the child' (art. 12.1). Young children are acutely sensitive to their surroundings and very rapidly acquire understanding of the people, places and routines in their lives, along with awareness of their own unique identity. They make choices and

communicate their feelings, ideas and wishes in numerous ways, long before they are able to communicate through the conventions of spoken or written language. In this regard:

- (a) The Committee encourages States parties to take all appropriate measures to ensure that the concept of the child as rights holder with freedom to express views and the right to be consulted in matters that affect him or her is implemented from the earliest stage in ways appropriate to the child's capacities, best interests, and rights to protection from harmful experiences;
- (b) The right to express views and feelings should be anchored in the child's daily life at home (including, when applicable, the extended family) and in his or her community; within the full range of early childhood health, care and education facilities, as well as in legal proceedings; and in the development of policies and services, including through research and consultations;
- (c) States parties should take all appropriate measures to promote the active involvement of parents, professionals and responsible authorities in the creation of opportunities for young children to progressively exercise their rights within their everyday activities in all relevant settings, including by providing training in the necessary skills. To achieve the right of participation requires adults to adopt a child-centred attitude, listening to young children and respecting their dignity and their individual points of view. It also requires adults to show patience and creativity by adapting their expectations to a young child's interests, levels of understanding and preferred ways of communicating.

IV. Parental Responsibilities and Assistance from States Parties

15. *A crucial role for parents and other primary caregivers.* Under normal circumstances, a young child's parents play a crucial role in the achievement of their rights, along with other members of family, extended family or community, including legal guardians, as appropriate. This is fully recognized within the Convention (especially article 5), along with the obligation on States parties to provide assistance, including quality childcare services (especially article 18). The preamble to the Convention refers to 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'. The Committee recognizes that 'family' here refers to a variety of arrangements that can provide for young children's care, nurturance and development, including the nuclear family, the extended family, and other traditional and modern community-based arrangements, provided these are consistent with children's rights and best interests.

16. *Parents/primary caregivers and children's best interests.* The responsibility vested in parents and other primary caregivers is linked to the requirement that they act in children's best interests. Article 5 states that parents' role is to offer appropriate direction and guidance in 'the exercise by the child of the rights . . . in the . . . Convention'. This applies equally to younger as to older children. Babies and infants are entirely dependent on others, but they are not passive recipients of care, direction and guidance. They are active social agents, who seek protection, nurturance and understanding from parents or other caregivers, which they require for their survival, growth and well-being. Newborn babies are able to recognize their parents (or other caregivers) very soon after birth, and they engage actively in

non-verbal communication. Under normal circumstances, young children form strong mutual attachments with their parents or primary caregivers. These relationships offer children physical and emotional security, as well as consistent care and attention. Through these relationships children construct a personal identity and acquire culturally valued skills, knowledge and behaviours. In these ways, parents (and other caregivers) are normally the major conduit through which young children are able to realize their rights.

17. *Evolving capacities as an enabling principle.* Article 5 draws on the concept of ‘evolving capacities’ to refer to processes of maturation and learning whereby children progressively acquire knowledge, competencies and understanding, including acquiring understanding about their rights and about how they can best be realized. Respecting young children’s evolving capacities is crucial for the realization of their rights, and especially significant during early childhood, because of the rapid transformations in children’s physical, cognitive, social and emotional functioning, from earliest infancy to the beginnings of schooling. Article 5 contains the principle that parents (and others) have the responsibility to continually adjust the levels of support and guidance they offer to a child. These adjustments take account of a child’s interests and wishes as well as the child’s capacities for autonomous decision-making and comprehension of his or her best interests. While a young child generally requires more guidance than an older child, it is important to take account of individual variations in the capacities of children of the same age and of their ways of reacting to situations. Evolving capacities should be seen as a positive and enabling process, not an excuse for authoritarian practices that restrict children’s autonomy and self-expression and which have traditionally been justified by pointing to children’s relative immaturity and their need for socialization. Parents (and others) should be encouraged to offer ‘direction and guidance’ in a child-centred way, through dialogue and example, in ways that enhance young children’s capacities to exercise their rights, including their right to participation (art. 12) and their right to freedom of thought, conscience and religion (art. 14).²⁹

18. *Respecting parental roles.* Article 18 of the Convention reaffirms that parents or legal guardians have the primary responsibility for promoting children’s development and well-being, with the child’s best interests as their basic concern (arts. 18.1 and 27.2). States parties should respect the primacy of parents, mothers and fathers. This includes the obligation not to separate children from their parents, unless it is in the child’s best interests (art. 9). Young children are especially vulnerable to adverse consequences of separations because of their physical dependence on and emotional attachment to their parents/primary caregivers. They are also less able to comprehend the circumstances of any separation. Situations which are most likely to impact negatively on young children include neglect and deprivation of adequate parenting; parenting under acute material or psychological stress or impaired mental health; parenting in isolation; parenting which is inconsistent, involves conflict between parents or is abusive towards children; and situations where children experience disrupted relationships (including enforced separations), or where they are provided with low-quality institutional care. The Committee urges States parties to take all necessary steps to ensure that parents are able to take primary responsibility for their children; to support parents in fulfilling their responsibilities, including by reducing harmful

²⁹ See Lansdown, Gerison (2005), ‘The Evolving Capacities of the Child’, *Innocenti Insight*, no. 11, UNICEF Innocenti Research Centre: Florence. The text is also extracted in this volume.

deprivations, disruptions and distortions in children's care; and to take action where young children's well-being may be at risk. States parties' overall goals should include reducing the number of young children abandoned or orphaned, as well as minimizing the numbers requiring institutional or other forms of long-term care, except where this is judged to be in a young child's best interests (see also section VI below).

19. *Social trends and the role of the family.* The Convention emphasizes that 'both parents have common responsibilities for the upbringing and development of the child', with fathers and mothers recognized as equal caregivers (art. 18.1). The Committee notes that in practice family patterns are variable and changing in many regions, as is the availability of informal networks of support for parents, with an overall trend towards greater diversity in family size, parental roles and arrangements for bringing up children. These trends are especially significant for young children, whose physical, personal and psychological development is best provided for within a small number of consistent, caring relationships. Typically, these relationships are with some combination of mother, father, siblings, grandparents and other members of the extended family, along with professional caregivers specialized in childcare and education. The Committee acknowledges that each of these relationships can make a distinctive contribution to the fulfilment of children's rights under the Convention and that a range of family patterns may be consistent with promoting children's well-being. In some countries and regions, shifting social attitudes towards family, marriage and parenting are impacting on young children's experiences of early childhood, for example following family separations and reformations. Economic pressures also impact on young children, for example, where parents are forced to work far away from their families and their communities. In other countries and regions, the illness and death of one or both parents or other kin due to HIV/AIDS is now a common feature of early childhood. These and many other factors impact on parents' capacities to fulfil their responsibilities towards children. More generally, during periods of rapid social change, traditional practices may no longer be viable or relevant to present parental circumstances and lifestyles, but without sufficient time having elapsed for new practices to be assimilated and new parental competencies understood and valued.

20. *Assistance to parents.* States parties are required to render appropriate assistance to parents, legal guardians and extended 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). The Committee is concerned that insufficient account is taken of the resources, skills and personal commitment required of parents and others responsible for young children, especially in societies where early marriage and parenthood is still sanctioned as well as in societies with a high incidence of young, single parents. Early childhood is the period of most extensive (and intensive) parental responsibilities related to all aspects of children's well-being covered by the Convention: their survival, health, physical safety and emotional security, standards of living and care, opportunities for play and learning, and freedom of expression. Accordingly, realizing children's rights is in large measure dependent on the well-being and resources available to those with responsibility for their care. Recognizing these interdependencies is a sound starting point for planning assistance and services to parents, legal guardians and other caregivers. For example:

- (a) An integrated approach would include interventions that impact indirectly on parents' ability to promote the best interests of children (e.g. taxation and benefits, adequate housing, working hours) as well as those that have more immediate consequences (e.g. perinatal health services for mother and baby, parent education, home visitors);
- (b) Providing adequate assistance should take account of the new roles and skills required of parents, as well as the ways that demands and pressures shift during early childhood, for example, as children become more mobile, more verbally communicative, more socially competent, and as they begin to participate in programmes of care and education;
- (c) Assistance to parents will include provision of parenting education, parent counselling and other quality services for mothers, fathers, siblings, grandparents and others who from time to time may be responsible for promoting the child's best interests;
- (d) Assistance also includes offering support to parents and other family members in ways that encourage positive and sensitive relationships with young children and enhance understanding of children's rights and best interests.

21. Appropriate assistance to parents can best be achieved as part of comprehensive policies for early childhood (see section V below), including provision for health, care and education during the early years. States parties should ensure that parents are given appropriate support to enable them to involve young children fully in such programmes, especially the most disadvantaged and vulnerable groups. In particular, article 18.3 acknowledges that many parents are economically active, often in poorly paid occupations which they combine with their parental responsibilities. Article 18.3 requires States parties to take all appropriate measures to ensure that children of working parents have the right to benefit from childcare services, maternity protection and facilities for which they are eligible. In this regard, the Committee recommends that States parties ratify the Maternity Protection Convention, 2000 (No. 183) of the International Labour Organization.

V. Comprehensive Policies and Programmes for Early Childhood, Especially for Vulnerable Children

22. *Rights-based, multisectoral strategies.* In many countries and regions, early childhood has received low priority in the development of quality services. These services have often been fragmented. They have frequently been the responsibility of several government departments at central and local levels, and their planning has often been piecemeal and uncoordinated. In some cases, they have also been largely provided by the private and voluntary sector, without adequate resources, regulation or quality assurance. States parties are urged to develop rights-based, coordinated, multisectoral strategies in order to ensure that children's best interests are always the starting point for service planning and provision. These should be based around a systematic and integrated approach to law and policy development in relation to all children up to 8 years old. A comprehensive framework for early childhood services, provisions and facilities is required, backed up by information and monitoring systems. Comprehensive services will be coordinated with the assistance provided to parents and will fully respect their responsibilities, as well as their circumstances and requirements (as in articles 5 and 18 of the Convention; see section IV above). Parents should also be consulted and involved in the planning of comprehensive services.

23. *Programme standards and professional training appropriate to the age range.* The Committee emphasizes that a comprehensive strategy for early childhood must also take account of individual children's maturity and individuality, in particular recognizing the changing developmental priorities for specific age groups (for example, babies, toddlers, preschool and early primary school groups), and the implications for programme standards and quality criteria. States parties must ensure that the institutions, services and facilities responsible for early childhood conform to quality standards, particularly in the areas of health and safety, and that staff possess the appropriate psychosocial qualities and are suitable, sufficiently numerous and well trained. Provision of services appropriate to the circumstances, age and individuality of young children requires that all staff be trained to work with this age group. Work with young children should be socially valued and properly paid, in order to attract a highly qualified workforce, men as well as women. It is essential that they have sound, up-to-date theoretical and practical understanding about children's rights and development (see also paragraph 41); that they adopt appropriate child-centred care practices, curricula and pedagogies; and that they have access to specialist professional resources and support, including a supervisory and monitoring system for public and private programmes, institutions and services.

24. *Access to services, especially for the most vulnerable.* The Committee calls on States parties to ensure that all young children (and those with primary responsibility for their well-being) are guaranteed access to appropriate and effective services, including programmes of health, care and education specifically designed to promote their well-being. Particular attention should be paid to the most vulnerable groups of young children and to those who are at risk of discrimination (art. 2). This includes girls, children living in poverty, children with disabilities, children belonging to indigenous or minority groups, children from migrant families, children who are orphaned or lack parental care for other reasons, children living in institutions, children living with mothers in prison, refugee and asylum-seeking children, children infected with or affected by HIV/AIDS, and children of alcohol- or drug-addicted parents (see also section VI).

25. *Birth registration. Comprehensive services for early childhood begin at birth.* The Committee notes that provision for registration of all children at birth is still a major challenge for many countries and regions. This can impact negatively on a child's sense of personal identity and children may be denied entitlements to basic health, education and social welfare. As a first step in ensuring the rights to survival, development and access to quality services for all children (art. 6), the Committee recommends that States parties take all necessary measures to ensure that all children are registered at birth. This can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. An effective system must be flexible and responsive to the circumstances of families, for example by providing mobile registration units where appropriate. The Committee notes that children who are sick or disabled are less likely to be registered in some regions and emphasizes that all children should be registered at birth, without discrimination of any kind (art. 2). The Committee also reminds States parties of the importance of facilitating late registration of birth, and ensuring that children who have not been registered have equal access to health care, protection, education and other social services.

26. *Standard of living and social security.* Young children are entitled to a standard of living adequate for their physical, mental, spiritual, moral and social development (art. 27).

The Committee notes with concern that even the most basic standard of living is not assured for millions of young children, despite widespread recognition of the adverse consequences of deprivation. Growing up in relative poverty undermines children's well-being, social inclusion and self-esteem and reduces opportunities for learning and development. Growing up in conditions of absolute poverty has even more serious consequences, threatening children's survival and their health, as well as undermining the basic quality of life. States parties are urged to implement systematic strategies to reduce poverty in early childhood as well as combat its negative effects on children's well-being. All possible means should be employed, including 'material assistance and support programmes' for children and families (art. 27.3), in order to assure to young children a basic standard of living consistent with rights. Implementing children's right to benefit from social security, including social insurance, is an important element of any strategy (art. 26).

27. Health-care provision. States parties should ensure that all children have access to the highest attainable standard of health care and nutrition during their early years, in order to reduce infant mortality and enable children to enjoy a healthy start in life (art. 24). In particular:

- (a) States parties have a responsibility to ensure access to clean drinking water, adequate sanitation, appropriate immunization, good nutrition and medical services, which are essential for young children's health, as is a stress-free environment. Malnutrition and disease have long-term impacts on children's physical health and development. They affect children's mental state, inhibiting learning and social participation and reducing prospects for realizing their potential. The same applies to obesity and unhealthy lifestyles;
- (b) States parties have a responsibility to implement children's right to health by encouraging education in child health and development, including about the advantages of breastfeeding, nutrition, hygiene and sanitation.³⁰ Priority should also be given to the provision of appropriate prenatal and post-natal health care for mothers and infants in order to foster healthy family-child relationships, especially between a child and his or her mother (or other primary caregiver) (art. 24.2). Young children are themselves able to contribute to ensuring their personal health and encouraging healthy lifestyles among their peers, for example through participation in appropriate, child-centred health education programmes;
- (c) The Committee wishes to draw States parties' attention to the particular challenges of HIV/AIDS for early childhood. All necessary steps should be taken to: (i) prevent infection of parents and young children, especially by intervening in chains of transmission, especially between father and mother and from mother to baby; (ii) provide accurate diagnoses, effective treatment and other forms of support for both parents and young children who are infected by the virus (including antiretroviral therapies); and (iii) ensure adequate alternative care for children who have lost parents or other primary caregivers due to HIV/AIDS, including healthy and infected orphans. (See also General Comment No. 3 (2003) on HIV/AIDS and the rights of the child.)

³⁰ See WHO and UNICEF (2003), 'Global Strategy for Infant and Young Child Feeding', World Health Organization: www.who.int/child-adolescent-health/New_Publications/nutrition/gf_itycf.pdf.

28. *Early childhood education.* The Convention recognizes the right of the child to education, and primary education should be made compulsory and available free to all (art. 28). The Committee recognizes with appreciation that some States parties are planning to make one year of preschool education available and free of cost for all children. The Committee interprets the right to education during early childhood as beginning at birth and closely linked to young children's right to maximum development (art. 6.2). Linking education to development is elaborated in article 29.1: 'States parties agree that the education of the child shall be directed to: (a) the development of the child's personality, talents and mental and physical abilities to their fullest potential'. General comment No. 1 on the aims of education explains that the goal is to 'empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence' and that this must be achieved in ways that are child centred, child friendly and reflect the rights and inherent dignity of the child (para. 2). States parties are reminded that children's right to education include all children, and that girls should be enabled to participate in education, without discrimination of any kind (art. 2).

29. *Parental and public responsibilities for early childhood education.* The principle that parents (and other primary caregivers) are children's first educators is well established and endorsed within the Convention's emphasis on respect for the responsibilities of parents (sect. IV above). They are expected to provide appropriate direction and guidance to young children in the exercise of their rights, and provide an environment of reliable and affectionate relationships based on respect and understanding (art. 5). The Committee invites States parties to make this principle a starting point for planning early education, in two respects:

- (a) In providing appropriate assistance to parents in the performance of their child-rearing responsibilities (art. 18.2), States parties should take all appropriate measures to enhance parents' understanding of their role in their children's early education, encourage child-rearing practices which are child centred, encourage respect for the child's dignity and provide opportunities for developing understanding, self-esteem and self-confidence;
- (b) In planning for early childhood, States parties should at all times aim to provide programmes that complement the parents' role and are developed as far as possible in partnership with parents, including through active cooperation between parents, professionals and others in developing 'the child's personality, talents and mental and physical abilities to their fullest potential' (art. 29.1 (a)).

30. The Committee calls on States parties to ensure that all young children receive education in the broadest sense (as outlined in paragraph 28 above), which acknowledges a key role for parents, wider family and community, as well as the contribution of organized programmes of early childhood education provided by the State, the community or civil society institutions. Research evidence demonstrates the potential for quality education programmes to have a positive impact on young children's successful 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. Acknowledging that traditional divisions between 'care' and 'education' services have not always been in children's best interests, the concept of 'Educare' is sometimes used to signal a shift towards integrated services,

and reinforces the recognition of the need for a coordinated, holistic, multisectoral approach to early childhood.

31. *Community-based programmes.* The Committee recommends that States parties support early childhood development programmes, including home- and community-based preschool programmes, in which the empowerment and education of parents (and other caregivers) are main features. States parties have a key role to play in providing a legislative framework for the provision of quality, adequately resourced services, and for ensuring that standards are tailored to the circumstances of particular groups and individuals and to the developmental priorities of particular age groups, from infancy through to transition into school. They are encouraged to construct high-quality, developmentally appropriate and culturally relevant programmes and to achieve this by working with local communities rather than imposing a standardized approach to early childhood care and education. The Committee also recommends that States parties pay greater attention to, and actively support, a rights-based approach to early childhood programmes, including initiatives surrounding transition to primary school that ensure continuity and progression, in order to build children's confidence, communication skills and enthusiasm for learning through their active involvement in, among others, planning activities.

32. *The private sector as service provider.* With reference to its recommendations adopted during its 2002 day of general discussion on 'The private sector as service provider and its role in implementing child rights' (see CRC/C/121, paras. 630-653),³¹ the Committee recommends that States parties support the activities of the non-governmental sector as a channel for programme implementation. It further calls on all non-State service providers ('for profit' as well as 'non-profit' providers) to respect the principles and provisions of the Convention and, in this regard, reminds States parties of their primary obligation to ensure its implementation. Early childhood professionals – in both the State and non-State sectors – should be provided with thorough preparation, ongoing training and adequate remuneration. In this context, States parties are responsible for service provision for early childhood development. The role of civil society should be complementary to – not a substitute for – the role of the State. Where non-State services play a major role, the Committee reminds States parties that they have an obligation to monitor and regulate the quality of provision to ensure that children's rights are protected and their best interests served.

33. *Human rights education in early childhood.* In light of article 29 and the Committee's General Comment No. 1 (2001), the Committee also recommends that States parties include human rights education within early childhood education. Such education should be participatory and empowering to children, providing them with practical opportunities to exercise their rights and responsibilities in ways adapted to their interests, concerns and evolving capacities. Human rights education of young children should be anchored in everyday issues at home, in childcare centres, in early education programmes and other community settings with which young children can identify.

31 OHCHR (2002), 'Report on the Thirty-First Session (Geneva, 16 September-4 October 2002)', 11/12/2002, CRC/C/121 (Sessional/Annual Report of Committee), United Nations Committee on the Rights of the Child, Office of the United Nations High Commissioner for Human Rights: www.unhcr.ch/tbs/doc.nsf/0/4ba058e6346cff19c1256cbc005473c2?OpenDocument.

34. *Right to rest, leisure and play.* The Committee notes that insufficient attention has been given by States parties and others to the implementation of the provisions of article 31 of the Convention, which guarantees ‘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.’ Play is one of the most distinctive features of early childhood. Through play, children both enjoy and challenge their current capacities, whether they are playing alone or with others. The value of creative play and exploratory learning is widely recognized in early childhood education. Yet realizing the right to rest, leisure and play is often hindered by a shortage of opportunities for young children to meet, play and interact in child-centred, secure, supportive, stimulating and stress-free environments. Children’s right-to-play space is especially at risk in many urban environments, where the design and density of housing, commercial centres and transport systems combine with noise, pollution and all manner of dangers to create a hazardous environment for young children. Children’s right to play can also be frustrated by excessive domestic chores (especially affecting girls) or by competitive schooling. Accordingly, the Committee appeals to States parties, non-governmental organizations and private actors to identify and remove potential obstacles to the enjoyment of these rights by the youngest children, including as part of poverty reduction strategies. Planning for towns, and leisure and play facilities should take account of children’s right to express their views (art. 12), through appropriate consultations. In all these respects, States parties are encouraged to pay greater attention and allocate adequate resources (human and financial) to the implementation of the right to rest, leisure and play.

35. *Modern communications technologies and early childhood.* Article 17 recognizes the potential for both traditional print-based media and modern information technology-based mass media to contribute positively to the realization of children’s rights. Early childhood is a specialist market for publishers and media producers, who should be encouraged to disseminate material that is appropriate to the capacities and interests of young children, socially and educationally beneficial to their well-being, and which reflects the national and regional diversities of children’s circumstances, culture and language. Particular attention should be given to the need of minority groups for access to media that promote their recognition and social inclusion. Article 17 (e) also refers to the role of States parties in ensuring that children are protected from inappropriate and potentially harmful material. Rapid increases in the variety and accessibility of modern technologies, including Internet-based media, are a particular cause for concern. Young children are especially at risk if they are exposed to inappropriate or offensive material. States parties are urged to regulate media production and delivery in ways that protect young children, as well as support parents/caregivers to fulfil their child-rearing responsibilities in this regard (art. 18).

VI. Young Children in Need of Special Protection

36. *Young children’s vulnerability to risks.* Throughout this General Comment the Committee notes that large numbers of young children grow up in difficult circumstances that are frequently in violation of their rights. Young children are especially vulnerable to the harm caused by unreliable, inconsistent relationships with parents and caregivers, or growing up in extreme poverty and deprivation, or being surrounded by conflict and violence or displaced from their homes as refugees, or any number of other adversities prejudicial to their well-being. Young children are less able to comprehend these adversities

or resist harmful effects on their health, or physical, mental, spiritual, moral or social development. They are especially at risk where parents or other caregivers are unable to offer adequate protection, whether due to illness, or death, or due to disruption to families or communities. Whatever the difficult circumstances, young children require particular consideration because of the rapid developmental changes they are experiencing; they are more vulnerable to disease, trauma, and distorted or disturbed development, and they are relatively powerless to avoid or resist difficulties and are dependent on others to offer protection and promote their best interests. In the following paragraphs, the Committee draws States parties' attention to major difficult circumstances referred to in the Convention that have clear implications for rights in early childhood. This list is not exhaustive, and children may in any case be subject to multiple risks. In general, the goal of States parties should be to ensure that every child, in every circumstance, receives adequate protection in fulfilment of their rights:

- (a) *Abuse and neglect* (art. 19). Young children are frequent victims of neglect, maltreatment and abuse, including physical and mental violence. Abuse very often happens within families, which can be especially destructive. Young children are least able to avoid or resist, least able to comprehend what is happening and least able to seek the protection of others. There is compelling evidence that trauma as a result of neglect and abuse has negative impacts on development, including, for the very youngest children, measurable effects on processes of brain maturation. Bearing in mind the prevalence of abuse and neglect in early childhood and the evidence that it has long-term repercussions, States parties should take all necessary measures to safeguard young children at risk and offer protection to victims of abuse, taking positive steps to support their recovery from trauma while avoiding stigmatization for the violations they have suffered;
- (b) *Children without families* (art. 20 and 21). Children's rights to development are at serious risk when they are orphaned, abandoned or deprived of family care or when they suffer long-term disruptions to relationships or separations (e.g. due to natural disasters or other emergencies, epidemics such as HIV/AIDS, parental imprisonment, armed conflicts, wars and forced migration). These adversities will impact on children differently depending on their personal resilience, their age and their circumstances, as well as the availability of wider sources of support and alternative care. Research suggests that low-quality institutional care is unlikely to promote healthy physical and psychological development and can have serious negative consequences for long-term social adjustment, especially for children under 3 but also for children under 5 years old. To the extent that alternative care is required, early placement in family-based or family-like care is more likely to produce positive outcomes for young children. States parties are encouraged to invest in and support forms of alternative care that can ensure security, continuity of care and affection, and the opportunity for young children to form long-term attachments based on mutual trust and respect, for example through fostering, adoption and support for members of extended families. Where adoption is envisaged, 'the best interests of the child shall be the paramount consideration' (art. 21), not just 'a primary consideration' (art. 3), systematically bearing in mind and respecting all relevant rights of the child and obligations of States parties set out elsewhere in the Convention and recalled in the present General Comment;

- (c) *Refugees* (art. 22). Young children who are refugees are most likely to be disoriented, having lost much that is familiar in their everyday surroundings and relationships. They and their parents are entitled to equal access to health care, education and other services. Children who are unaccompanied or separated from their families are especially at risk. The Committee offers detailed guidance on the care and protection of these children in General Comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin;
- (d) *Children with disabilities* (art. 23). Early childhood is the period during which disabilities are usually identified and the impact on children's well-being and development recognized. Young children should never be institutionalized solely on the grounds of disability. It is a priority to ensure that they have equal opportunities to participate fully in education and community life, including by the removal of barriers that impede the realization of their rights. Young disabled children are entitled to appropriate specialist assistance, including support for their parents (or other caregivers). Disabled children should at all times be treated with dignity and in ways that encourage their self-reliance. (See also the recommendations from the Committee's 1997 day of general discussion on 'The rights of children with disabilities' contained in document CRC/C/66.);³²
- (e) *Harmful work* (art. 32). In some countries and regions, children are socialized to work from an early age, including in activities that are potentially hazardous, exploitative and damaging to their health, education and long-term prospects. For example, young children may be initiated into domestic work or agricultural labour, or assist parents or siblings engaged in hazardous activities. Even very young babies may be vulnerable to economic exploitation, as when they are used or hired out for begging. Exploitation of young children in the entertainment industry, including television, film, advertising and other modern media, is also a cause for concern. States parties have particular responsibilities in relation to extreme forms of hazardous child labour identified in the Worst Forms of Child Labour Convention, 1999 (No. 182) of the ILO;
- (f) *Substance abuse* (art. 33). While very young children are only rarely likely to be substance abusers, they may require specialist health care if born to alcohol- or drug-addicted mothers, and protection where family members are abusers and they are at risk of exposure to drugs. They may also suffer adverse consequences of alcohol or drug abuse on family living standards and quality of care, as well as being at risk of early initiation into substance abuse;
- (g) *Sexual abuse and exploitation* (art. 34). Young children, especially girls, are vulnerable to early sexual abuse and exploitation within and outside families. Young children in difficult circumstances are at particular risk, for example girl children employed as domestic workers. Young children may also be victims of producers of pornography; this is covered by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 2002;

³² OHCHR (1997), 'Report on the Fifteenth Session (Geneva, 20 May-6 June 1997)', 06/08/1997, CRC/C/66 (Sessional/Annual Report of Committee), United Nations Committee on the Rights of the Child, Office of the United Nations High Commissioner for Human Rights: www.unhcr.ch/tbs/doc.nsf/0/b27bf9857a55819d802564f3003b10ee?OpenDocument.

- (h) *Sale, trafficking and abduction of children* (art. 35). The Committee has frequently expressed concern about evidence of the sale and trafficking of abandoned and separated children for various purposes. As far as the youngest age groups are concerned, these purposes can include adoption, particularly (though not solely) by foreigners. In addition to the Optional Protocol on the sale of children, child prostitution and child pornography, the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption provides a framework and mechanism for preventing abuses in this sphere, and the Committee has therefore always consistently and strongly urged all States parties that recognize and/or permit adoption to ratify or accede to this treaty. Universal birth registration, in addition to international cooperation, can help to combat this violation of rights;
- (i) *Deviant behaviour and lawbreaking* (art. 40). Under no circumstances should young children (defined as under 8 years old; see paragraph 4) be included in legal definitions of minimum age of criminal responsibility. Young children who misbehave or violate laws require sympathetic help and understanding, with the goal of increasing their capacities for personal control, social empathy and conflict resolution. States parties should ensure that parents/caregivers are provided adequate support and training to fulfil their responsibilities (art. 18) and that young children have access to quality early childhood education and care, and (where appropriate) specialist guidance/therapies.

37. In each of these circumstances, and in the case of all other forms of exploitation (art. 36), the Committee urges States parties to incorporate the particular situation of young children into all legislation, policies and interventions to promote physical and psychological recovery and social reintegration within an environment that promotes dignity and self-respect (art. 39).

VII. Capacity-Building for Early Childhood

38. *Resource allocation for early childhood.* In order to ensure that young children's rights are fully realized during this crucial phase of their lives (and bearing in mind the impact of early childhood experiences on their long-term prospects), States parties are urged to adopt comprehensive, strategic and time-bound plans for early childhood within a rights-based framework. This requires an increase in human and financial resource allocations for early childhood services and programmes (art. 4). 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. The Committee also acknowledges that States parties may be faced with competing priorities to implement rights throughout childhood, for example where universal health services and primary education have still not been achieved. It is nonetheless important that there be sufficient public investment in services, infrastructure and overall resources specifically allocated to early childhood, for the many reasons set out in this General Comment. In this connection, States parties are encouraged to develop strong and equitable partnerships between the Government, public services, non-governmental organizations, the private sector and families to finance comprehensive services in support of young children's rights. Finally, the Committee emphasizes that, where services are decentralized, this should not be to the disadvantage of young children.

39. *Data collection and management.* The Committee reiterates the importance of comprehensive and up-to-date quantitative and qualitative data on all aspects of early childhood for the formulation, monitoring and evaluation of progress achieved, and for assessment of the impact of policies. The Committee is aware that many States parties lack adequate national data collection systems on early childhood for many areas covered by the Convention, and in particular that specific and disaggregated information on children in the early years is not readily available. The Committee urges all States parties to develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, family structure, urban and rural residence, and other relevant categories. This system should cover all children up to the age of 18 years, with specific emphasis on early childhood, particularly children belonging to vulnerable groups.

40. *Capacity-building for research in early childhood.* The Committee noted earlier in this General Comment that extensive research has been carried out on aspects of children's health, growth, and cognitive, social and cultural development, on the influence of both positive and negative factors on their well-being, and on the potential impact of early childhood care and education programmes. Increasingly, research is also being carried out on early childhood from a human rights perspective, notably on ways that children's participatory rights can be respected, including through their participation in the research process. Theory and evidence from early childhood research has a great deal to offer in the development of policies and practices, as well as in the monitoring and evaluation of initiatives and the education and training of all responsible for the well-being of young children. But the Committee also draws attention to the limitations of current research, through its focus mainly on early childhood in a limited range of contexts and regions of the world. As part of planning for early childhood, the Committee encourages States parties to develop national and local capacities for early childhood research, especially from a rights-based perspective.

41. *Training for rights in early childhood.* Knowledge and expertise about early childhood are not static but change over time. This is due variously to social trends impacting on the lives of young children, their parents and other caregivers, changing policies and priorities for their care and education, innovations in childcare, curricula and pedagogy, as well as the emergence of new research. Implementing child rights in early childhood sets challenges for all those responsible for children, as well as for children themselves as they gain an understanding of their role in their families, schools and communities. States parties are encouraged to undertake systematic child rights training for children and their parents, as well as for all professionals working for and with children, in particular parliamentarians, judges, magistrates, lawyers, law enforcement officials, civil servants, personnel in institutions and places of detention for children, teachers, health personnel, social workers and local leaders. Furthermore, the Committee urges States parties to conduct awareness-raising campaigns for the public at large.

42. *International assistance.* Acknowledging the resource constraints affecting many States parties seeking to implement the comprehensive provisions outlined in this General Comment, the Committee recommends that donor institutions, including the World Bank, other United Nations bodies and bilateral donors support early childhood development programmes financially and technically, and that it be one of their main targets in assisting sustainable development in countries receiving international assistance.

Effective international cooperation can also strengthen capacity-building for early childhood, in terms of policy development, programme development, research and professional training.

43. *Looking forward.* The Committee urges all States parties, inter-governmental organizations, non-governmental organizations, academics, professional groups and grass-roots communities to continue advocating for the establishment of independent institutions on children's rights and foster continuous, high-level policy dialogues and research on the crucial importance of quality in early childhood, including dialogues at international, national, regional and local levels.



III. Illuminating the General Comment: Submissions at the Day of General Discussion

The aim of the Day of General Discussion held by the United Nations Committee on the Rights of the Child on 17 September 2004 on the topic 'Implementing Child Rights in Early Childhood' was to raise awareness and broaden understanding of the rights of the youngest children in order to facilitate the full implementation of these rights.

During the Day of General Discussion, nearly three dozen papers were submitted to the Committee by non-governmental organizations, civil society organizations, United Nations bodies, local and national government representatives, experts and other interested individuals and groups.

The range of important issues examined in these submissions confirmed the timeliness of the Committee's choice of topic. Indeed, following careful deliberations, the Committee determined that it would be appropriate and useful to publish a General Comment addressing many of these issues. General Comment No. 7, 'Implementing Child Rights in Early Childhood', was duly adopted on 30 September 2005, at the end of the Committee's 40th session (12-30 September). The submissions are presented, in extracted form, in this section in order to help elucidate the concerns General Comment No. 7 is meant to address.

That non-governmental organizations had a pivotal role in the Day of General Discussion is clear from their significant presence among the individuals and entities authoring these texts.³³ The cooperation of the Committee and non-governmental organizations is especially close because they are the 'other competent bodies' to which the Committee addresses itself to request 'expert advice on the implementation of the Convention'.³⁴ The Committee makes intense use of this stipulation. It is well known, in fact, that such organizations are very important not only in promoting the application of the Convention on the Rights of the Child and other international human rights conventions and covenants, but also in regularly focusing attention on the need for and the evolving nature of human rights law. Non-governmental organizations and other civil society organizations have been key players, for example, in giving substance to the affirmation of the Universal Declaration of Human Rights that 'everyone has the right to an effective remedy'.³⁵

It is no surprise that there were numerous submissions from organizations and individuals located in Geneva, given that the Day of General Discussion was conducted there. Likewise of little surprise is the number of submissions from organizations and individuals located elsewhere in Europe or in North America.

Readers may readily note, however, that a disproportionate share of the submissions originated from South Asia, especially India, and from Argentina. Given the distances and costs of participation, this certainly reminds us that democracy and civil society are vibrant in these places. Though social problems may be enormous, the existence of a vigorous civil society represents adequate motive for people in these places to become involved not only in practical, local solutions, but also in positively framing understanding at the international level of the issues involved in children's rights and human rights in diverse local settings.

33 For more information on these and similar organizations and for additional links, see www.crin.org.

34 Article 45 (a) of the Convention (see Section V).

35 Article 8 of the Declaration; see www.unhchr.ch/udhr/.

A. Young Children and Their Rights

1. Introduction

The introductory text below offers an analysis of the Convention on the Rights of the Child as the steward of positive rights and negative rights.

Negative rights stipulate that something is not to be done. For instance, the right protected by article 6 (5) of the International Covenant on Civil and Political Rights ('Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women') can be maintained merely by not subjecting an individual to the death penalty who has been convicted of a crime as an adolescent below 18 years of age or who is pregnant. Negative rights do not have to be created, only protected, and it is therefore feasible to honour them whether a country is rich or poor since, except in extreme situations such as civil conflict or natural disaster, all countries possess functioning law enforcement and judicial systems.

Positive rights, meanwhile, such as the right to adequate nutrition, primary health care and basic education, entail vigorous measures to establish an infrastructure and supply a lack. They are therefore dependent on resources, the allocation of which may be affected by scarcity and competition.

This contrast means that it is difficult for resource-poor countries to implement some of the Convention rights (especially positive ones) at more than modest levels. Nonetheless, as the text makes clear, all countries, including resource-poor ones, can take steps to translate the Convention into action nationwide by providing an appropriate social and legal framework for the manifestation of the rights. Thus, for instance, the effort can be made to move away from the perception of the child as a beneficiary of privileges conferred at the discretion of parents, the family, the community and the state towards a perception of the child as a repository of legal rights. The effort can also be made to engage families and communities as allies in moderating cultural and traditional practices that tend to marginalize children and women. Such steps require intense advocacy, not enormous financial commitment.

Exploring rights of the child in early childhood

Committee for Legal Aid to Poor and Forum for Crèche and Childcare Services

The following has been extracted from a report of the same title that was published to influence public policy. The report was the outcome of a meeting held on 30 August 2004 as a collaborative effort of the Committee for Legal Aid to Poor (based in Cuttack, Orissa, India) and the Orissa regional chapter of the Forum for Crèche and Childcare Services. The committee is a pro-bono legal aid group established to protect and promote human rights and the rule of law. The forum is a network of organizations committed to campaigning in India for the rights of survival, development and protection among poor and underprivileged 0-to-6-year-olds. The central office is in New Delhi. The Orissa regional chapter of the forum encompasses nearly 100 non-governmental organizations. The editor of the full report was Bikash Das. (The views expressed in the report do not necessarily reflect the opinions of the publisher of the report, the Committee for Legal Aid to Poor.) Contact: Committee for Legal Aid to Poor, PO Box 94, Cuttack 753 001, India, Tel.: (+91) (0)671 236.39.80, 236.56.80, Fax: (+91) (0)671 236.39.80, e-mail: info@clapindia.org, web: www.clapindia.org;

[Extracts from the narrative of the report]

... The birth of a child brings overwhelming emotions, joy, happiness in the minds of many, and the baby needs not only the love, care and attention of the family, but [of] the entire society. The little, tender human beings are born to love all and to be loved by all. But what actually this vulnerable segment of our society receives is a matter of great irony. . . .

... We are a democracy. We have given unto ourselves a Constitution which defines and determines the manner of governance, keeping the concept of a welfare state at the forefront. Children between the age of 0 [and] 8 . . . [who] come within the purview of child right[s] in early childhood, though [they] do not possess [the] voting right, are nevertheless citizens of our country for whom promises have been made in our Constitution. . . .

... Early childhood care and development [are] not a separate subject from the rights of the child in early childhood. Early childhood care and development [are] a right [on their own]. . . . Early childhood care and development as a matter of right . . . predominantly [owe their] origin [to] . . . positive rights.

The Convention on the Rights of the Child is unusual among human rights conventions in that it seeks to promote positive, as well as negative rights. Negative rights, enjoying a longer tradition, stipulate that something [is] not to be done. They are rights not to be wronged in some specified way. . . . Positive rights include the right to adequate nutrition, primary health care and basic education. . . . They are therefore dependent on resources, the allocation of which may be affected by scarcity and competition. Negative rights . . . know no such limitations. They do not have to be created, only protected, and [it is] therefore feasible to honour them whether a country is . . . rich or poor. It is worth remembering that some negative rights, such as the freedom from violence, may well depend for their implementation on their being converted into positive rights, for example, the right to protection by government. The fact that negative rights do not involve direct resource costs make[s] it easier to argue the case for their universality and inviolability. In some cases, it may be that an economy may simply not have sufficient resources to enable all to enjoy the right to adequate nutrition and health care. This raises the disturbing possibility that negative rights are inviolable in a way that positives rights are not. The question here is: how can a right be considered inviolable if it is not always possible to protect it? The Convention on the Rights of the Child implicitly recognizes the distinction between negative and positive rights. While article 24 obliges the government[s] of all ratifying countries to diminish infant and child mortality and to combat diseases and malnutrition, article 4 of the Convention makes the concession that countries shall undertake such measures to the maximum extent of their available resources. . . .

... Developing countries like India are still struggling to diminish infant and child mortality. Only a few countries in the world have single digit infant mortality rate[s] for every 1,000 live birth[s]. There are some . . . signatories to the world declarations and the Convention on the Rights of the Child [that] have double digit or multi-digit infant mortality rate[s]. . . . This indicates the fact that preventive health care requires a good deal of sustained attention if infant or child mortality is to be diminished. . . .

It is estimated that the total population of young children in the age group of 0–6 is . . . somewhere around 170 million [in India], which [is] almost 17.5 per cent of the total population of India as per [the] 2001 census. . . . However, out of every 1,000 live birth[s], 76 children die

before completion of their first year. . . . [The] under-5 mortality rate is even higher, with 98 deaths in every 1,000 live births. Out of the 170 million children, 47 per cent are malnourished. This may be . . . due to the insufficient budgetary allocation for children, which is only 2 per cent, at present, out of the total budget. Pre-school child [mortality] associated with malnutrition is 67 per cent. In India, pre-school attendance between the ages of 3 [and] 6 years is 35 per cent in rural areas, and 48 per cent in urban areas. . . . Integrated Child Development [Services] . . . is the major programme for early childhood care and development. The achievement of [the services] is in . . . quantitative expansion, but access . . . is very much limited. In India, only 10-12 per cent of all eligible children in the age group of 0-6 is able to reach [the] centre[s]. . . . Similarly, [the services], at present, cater to the need[s] of [around] 20 million children, whereas the need is for 60 million children. [It] provides services like health, nutrition, early childhood care and pre-school education. . . . In spite of the degree of success in reaching . . . children and . . . expectant and lactating women, there is [a] lot of deficiencies and inadequacies in the scheme, particularly in respect of infrastructure, outreach for 0-3 children, day-care services and the quality of service.

In [the] case of breastfeeding, only 37 per cent of children in the age group of 0-3 months are exclusively breastfed in rural areas, and 27 per cent in urban areas. [This is] due to [the] presence of a large number of manufacturer[s] of baby formula food. . . .

As far as immunization is concerned, only 38 per cent are fully immunized, out of which 34 per cent belong to rural area, whereas 52 per cent represents urban areas. The civil registration . . . also suffers from inadequacies, as only 46 per cent children below the age of 5 years are reported to be registered. What is outrageous is even this 46 per cent who have reported to be registered is improper as, in most of the cases, a proper birth certificate is not issued. . . .

[Extracts from the proceedings of the meeting that is the subject of the report]

. . . Maternity and child-care support is seen as a major strategy to break the cycle of poverty. Day care and crèches have implication[s] for child survival and development, women's health, increased economic productivity and women's empowerment, school entry and retention, especially for the girl child, prevention of child labour, child prostitution and child abuse and, above all, an equitable development. . . . A holistic approach with a multi-pronged strategy is necessary that includes day-care services, food security, maternity entitlement, social security, education and adequate health-care systems. . . .

A large number of children are discriminated against on the basis of birth, socio-economic status of the families, caste and religion. Gender-based discrimination is also a significant feature of Indian society. . . . The infant mortality rate[s] are highest among these groups of children; the percentage of low birthweight babies are predominantly from among this group; children suffering from varying degrees of malnutrition are also from this group. Illiteracy is also the highest among these children, and they form the bulk of child labourers [in] Indian society. . . .

Some of the programmes for the young child are derived from labour legislations pertaining to factories, mines and plantations, [and] construction workers. . . . While these provide for crèches and child-care services, in reality, these hardly exist. The number of crèches under existing crèche schemes is about 23,000, whereas the need is for 800,000 crèches. . . .

. . . The vulnerable status of the mother can be seen from the fact that the maternal mortality rate in India is 660 per 100,000 [live] births. While there are statutory provisions

for maternity entitlements . . . , these are applicable only to a small percentage of women working in the organized sector who constitute 17 per cent of the total women workforce. The overwhelming majority of women who work in the informal sector are totally denied . . . any kind of maternity entitlements. These women do not even get any breaks for breastfeeding. . . .

The flip-side of a certain lackadaisical approach regarding the needs of [the] majority of Indian children is the galloping privatization and commercialization of health, education and food security, which further deprives the majority of the marginalized, while privileging a small minority, thus leading to greater polarization in Indian society.

There are two serious issues regarding the right to life. One of them pertains to [the] very survival of the girl child. There has been a drastic decline in the female-male sex ratios in [the] 0-6 age group over the last decade. The decline is from 945 females to 1,000 males in the census of 1991 to 927 females to 1,000 males in [the] census of 2001. While these are all-India figures, in some states [and] regions, the ratios fall to 886 [to 1,000]. This masculinization of sex ratios points to deep-seated discrimination against the girl child, which extends to denying her the right to be born. The birth of girls is being prevented, and girl infants are dying. Female foeticide is increasing, despite the Pre-Natal Diagnostic Tests (Prevention) Act 2002. Pre-birth sex selection tests are on the rise. Punishments are not stringent enough for those responsible.

These skewed sex ratios and related population imbalances portend serious social strife in the future. These have been further compounded by an insensitive population policy, which pushes for a two-child norm. The consequences of this have been to . . . endanger the survival of the girl child in a society [that] is deeply and harshly patriarchal. . . .

The second major issue [that] pertains to the right to life is the infant mortality rate, which is a staggering 76 per 1,000 live births in India. . . . [I]f the rate is disaggregated by gender, caste, tribe, region, the rate goes much higher, to over 100 per 1,000 live births among the scheduled castes and scheduled tribes. If gender is added to this structurally [biased] vulnerability, the picture becomes even more dismal. It is important to reiterate that these sections are the most vulnerable sections of Indian society, and they constitute 25 per cent of India's population.

Nutrition security is a basic right, but millions of children lack protection against hunger. Existing nutrition programmes are grossly inadequate and do not reach the children in need. . . .

. . . [V]arious international conventions and covenants . . . are being put in place, while social and economic policies at the national level are prioritizing the market economy, privatization and the withdrawal of the state from the social sector. This renders the vulnerable majority of children and their families even more vulnerable. Over the last decade and more, the state's budgetary allocations to health, education, [the] public distribution system, sanitation, drinking water and, specifically, the commitment to provide nutrition to . . . children in need have declined in real terms.

This total budget allocation of just 2.3 per cent is an insult to children. . . .

. . . The efforts of non-governmental organizations, which are invariably innovative, need to be documented and shared with [the] strategic audience in . . . civil society. While there is a need to interact with secondary stakeholders at the policy level for necessary changes in the policies concerning young children, it is not of less importance to advocate with primary stakeholders in a downward advocacy. . . . Besides, a proper documentation of case studies with the local situation, context and issues [is] required. . . .

. . . India also ratified the Convention on the Rights of the Child as a state party in . . . 1992. The Convention has helped create a positive international legal environment on child rights. Yet, a strategy of rights at the international level [can have] an . . . impact on children only if it is translated into action at the national level. Unless implementation receives priority, the Convention will remain merely a manifesto of political intent.

. . . Thus, fundamentally, it is a matter of governance within the jurisdiction of a country to put rights in an appropriate framework. India is also under obligation to incorporate the provisions in its . . . laws, legal system and legal process for the proper manifestation of the rights. A bare reading of the Indian Constitution, particularly article 253, suggests that [the] state can enact laws giving effect to international treaty obligations. However, it seems at this moment, after almost one decade [since the] ratification of the Convention, that a long way has to be traversed to fit the provisions of the Convention in the framework of law for pro-active and efficient governance.

. . . [W]e, as a nation, have repeatedly failed our children. We have not been able to meet their basic needs and have been unable to ensure them a quality of life that they deserve. We have been treating them as passive recipients of adult benevolence. . . .

Implementation of the Convention is intrinsically connected to [the body of] international law on treaties. The Vienna Convention on the Law of Treaties (1986) has codified the main norms of international law. Principles of international law apply within a country [through] a process of reception into municipal [domestic] law. Legal systems sometimes recognize that international law as represented in treaties becomes part of municipal or domestic law by immediate reception, so that a treaty becomes automatically binding on domestic courts. Such legal systems recognize the supremacy of international law over domestic law and subscribe to what is [called] in international law a theory of monism. According to another view, international law and domestic law are two systems. A domestic court is only bound by treaties if the state concerned enacts legislation in conformity with its treaty obligations, and there is a transformation of the treaty into domestic law. The English legal tradition on recognition of international law follows the latter view, which is described as a theory of dualism. Parliament or the legislature is therefore required to transform or implement treaty provisions by enacting local statutes so that they become part of domestic law and bind domestic courts in the country.

The framework of rights articulated in the Convention does not entail a departure from the basic concepts of family privacy and the state's role as *parens patriae* in the care and development of children. The Convention confers (a) rights for survival and development, (b) protection from abuse and exploitation and (c) participation rights. The first two fall within the traditionally accepted area of child welfare, but are given a new dimension. Survival and development – the traditional areas for policy planning and intervention in many countries – are recognized, but equal weight is given to the aspect of protection. There is a movement away from the perception of the child as a beneficiary of privileges conferred at the discretion of parents, the family, the community and the state towards a perception of the child as a repository of legal rights under international law. The right of participation incorporated in the Convention involves the development of existing legal concepts in some countries, but [has] given priority to the idea that children have a right to participate in matters that concern them or their community as they mature towards adulthood.

A national framework of law could be a possibility for the implementation of the provisions of the Convention with special reference to [the] survival and development rights of . . . children. This can, in actual practice, translate the basic needs of the child

into normative codes, exploring entitlements of children in a rights-based approach. Such a framework of law would go beyond the very general constitutional statement by specifying the implementational aspect of the Convention on the Rights of the Child. Such a framework would contain rights and remedies, . . . liability and accountability, institutional mechanisms, list[s] of existing legislation relevant to the Convention on the Rights of the Child, an enumeration of national vision, mission, strategy, goals and objectives, a timeframe, indicators of achievement and benchmarks against which progress could [be] measured, monitoring arrangements, etc. . . .

The Convention on the Rights of the Child has already proved to be an effective framework for international action. The Convention established social and economic rights: the right to survival, . . . development, education, health care and social welfare support. But it also covers civil and political rights. These include the right of the child to a name and nationality, to freedom of expression and to participation in decisions affecting his or her well-being. Further rights include protection from discrimination on grounds of gender, race, or minority status, as well as from sexual and other forms of exploitation.

In India today, millions of children live in conditions of acute deprivations, with inadequate access to basic health care, nutrition and safe drinking water, which probably results in many more deaths than famine, flood, or war. This also gives rise to various related social problems like destitution, juvenile delinquency, drug abuse, beggary, immoral traffic [of] women, etc. Policy makers have long ignored the special needs of such children.

A child is born innocent and, if nourished with tender care and intelligent concern for its development, will blossom . . . into a person of stature and excellence. . . . But shaping children's future by law . . . has a long way to go.

2. The young child as a rights-holder

'Children' is not the same as 'childhood' declares the text provided on behalf of the Directorate of Early Education, Province of Buenos Aires. Thus, for instance, children who are not allowed to play and to learn by playing are being denied their right to childhood. Likewise, children who are not given the opportunity to express themselves, to discover their own autonomy, to learn to articulate their own personality are being denied the right to childhood. One is a child because one is a pupil.

We have already seen that the Convention protects negative rights and positive rights (in 'Exploring rights of the child in early childhood', above). The contribution by Bruce Abramson makes a similar distinction, this time between 'economic and social rights' and 'civil and political rights'. He also discusses another unusual feature of the Convention, namely, that parents exercise the rights for their children. Finally, he notes that most of the Convention rights are 'context-dependant', requiring a balance of various rights and duties.

The Canadian Child Care Federation, in its paper, examines four case studies. The first explains how the federal and provincial-territorial governments worked together to develop childcare and child welfare policies in line with the Convention. The second describes the Foundation's efforts to communicate a rights-based approach to policy makers, the public and educators. The third applies the lens of children's rights to Canadian Aboriginal issues. The final study looks at ways to educate the young child as a rights-holder.

The African Group at the United Nations (Geneva) submitted a paper on the implications of the non-registration of the births of millions of infants. The infants are thus deprived of their legal identities, a recognized name, a nationality and the recognition indispensable for

the protection of their civil rights. In Africa, birth registration has proven a very complicated task, for, in order for the relevant laws to become effective, it is necessary to possess the means to enforce them.

Children have a right to childhood

Directorate of Early Education, Province of Buenos Aires

The following text is based on extracts translated by the editors from 'El derecho a la niñez', the original in Spanish. Juan Carlos Liotini is a specialist in psycho-motor skills among children and adults. He is advisor to the Directorate of Early Education, General Directorate of Culture and Education, Province of Buenos Aires. Elisa Spakowsky is also advisor at the Directorate. Silvia C. Laffranconi is affiliated with the Instituto Superior 'Vocación Docente', Mar del Plata, Argentina.

. . . 'Children' is not the same as 'childhood'. Unlike infancy, childhood does not refer to a stage of development requiring attention and special care due to a lack of self-sufficiency in decision-making and, because of that, the need to safeguard bio-psycho-social integrity.

Childhood is a lived experience. . . .

The problems of children are the responsibility of adults. This is not due, in absolute terms, to the child's (infant's) lack of a voice, but to the difficulty that certain adults have in perceiving, listening to and responding to what children say over and over again in their diverse modes of expression, one of which, perhaps the most important, is playing. . . .

Is there childhood without playing? . . . There might be infancy without playing; indeed, there is infancy without playing. . . . Childhood, no. If there is childhood, . . . there must be enjoyment.

Children in childhood are not children whom you must care for and protect, but real, tangible children whom you must provide with the opportunity to express themselves, to gain their own autonomy, to create their own freedom. . . .

From this point of view, one is a child because one is a pupil. . . .

The child arrives at school with a past, a personal and social past, produced through interaction with others in the cultural context within which it is developing.

This is our true child, the one to which you must guarantee the right to childhood, offering equality of opportunity or, to be more precise, offering the possibility of learning more and more effectively, learning for the purpose of a transformation, to those who have less, but are most in need. Here, we are referring to the manner in which our pupils learn and, also, the manner in which we teach. . . .

It is a question, then, of revising the pedagogical method so as to guarantee the right to childhood. One can intervene to reproduce the prevailing social patterns, or one can intervene in order to transform individual and social reality. . . .

. . . [T]o the extent that we reorganize value systems by placing respect for others at the centre, we can go on talking about rights. To the extent that we set ourselves in the place of others and want only to put up with something in order to understand and feel the pain and suffering of others, we can go on talking about rights. . . .

Juan Carlos Liotini

View of early childhood and education. . . .

. . . We can say that to share ideas and a language represents a way of affirming our social identity and of recognizing the bonds uniting us to distinct social groups, whether these are of a political, economic, or cultural nature. The ties are constructed collectively through processes of communication involving exchanges to which the 'social images' the groups have shaped are contributed. . . .

. . . The past of the individual, the social and ideological system, the cultural and political context of the social system to which the individual happens to belong and the nature of the linkages that each individual has with the social and ideological system determine the composition of the social image, which, paradoxically, though it is constructed individually, is collective because it is a construction process that has been shared in social terms. . . .

In this particular case, we are transposing the concept of the social image onto the concept of early childhood, that is to say, to the way in which we conceive of early childhood as a period of life, especially in terms of the child in initial education.³⁶

To understand, in part, the social image that teachers have of children in initial education, we have applied the technique of free association to the term 'early childhood' and asked participating university student-teachers to write down all the words that came to mind when they thought of this term. . . . The idea is that the behaviour of individuals and of groups is not determined so much by the characteristics of the objectives of the individuals or by the given situations, but by the social images they have about the subject and the situations they are considering. . . .

As the outcome of this exercise, we processed 433 words; the 95 per cent of the sample that appeared with more frequency included the words *naïvety, purity, innocence, truth, joy, tenderness, games, development, stage of life, beginning of life, rights*. By using these words in combination and keeping sight of the most common words in the sample, we were able to arrive at the nucleus of a first definition of the social image of early childhood among the group under study: 'Early childhood is the beginning of life, a stage of development and growth, with certain protected rights and characterized by innocence, purity, tenderness, sincerity, joy, play', or we might also phrase it in this way: 'Innocence, purity, tenderness, sincerity, joy and play characterize early childhood, which is a stage of development, the beginning of a growing life, to which distinct rights are attached'.

. . . [T]hese definitions reflect a social image of an idealized early childhood, from which has been omitted any reference to the conflictual aspects involved in the psycho-sexual and social development of children, as well as any factors related to the learning process. Only 5 per cent of the sample included terms that might be connected to a non-idealized image such as . . . fear, . . . sadness. . . . This same exercise was repeated the following year with another university student-teacher cohort, and the results were similar, in that positive words accounted for 93 per cent of the sample, while negative words accounted for only 7 per cent.

These results made us aware of the excessive idealization of early childhood, and this led us to carry out another exercise among the same group using the same associative technique,

³⁶ In many countries of Latin America, day care or kindergarten (ages 0 to 3) and pre-school (4 to 5 or 6) are considered together as one conceptual entity known as 'pre-school', that is, 'previous to primary school', or '*educación inicial*' ('initial education' or 'early years education'). Initial education thus typically covers schools for children aged 0 to 5 or 6.

but, this time, focused on the words elicited by different instructions, as follows: 'Write out all the words that come to mind when you think of the term early childhood: (a) while considering you own early childhood, (b) while considering the early childhood of the pupils under your care and (c) while considering the early childhood of children who are living in extreme poverty. There were significant differences in the results coming from the group. . . . The word associations the members of the group connected to their own early childhood (a) was nearly entirely positive: 'Early childhood is a period of life full of familiar ties, innocence, games, friends, a closeness with the barrio'; only in two cases were the impressions different: 'It was a period of fear and suffering' and 'It's better not to remember'. Among the responses in (b) (considering the pupils), the typical result was: 'Early childhood consists of the innate tenderness of childhood, the fact that defencelessness produces the necessity for many bonds with adult teachers. Development, play and all those factors that permit the individual to survive this stage in the best way possible are found in kindergartens'. The responses in the last case, considering children living in extreme poverty: 'Early childhood, which is legally supported by rights that are distinct to it, is a period of exploitation, defencelessness, violation and marginalization.'

. . . [W]e were very surprised by the responses in the first set of social images of early childhood, and we asked ourselves: How is it possible that initial education teachers could maintain such a placid image of early childhood, so unconnected to the conflicts of children, not only those conflicts related to the children's own growth and psycho-sexual development, but also those related to the social problems characteristic of the very inner-city and marginalized urban areas in which the teachers work, when, on a daily basis, in the classes and in other surroundings, these same teachers express their concern about the critical condition of the population with which they are involved? . . . This demonstrated to us the firmness with which traditional social images of early childhood, a homogeneous vision of childhood without conflict, is anchored among the teachers. . . .

In this regard, it is worthwhile to include a comment one of the student-teachers made as we were analysing this material in order to set down tentative conclusions. The student-teacher said:

' . . . As we were constructing the definition of the central nucleus of the social image with words that we ourselves provided, the definitions seemed very familiar, and, almost without thinking, when I returned home, I began looking for a document that I have brought along to share with all of you.'

This document was a circular that the Office of the Inspector General of Kindergartens of the Province of Buenos Aires had sent to kindergartens in 1948 and that was entitled, 'Instructions and guidelines for didactic activities in kindergartens'. One of the passages in this circular stated as follows:

'In early and late infancy, a period, as we say, when naïvety and purity, delight in life, the full and bold enjoyment of all the faculties, complete satisfaction and pleasure [and] absolute happiness represent the normal condition, one that is reached in wonderful innocence and naturalness.' . . .

Elisa Spakowsky

The rights of the child in the daily routine of the schoolroom

. . . [W]e should understand that the child, from the earliest age and up to the end of schooling, not only learns that which responds to the intentions of the teacher, but also learns much more beyond that. . . .

For this reason, I believe that the most significant contribution that I can make in defence of the child is to think of the rights that will help during each day of the normal routine in the kindergarten or, especially, in the classroom, and, from that, think of the obvious, which is that it is in these small activities that, I believe, the teacher can reclaim these rights. . . .

For this reason, I believe that it is not necessary to go very far away now to accomplish something in terms of the rights of the child. By merely re-examining the activities of everyday life, we will find that, every morning, one can plan to make a change that will bring us closer to that which we truly require. . . .

Silvia C. Laffranconi

The Convention rights of babies and young children: three key issues

Bruce Abramson

Bruce Abramson is an attorney and consultant who has specialized in international human rights, particularly the rights of refugees, children's rights, and human rights and the laws of war. He has written extensively on human rights and children's rights for various non-governmental and international organizations, including the International Commission of Jurists, the Joint United Nations Programme on HIV/AIDS, the United Nations Children's Fund, the United Nations Committee on the Rights of the Child and the United Nations High Commission for Refugees.

. . . Most of the so-called 'economic and social' rights are fundamentally different from most of the 'civil and political' rights. . . . For instance, the right of each youngster to 'the highest attainable standard of health' (Convention article 24) is an idealized end goal that requires a complex system of institutions. . . .

The right to health under Convention article 24 is, first and foremost, *the right to a properly functioning public health-care system*. . . . Prenatal care, birth attendants, immunization, clean water, sanitation, disease surveillance, control of communicable diseases, accident prevention and public health education are specific aspects of health care, for example. Each of these areas of health care must be handled by a specialized unit within the government. Each unit must have its own budget allocations, trained personnel, terms of reference and accountability structure, and the all the units must operate in coordination. . . .

Traditional human rights advocacy has not been very successful in addressing social and economic rights. It has concentrated on a handful of civil and political rights, like freedom from torture. These are 'negative liberty' rights. They require the state *to refrain from* doing certain things. In complete contrast to this, social and economic rights require the state to do things: the rights to health, education and so forth require *the state to build and maintain complex systems*. . . .

Convention article 5 recognizes parents as rights-holders

. . . Article 5 says that parents are rights-holders because of the utter impossibility of babies and young children exercising their own Convention rights and because older children and adolescents need parental guidance and supervision as they mature into 'autonomous' adults.

When we speak of babies and young children having rights, we are not using the term 'right' in exactly the same way as when we speak of our own rights. When we adults exercise our rights, we make our own decisions. . . . In exercising our right of freedom of speech, for example, we decide what we want to say and assert our claims to say it.

. . . Freedom of speech is not an absolute right; it is a context-dependant right that requires the state to strike a balance between the right-holder's interests and the interests of others. . . .

But this is not what happens when it comes to the human rights of babies and young children. Their parents make the decisions on their behalf. . . . The parents exercise the babies' rights for them. . . .

Babies and young children are totally dependant upon adults. . . . The states that wrote the Convention recognized that this dependency is a fundamental fact of life. That is why article 5 recognizes the rights of parents. When a youngster is not in the position to exercise his or her rights, the parents are the de facto rights-holders, under article 5. . . .

. . . The human rights movement must empower parents as political actors in order to ensure that the balancing decisions truly respect the human dignity of the most dependant people in society: babies and young children.

The Convention recognizes babies as rights-holders prior to birth

Another one of the most marginalized rights is article 6, the right to life, especially when it comes to children who are waiting to be born. . . .

Five points need to be considered when it comes to the early development rights of children . . . prior to birth.

The first pertains to the fundamental facts of child development. . . .

When mothers smoke during pregnancy, for instance, more children are born dead, more are born underweight, more die later of sudden infant death syndrome, and they have more ear infections and respiratory illnesses. Children that grow up in homes where there is smoking have between five and eight years taken off of their life expectancy. Early development matters! And the development begins nine months prior to the time the mother gives delivery to the baby.

Second, Poland's 'Revised Draft Convention on the Rights of the Child' expressly excluded babies from being rights-holders prior to their birth. Its draft article 1 read: 'According to the present Convention a child is every human being *from the moment of his birth*' [emphasis added].³⁷ The framers of the Convention made the policy decision to remove that restriction, thereby ensuring that children prior to birth will be protected under the Convention. . . .

37 UN doc E/CN.4/1349, quoted in full in Detrick, Sharon (1992), *The United Nations Convention on the Rights of the Child: A Guide to the 'Travaux Preparatoires'*, Martinus Nijhoff and Kluwer Publishers: Dordrecht, The Netherlands, page 95.

Third, the right to health was carefully written to recognize that babies have human rights prior to birth. Article 24 expressly says that babies have the right to have their mothers receive ‘pre-natal . . . health care.’ Paragraph (1) speaks of ‘the right of the child to the enjoyment of the highest attainable standard of health.’ Paragraph (2) then specifies a number of measures that the state must take for the ‘full implementation of *this* right’ [emphasis added]. In subsection (d) of that paragraph, the state is obligated to ensure prenatal care. . . .

If the framers had wanted to impose on states the obligation to ensure that mothers receive prenatal care for their children, but without making this a right of the child, then it would have been very simple to have drafted the treaty to do that. . . . Instead, they expressly defined the state’s obligations to ensure prenatal care in terms of the *child’s* human rights.

Fourth, the preamble expressly speaks of the child’s rights prior to birth: ‘*Bearing in mind* . . . “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”’ [second emphasis added]. . . . The states that wrote the Convention did not have to include this paragraph in the treaty if they did not want to. . . .

Fifth, states routinely say that the Convention rights apply prior to birth. Their implementation reports to the Committee [on the Rights of the Child] constantly make this point under the section on article 6, the right to life. . . .

The two sources of confusion

There are two main sources of confusion in discussions about the rights of babies prior to their delivery.

The first source of confusion is the slipperiness of words in political disputes. The issue is nearly always framed in terms of ‘abortion,’ and confusion results when the meaning of the medical term is transformed into political speech.

Medically speaking, *abortion* refers to ‘the termination of pregnancy,’ not to the termination of the life of the baby (or the life of the foetus, embryo, zygote, or other medical category, at whatever stage of prenatal development). . . . In political debates, however, people tend to use *abortion* to refer to the termination of the life of the baby. This usage obscures the difference between two sets of interests: the *mother’s* well-being or autonomy and the baby’s well-being. . . .

. . . Consider this argument [between] two people, whom I will call Red and Green:

Red: ‘I have a right to an abortion!’ (Meaning: ‘I have a right to end my pregnancy.’)

Green: ‘There is no right to an abortion!’ (Meaning: ‘There is no right to end the life of the baby.’)

These two people are not talking about the same thing. Red is referring to the condition of being pregnant, while Green is referring to the baby. Both of them are thinking about only one half of the balancing equation. . . .

The second source of confusion is the strong tendency of Convention activists and human rights activists in general to speak of rights in absolutist terms. This is a serious conceptual error because very few human rights are absolute. Almost all rights require balancing decisions before the abstract statement of the right in the treaty in question can be translated into concrete entitlements in real-life situations.

There are two types of rights in the Convention and the other United Nations treaties. One type are the *absolute rights*, of which there are only a few, like freedom from torture and the prohibition of imposing capital punishment on minors and pregnant women. The other type can conveniently be called ‘*context-dependant*’ rights. Absolute rights do

not allow any balancing judgements, under any circumstances. But context-dependant rights always require balancing. Context-dependant rights are not true ‘trumps’ . . .

The right to life is not an absolute right. It is context dependant, so what a person is actually entitled to enjoy will depend upon how the designated authorities have balanced the competing interests in the case at hand.

The International Covenant on Civil and Political Rights makes it clear that the right to life is context dependant. Covenant article 6 (1) says: ‘No one shall be arbitrarily deprived of his life’. The word ‘arbitrarily’ subjects the right to balancing. Convention article 6 does not contain any express qualification. But common sense tells us that the right cannot be absolute. A 17-year old tries to kill a police officer. If the youngster’s right to life were absolute, then the police officer . . . could not use deadly force to save his own life. The Convention would require that he intentionally allow himself to be murdered! . . .

. . . [T]he law must balance people’s rights or, more precisely, the interests of the conflicting rights-holders. And these balancing decisions must be based on a careful consideration of the facts of the situation. That is the nature of context-dependant rights.

Recognizing that children have rights prior to birth does not automatically tell us whether a state’s internal laws should allow a mother to end a pregnancy. . . . Recognition of the rights of the babies does not predetermine the resolution of the political conflict. All it says is that the state must conduct a balancing of interests. . . .

Balancing of competing interests requires that the decision makers truly value the people who are in the conflict and the interests that are at stake. . . .

. . . Human rights are ‘tools’ or social constructs for promoting respect of each and every person’s human dignity. Making human dignity the fundament concept, the ultimate criterion for judging governmental conduct counteracts the human tendency to devalue ‘The Other’ in social conflicts. . . .

In social conflicts, the people who are in the weakest political position will consistently lose. While everybody possesses all human rights at all times, the real beneficiaries of human rights law are the vulnerable. If everyone could compete in the political process on an essentially equal basis, then we would not really need the corrective mechanisms of international human rights law. . . .

Keeping our promises: rights from the start

Canadian Child Care Federation

The Canadian Child Care Federation, a not-for-profit, charitable organization founded in 1987, is an affiliation of 19 provincial and territorial organizations representing over 10,000 members. The Federation is committed to ‘excellence in early learning and childcare’. For additional information, contact: Canadian Child Care Federation, 201-383 Parkdale Avenue, Ottawa, ON K1Y 4R4 Canada, Tel.: (+1) 800.858.14.12 or (+1) 613 729.52.89, Fax: (+1) 613 729.31.59, e-mail: info@cccf-fcsge.ca, web: www.cccf-fcsge.ca.

. . . Case study #1

Working with government to put in place a policy framework that (a) makes discussion of the United Nations Convention on the Rights of the Child and ‘A World Fit for Children’³⁸ relevant and (b) encourages actions to promote their implementation. . . .

. . . Due to the division of powers in Canada, policies on such issues as childcare and child welfare are primarily the mandate of the provincial and territorial governments, not the federal Government. There is no national structure to ensure federal and regional government adherence to the Convention and 'A World Fit for Children'. . . .

In the past five years, Canada has forged a way for federal and regional governments to work together on domestic issues. Through multifaceted deliberations among the federal, provincial-territorial governments and civil society, a number of interrelated policy frameworks have been developed. . . .

. . . These frameworks give child rights supporters a 'hook' to which they can attach the language and recommendations of the Convention and 'A World Fit for Children'. . . .

The main purpose of the Social Union Framework Agreement is to improve the network of social policies and programmes developed by various levels of government in Canada. Under the agreement, the federal, provincial and territorial governments commit themselves to a framework for adjusting and modernizing social programmes and ways of working more closely together to develop social programmes. . . .

With the agreement in place, the federal and provincial-territorial governments began work on the National Children's Agenda. . . .

As a result of the agenda's designation of early childhood development as one of four key areas for action, the federal and provincial-territorial governments reached a historic agreement to improve and expand the services and programmes they provide for children under the age of 6 and their families. The First Ministers Early Childhood Development Agreement marks the first time that governments committed to report to the public on a set of jointly agreed upon indicators of child well-being. . . .

Building on the agreement's commitment to improve and expand early childhood development programmes and services, the federal-provincial-territorial Multilateral Framework Agreement on Early Learning and Care was developed to improve access to affordable, quality and provincially and territorially regulated early learning and childcare programmes and services. . . .

Case study #2

Developing ways to communicate a rights-based approach to early childhood educators, policy makers and the public. . . .

. . . [T]he Federation is currently developing a learning kit entitled Children's Rights in Practice. . . . [T]he goal of this learning kit is to take the learning process one step further by demonstrating how fostering an environment that protects, respects and promotes children's rights can be practically implemented as part of best and promising practices in early learning and childcare.

Early learning and childcare practitioners' knowledge of child development makes them well suited to listen to children's thoughts and opinions, help them give voice to their views and build relationships of trust. . . .

The Federation has used this paradigm in its curriculum guide entitled *Learning Through*

38 United Nations (2002), 'A World Fit for Children', Resolution adopted by the General Assembly, A/RES/S-27/2, United Nations: New York. The resolution consists of a declaration and the Plan of Action. The resolution was adopted by 180 countries. The Special Session on Children during which the resolution was passed took place on 8-10 May 2002.

Play: A Child-Centred, Play-Based Learning Curriculum. . . . Participants in the training module responded positively to the use of the children's rights lens in the implementation of the new curriculum. . . .

The Federation has played a key role in government deliberations, civil society discussions and public education strategies on children's rights in Canada. For example, the Federation participated in consultations to provide input on the development of Canada's National Plan of Action for a World Fit for Children. . . .

. . . We have learned that it takes deliberate and creative efforts to move beyond speaking with and among ourselves to connecting with those unfamiliar, fearful or sceptical of a child rights-based approach. . . .

Case study #3

Applying the lens of children's rights to Aboriginal issues. . . .

. . . In an effort to uphold and respect the rights of young Aboriginal children, the federal Government has been working in partnership with Aboriginal peoples to develop a comprehensive system of services and supports for young children and their families. . . .

The Aboriginal Head Start programmes are a culturally based early learning and care strategy which is community controlled and delivered. These programmes are designed to provide Aboriginal children ages 0 to 6 . . . with a positive sense of themselves, a desire for learning and opportunities to develop fully and successfully as young people. . . . In addition, because the programme is locally controlled and emphasizes parental involvement, Aboriginal Head Start is designed to empower Aboriginal communities.

At the core of this strategy is the belief that Aboriginal children and families . . . are in the best position to describe what these outcomes should be and how resources should be deployed to attain them. . . .

Case study #4

Educating the young child as a right-holder. . . .

Given that most early childhood education and kindergarten programmes in Canada do not include a specific focus on children's participatory rights, how can we infuse existing curriculum and childcare programming with easy-to-use activities that teach children about the concept of participatory rights and their responsibilities as rights-holders to exercise them? . . .

One such developmentally appropriate and methodically tested programme has been developed in Canada by Ellen Murray, currently with the Department of Child and Youth Studies at Mount Royal College in Calgary, Alberta. Murray's *The World Around Us* was designed to support the development of children to their fullest potential, promote responsible citizenship through children's rights education and be easily adaptable for use with children of various ages.

. . . Listening to children's voices during their participation was fundamental to gaining insights into what strategies were especially effective in helping children understand and exercise their participation rights and responsibilities. . . .

For example, a set of four participatory strategies appeared to help the children both

understand and exercise their participation rights and responsibilities. These effective participatory strategies were concept mapping, decision-making, role playing and responsive writing. . . .

The legal acknowledgement of the child

African Group at the United Nations (Geneva)

The following text is based on extracts translated by the editors from 'Un acte qui contribue à la protection et à la promotion des droits de l'enfant: la reconnaissance légale', the original in French. Comments on this text may be addressed to Jean-Pascal Obembo, the Permanent Mission of the Republic of Congo to the United Nations and other International Organizations, Geneva, Rue des Paquis 11, CH-1201 Geneva, Switzerland, Tel.: (+41) 22 731.88.21, Fax: (+41) 22 731.88.17, e-mail: mission.congo-brazza@deckpoint.ch.

A UNICEF study has revealed that the births of millions of infants are not registered and that the infants are thus being deprived of their legal identities, of a recognized name and of a nationality.³⁹ However, in developing countries, particularly in Africa, it has not been necessary to read this UNICEF study to know that the problem exists. . . . The problem has affected the continent [Africa] since time immemorial. The colonial administrators in most of the countries attempted to resolve this problem, but by focusing mainly on the large cities. . . . In contrast, leaders since independence have sought to cover the entire area under their administrative or political jurisdiction in order to manage this problem of birth registration. . . . This has proven a very complicated task, for, in order for the relevant laws to become effective, it is necessary to possess the means to enforce them. . . . Yet, in most developing countries and particularly in Africa, the problem revolves around the financial and technical shortages. . . .

. . . [M]any articles of the Convention on the Rights of the Child depend on birth registration. In certain situations, proof of birth is crucial.⁴⁰ National systems that legally recognize each member of society are indispensable for the protection of the civil rights of infants, and birth registration is a first step on the way to such legal recognition. This is why Convention article 1 states that, 'a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier'. Indeed, the right of a child to a name and a nationality . . . is essential to the realization of other rights; yet, this right is not available to millions of children. The principal consequence is that the children who have not been registered do not legally exist. They live their lives without legal identity and, from the start, without the advantages and the protection this provides. . . .

. . . In order for the rights of the child to a name, to a nationality and to know its parents to be guaranteed, the birth registration must record at least the name and sex of the child, the date and place of birth, and the name of the father and the mother. The lack of a birth registration means that the child will be deprived of its potential insidiously, gradually and over the long term because the child cannot obtain an education. . . . A proper civil

39 UNICEF (2002), 'Birth Registration: Right from the Start', *Innocenti Digest*, no. 9, UNICEF Innocenti Research Centre: Florence.

40 An identity confirmed through a civil register showing family name is essential for proving family relations, obtaining a passport, etc.

record system issuing birth certificates at the moment the birth of the child is registered can help protect the child against identity theft, for example, through a change in name or a falsification of family information. This is covered in article 8 of the Convention in the sense that it is based on the obligation that the state must protect the identity of the child. . . .

The illicit trade in children can be fought with satisfactory results through proper birth registration. Birth certificates can thus become a preventive tool in the struggle against this plague, the commerce in humans. . . .

Birth registration should be considered as a component in the cooperation and technical assistance programmes of the Office of the High Commissioner of Human Rights in close cooperation with UNICEF, which has already developed substantial expertise on this question in many regions of the world. . . .

3. The young child's right to survival, health and development

The presentation of the European Association for Children in Hospital focuses on the child's right to health as a legal right (Convention article 24). This right must be evaluated in the context of the health care services accessible to children in their home country, including in the most technologically advanced countries. No child should die or suffer from lifelong disabilities due to inadequate health care services in early childhood. Investments in the health of our children are to the benefit of us all.

On behalf of the International Baby Food Action Network and the Geneva Infant Feeding Association, Elaine Petitat-Côté offers an analysis of the 'concluding observations' of the Committee on the Rights of the Child in relation especially to breastfeeding. She notes that the Committee has begun to mention breastfeeding more often in its observations, but suggests that states parties should also be urged to set up nutrition and feeding monitoring systems, and ministries of health should be persuaded to seek to enhance feeding practices.

Rubén D. Efron focuses on the importance of addressing the rights of children with special needs. These children must be assisted in defending not only their rights, but also life itself. He adds that participation is the beginning of the process of the development of individual responsibility. Individual responsibility develops only through active participation. Shared enjoyment, respect for rules and the ability to compromise to reach a goal render play an instrument in the construction of individual responsibility.

With respect to Convention article 31 on the right of the child to engage in play and participate in cultural life, Věra Mišurcová examines the significance of centuries-old children's games, nursery rhymes, songs, riddles and the like in traditional Czech education and upbringing. She discusses ways in which playing and singing lullabies can aid parents and teachers in establishing contact with the child, stimulating its cooperation, supporting its initiative and sharing in its joy and thereby foster healthy development.

In his contribution, Lothar Krappmann, member of the Committee on the Rights of the Child, said the Committee is well aware that children should be respected in their desire to be involved in activities they themselves choose and organize. This includes their right to join in recreational activities and to take part in cultural life. The Committee thus decided to hold this Day of General Discussion to reemphasize its responsibility to guarantee children's rights, in particular the right to play and sing, establish friendships and explore the world.

Steps for implementing the child's right to health

European Association for Children in Hospital

The European Association for Children in Hospital is an umbrella organization for 18 associations in 15 European countries and one association in Japan that are involved in the welfare of children before, during, or after a hospital stay. Many of the member associations started their activities in the 1960s and 1970s, and they are now exchanging their rich experiences with hospital professionals, parents and authorities with the goal of reaching similar standards of quality in all countries. The Association is a member of the health subgroup of the Group of Non-Governmental Organizations for the Convention on the Rights of the Child, Geneva. The Association's web address is www.each-for-sick-children.org.

... We are convinced that the principles of the European Charter for Children in Hospital⁴¹ are an efficient tool for implementing article 24 of the Convention on the Rights of the Child. . . .

Implementing child rights in early childhood is invariably linked to the protection of the rights of families. If the vital physical, emotional and economic needs of a family are not respected and safeguarded, the rights of children are impaired from the very beginning.

Creating an environment which allows the child 'the enjoyment of the highest attainable standard of health'⁴² consequently asks for the implementation of all other points of the Convention which are putting weight on and strengthen the position of the family. . . .

The child's right to health starts with the necessary support and advice to the mother during pregnancy. The conduct of childbirth is to be organized in a way that enhances the building of a deep mother-child relationship from the very first moment. The principles of family-centred care are to be equally applied if the newborn child needs neonatal or intensive care. Information and support to the parents has to be ensured with regard to the proper tending of the child (including advice on breastfeeding, vaccination programmes, healthy nutrition and other preventive health care measures). And it requires well-functioning health care systems in and outside hospitals during the entire childhood. . . .

The child's right to health is a legal right that must be evaluated in the context of the health care services accessible to children in their home country. While there is no dispute about the child's right to health as a theoretical good, the focus of our observations must be [the] kind of health care governments are willing to provide for children who suffer from illness, injuries, or disabilities. There simply is no pretext or excuse for countries which declare [that they are] unable to provide health care for children or for countries which neglect their responsibilities with regard to child health. It is even more unacceptable when the governments of rich countries regard proper health services for all people as unaffordable. . . .

The implementation of the child's right to the highest attainable standard of health depends on:

- The full recognition of the parents' role in a stable physical, emotional and psychological development of the child.

41 The Charter was adopted by a conference sponsored by the European Association for Children in Hospital and held in Leiden, The Netherlands, in 1988. The text of the Charter, along with commentary relevant to the Convention, can be found on the website of the Bernard van Leer Foundation, at www.bernardvanleer.org.

42 Convention article 24 reads in part: 'States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health' (see Section v).

- Full involvement of the family and the necessary social and financial support when their child gets sick, injured, or is suffering from a disability.
- A hospital environment that provides the space and infrastructure for children of different ages and developmental stages and for their parents.
- A hospital environment designed, furnished, staffed and equipped to meet the needs of children.
- Doctors, nurses and other professionals involved in the care of children who are trained and have the skills to respond to the physical, emotional and developmental needs of children and families.
- Governments who are willing to provide the legal framework for adequate health care services inside and outside of hospitals and provide the financial means to fulfil the above requirements.

Today, thanks to medical progress, preventive measures and better public health information, many illnesses and disabilities of small children can be remedied. No child should die or suffer from lifelong disabilities due to inadequate health care services in early childhood. Children who are given full opportunities to evolve their talents and capabilities are the basis for the future of our societies. Investments in the health of our children are therefore to the benefit of all of us. . . .

The Committee's 'concluding observations' in relation to the health of children

Elaine Petitot-Côté

Elaine Petitot-Côté represents the International Baby Food Action Network and the Geneva Infant Feeding Association. The International Baby Food Action Network, founded in 1979, is a coalition of over 200 citizens groups in 100 nations. The Network works for better child health and nutrition through the promotion of breastfeeding and the elimination of the irresponsible marketing of infant foods. The Geneva Infant Feeding Association, a member of the Network, has been working since 1979 to promote breastfeeding in order to improve the health and psychosocial development of babies and young children. In 1998, the International Baby Food Action Network-Geneva Infant Feeding Association became a member of the Non-Governmental Organization Group for the Convention on the Rights of the Child. In 2003, they were at the origin of the new subgroup on the child's right to health. Web addresses: www.ibfan.org and www.gifa.org.

. . . [A] series of papers on child survival published in *The Lancet* . . . state that 90 per cent of deaths of children under-5 occur in 42 countries worldwide and are caused mainly by 'diarrhoea, pneumonia, measles, malaria, HIV/AIDS and the underlying causes of under-nutrition.'⁴³ The authors estimate that 13 per cent of the over 10 million annual deaths could be prevented simply by adequate breastfeeding practices.

43 Gareth Jones, Richard W. Steketee, Robert E. Black, Zulfiqar A. Bhutta, Saul S. Morris and the Bellagio Child Survival Study Group (2003), 'How Many Child Deaths Can We Prevent This Year?', *The Lancet*, vol. 362, July 5, pages 65-71.

. . . In article 24, the Convention on the Rights of the Child itself recognizes the rights of all members of society to information on the benefits of breastfeeding. . . .

Of all of the 'ready-made' solutions to improve immediately the health of infants worldwide, breastfeeding is one of the safest, cheapest, most readily available, universally attainable and feasible. . . .

Research has shown that breastfeeding reduces the incidence of infectious diseases such as otitis media, diarrhoea and pneumonia, that it decreases the risk of asthma and other allergies, that it diminishes the risk of dental caries [and] the likelihood of obesity and has a positive impact on the reduction of other non-communicable illnesses such as cardiovascular disease. Breastfeeding facilitates bonding between mother and child, thus fostering the child's psychological development. It empowers mothers and has numerous health benefits for them also. It is a proven, dependable and natural child-spacing method. It saves money for the family, as well as for the health care system. . . . Breastfeeding secures safe and optimal nutrition in places where water, fuel, sanitation and hygiene are defective, including in emergency situations.

However, in many parts of the world, breastfeeding is no longer the norm. . . . Most women need to be informed about optimal feeding practices and counselled judiciously. . . . They also need support from their family and friends, from health professionals and even from their employers. They have to be protected from the unethical marketing of breastmilk substitutes. They need legislation protective of their maternity rights. . . .

Assessment of the Committee's 'concluding observations'

In the second half of the 1990s, the International Baby Food Action Network-Geneva Infant Feeding Association became aware of the relevance of the Committee on the Rights of the Child and of the [Committee's] reporting process. . . . In the course of its action in this area, it had noted that governments do not always report on breastfeeding and few of them report on specific areas such as the implementation of the International Code of Marketing of Breastmilk Substitutes and subsequent, relevant World Health Assembly resolutions or maternity protection legislation.

Taking advantage of the opportunity the Committee gives non-governmental organizations to present 'alternative' reports to the Committee in relation to state party reviews, since 1997, the International Baby Food Action Network-Geneva Infant Feeding Association has been preparing and distributing short country-specific reports on the breastfeeding situation. . . .

From 1993 to 1996, out of 66 state party reviews, only 4 'concluding observations' directly mention breastfeeding-related issues; 10 mention them indirectly, while 52, the vast majority, ignore them completely. . . .

From 1997 onwards, the situation changes dramatically. From 1997 to 2003, out of 157 country reviews, 52 'concluding observations' mention breastfeeding-related issues directly, 67 mention them indirectly, while 38, a minority, ignore them completely. . . .

The increase in recommendations since . . . the first Network interventions in 1997 indicates that Committee members have become more aware of our issues and of their importance. It certainly indicates the Committee's receptiveness to new information from UN agencies and non-governmental organizations. . . .

. . . [T]he Committee generally recommends better breastfeeding and nutrition information, practices, policies in the regions considered the least privileged of the globe, those suffering from high mortality and malnutrition rates, poor primary health care, lack of sanitation

and of clean water. At the other end of the spectrum, in the rich, industrialized countries, the Committee tends to focus on other child's right[s] recommendations. . . . It is unfortunate, however, that the Committee has not made recommendations on breastfeeding and breastfeeding-related areas to some countries in Asia, North Africa and the ex-socialist bloc which also suffer from extremely high rates of poverty, unemployment, poor living conditions, malnutrition and infant mortality.

In our view, given that all children are entitled to optimal nutrition so as to meet the highest attainable level of health, it is essential that recommendations favouring such an aim be universal. . . . Indeed, 'breastfeeding is best' for the vast majority of infants worldwide. . . .

. . . During the period 1993-2003, the Committee has touched, at least once, on most of the areas of either direct or indirect relevance to infant and young child feeding. . . .

However, the bulk of recommendations related to breastfeeding are limited to a *few very general formulations* that the Committee uses repeatedly. . . .

Suggestions for strengthening Committee 'concluding observations'

. . . States parties from all parts of the world should be encouraged to make the structural and financial efforts necessary to take in the following suggestions. . . .

- States parties should be urged to set up a monitoring system to collect data on nutrition, feeding and breastfeeding following international indicators. . . .
- Ministries of health should systematically be encouraged to develop holistic strategies and policies on infant and young child feeding, based on the Global Strategy for Infant and Young Child Feeding,⁴⁴ World Health Assembly decisions, recommendations and resolutions and on independent scientific research.
- . . . [L]egislation based on the International Code of Marketing of Breastmilk Substitutes and subsequent, relevant World Health Assembly resolutions . . . [should] be drafted and adopted universally. . . .
- Health professionals dealing with pregnant and lactating women should be trained in lactation management. . . . Pre- and postgraduate curricula should include up-to-date information on breastfeeding as an effective public health measure. . . .
- In order to raise awareness among parents and the public in general, . . . ministries of health should develop campaigns . . . about the benefits of breastfeeding, the risks of not breastfeeding. . . .
- The Baby-Friendly Hospital Initiative should be implemented in all countries. . . .
- Maternity protection at work should undergo systematic evaluation by the Committee: better national laws are needed and ratification of International Labour Organization [Conventions]⁴⁵ should be encouraged.
- Prevention of childhood HIV: independent scientific research that is free from conflict of interest should be supported by governments. National policy should be discussed, drafted and implemented based on the recommendation that exclusive breastfeeding should

44 World Health Organization and UNICEF (2003), 'Global Strategy for Infant and Young Child Feeding', World Health Organization: www.who.int/nut/documents/gi_infant_feeding_text_eng.pdf.

45 Workers with Family Responsibilities Convention, 1981; Maternity Protection Convention, 2000, and Safety and Health in Agriculture Convention, 2001.

always be promoted where other forms of feeding are not ‘acceptable, feasible, affordable, sustainable and safe’.

- The role of non-governmental organizations working with government to improve breastfeeding practices, provide data, monitor, inform about nutrition and health issues should be enhanced.
- . . . [N]on-governmental organizations should be given a more strategic role in monitoring Committee recommendations and seeing that they are followed at national level. . . .
. . . [M]any more efforts must be made to pursue the process at country level by working with local groups and health professionals to make government improve and implement policies, develop concrete programmes and multiply innovative projects. . . .

The rights of children with special needs and the importance of play

Rubén D. Efron

Rubén D. Efron is professor at the University of Buenos Aires and the University of Lanús, Argentina. He is also a member of the executive board of the Permanent Task Force for Human Rights, a non-governmental organization in Argentina, and coordinator of its Commission for Children and Adolescents. Contact: Asamblea Permanente por los Derechos Humanos, Av. Callao 569, 3er Cpo. 1er P. (1022), Buenos Aires, Argentina, Tel.: (+54) 11 43.72.85.94, 43.73.60.73, Fax: (+54) 11 48.14.37.14, e-mail: apdh@apdh-argentina.org.ar, web: www.apdh-argentina.org.ar. The text below is based on extracts translated by the editors from ‘Aporte al debate “Realización de los derechos del niño en la primera infancia”’, the original in Spanish.

. . . [It is] indispensable to assign a fundamental importance to the rights of children with special needs. As with the right of young children to survival and development and the right to rest and to engage in play and recreational activities, the essential, priority consideration for children with special needs is not only the defence of a right, but also the possibility of defending life itself. Indeed, the defence of these rights becomes truly meaningful when they are addressed during the first years of life because, after this key period, any damage [in development] may be irreversible. Children with special needs are children with generalized disruptions in development, children with various sensory problems, children with neurological and motor conditions that emerge during early infancy and [children with] any pathologies that appear at an early age.

. . . [It is] indispensable to understand that, just as children can exercise their rights more effectively as their skills grow, this implies their active participation. Such participation is the beginning of the process of the development of individual responsibility. There is no chronological rigidity [in the process]; individual responsibility is constructed over time and only through active participation. Without participation, there can be no individual responsibility. As regards the means, play must be the principal method in the process of the construction of individual responsibility. The stimulation and motivational power of play activities are crucial in the process of the development of children’s participation and, therefore, [the development] of individual responsibility. Shared enjoyment, the respect for rules, [the advantage of] compromise in order to reach a goal are some of the features that render play an instrument in the construction of individual responsibility.

Implementation of children's traditional games in early childhood

Věra Mišurcová

Věra Mišurcová is a founding member and has been chairwoman of Defence for Children International, Czech Republic, since 1991. She is with Comenius Institute of Education, Charles University, Prague.

... Article 31 of the Convention on the Rights of the Child guarantees the right of the child 'to engage in play ... and to participate freely in cultural life and the arts'. In early childhood, ... play is the child's main activity and an important factor [in] its education.

Children's traditional games are an important part of the Czech cultural and educational tradition. These games, which have been mostly created by children, correspond to the needs of ... development and pass from one generation to another as a part of children's folklore. ... [G]ames, nursery rhymes, songs, riddles and the like ... have been preserved by oral tradition throughout [the] centuries. ...

The lullaby in which love, tenderness, joy and care for the child find their artistic expression is a typical creation intended for babies. Lullabies originated as accompaniment to the movements serving for calming and lulling the suckling [child], while rocking the cradle or nursing the child in one's arms. They fulfilled a double function: on the one hand, they helped to satisfy the child's need of sleep and good humour; on the other hand, they contributed to forming an affectionate relation of the people round the child to [the child]. ...

Besides lullabies, ... children's folklore contains [other games played at home]. ... For instance, it [involves] playing ... during which the adult makes movements of hands or legs with the child and accompanies them with a nursery rhyme or a song. The aim is to entertain and cheer the child, to stimulate its [motor] and [sensory] activities and intensify the child's interpersonal relation not only with its parents, but also with other family members and people round it.

These playing activities are very important because children begin to learn very early, and they can, in so doing, make full use of the ... family environment. ...

These games, very popular with children, have an irreplaceable role in rearing practices for babies, because they satisfy specific needs of development at this age.

Parents are the child's first educators and teachers. It is particularly [the] mother who should often utilize the opportunity of getting in contact with the child by means of smile, word or song, by following its behaviour, by stimulating its cooperation, by supporting its initiative and experiencing with it joy and changes of moods. The mother's ... harmony with her child, developing in tender interactions, makes it possible for [the] mother to record the child's [progress] and to stimulate the child [anew]. ... The mutual, emotional relation of mother and child is one of the starting points enabling [the child's] full and healthy development. A young mother should devote most of her spare time to playing with her child. ...

In contrast to the family, in which there predominate the child's games with ... adults, the nursery school provide[s] the children with the possibility of playing in common with their partners. ... [F]olk singing games ... are, in greater part, group games with more or less fixed rules; all players are equal. ... These games make it possible for children to manifest themselves by means of connection of movement, word and music.

Every game represents a certain content expressed in a fixed, stabilized form. The themes of games encompass different phenomena from . . . nature, as well as social life. . . . The balance [among] individual means of expression is a specific feature of folk games: word, music and movement are the carriers of one idea, and this union is apparent [in] their artistic form as well. They contain a positive attitude to life, joy and humour. At the same time, they provide the children with the possibility to manifest their fantasy, creative abilities, aesthetic feeling, as well as promptness and the like. Their most precious value consists in the fact that they are pervaded by love to the child and that they help to create, by means of their joyfulness, an atmosphere of cheerfulness and harmony which is necessary for the healthy development and feeling of happiness of every man, particularly . . . the child in its first years of life.

. . . [E]ver-increasing pedagogical claims force us to be dissatisfied with the more or less occasional inclusion of games into the educational process, but to use them systematically and to aim at the creation of such a system of games as would optimally contribute to the development of every child. In the creation of such a system, it is necessary to consider both the children's games of one's own nation and those of foreign nations and cultures.

The incorporation of the games of other nations into children's education has become topical at [the] present times, which are characterized by the plurality of cultures and their interpenetration. The games can become 'envoys between nations' because they draw other countries nearer to us; they promote deeper mutual understanding and international rapprochement as well. . . .

The nursery school should be an environment which will make it possible for every child to satisfy its need for playing and learning in the company of children. This task is mainly ensured by pre-school teachers.

The performance of singing games puts considerable demand on the teachers in . . . nursery schools. One presupposes both the teacher's preparedness in . . . respect of movement and music, inclusive of playing an instrument, and their knowledge of suitable children's games. For this reason, [these games] should be a part of the pre-service education and [ongoing] education of pre-school teachers. . . .

The right of the young child to rest, leisure and play

Lothar Friedrich Krappmann

Lothar Friedrich Krappmann, a member of the Committee on the Rights of the Child, is professor at the Free University, Berlin.

We know how important it is and how much effort still must be made worldwide in order to lower the rates of child mortality, of preventable diseases in the first years of life, to prevent neglect and violence against young children and to promote children's competencies and skills from [the] early years on, and the Committee on the Rights of the Child pays much attention to these issues when it examines the situation of children country by country. Members of the Committee are also well aware that children have not only to be regarded as human beings in need of adults' support, protection and guidance, but must also be respected in their desire and strong determination to engage in activities that they themselves choose, invent, organize, regulate and enjoy. Elements of children's peer cultures observed all over the world are play and games, songs and rhymes, traditional performances and modern game and

sports competitions, humour and practical jokes, gossip and secrets, group formations and rivalry, rituals of friendship and exclusion of disliked children, conflict and reconciliation, tests of courage.

Although the Committee well recognizes this domain of children's lives, we sometimes are afraid that we do not put enough emphasis on this side of children's well-being and development when we are in dialogue with the states parties. Survival, health, education are in the focus; issues like children's play, their cultural activities and the social world of childhood often are just cursorily mentioned. The Committee decided to have this Day of Discussion about 'child rights in early childhood' in order to reemphasize our responsibility to guarantee the rights of the child, in particular the rights of the young child to play and sing, to form groups and establish friendships, to engage in cultural activities and to explore the world on his or her own.

These rights of all children are clearly enshrined in the Convention. Article 31 says: '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.'

Thus, let us reconfirm: Play, leisure, recreation, cultural activities belong to the essential, indispensable rights of the young child.

With all due respect for the wording of the Convention, I would like to ask [you] to consider whether the formulation of the Convention may generate a misunderstanding. The itemizing of rights starts with 'rest' and 'leisure'. These terms usually imply that a person does challenging and exhausting work and now needs a rest to recover and therefore undertakes something distracting, e.g., chats, plays, reads, in order to regain and gather [the] strength required for the continuation of one's work. In the case of children, the words 'rest' and 'leisure' [suggest] that children engaged in education and instruction sometimes need a break and fill this break with play before they return to more valuable activities. The next two items of the wording in article 31 seem to reinforce this interpretation, because play and recreation are combined. I would like to emphasize that this interpretation is a misunderstanding of the nature of children's playful and joyful activities. Children's play is a value in itself. The misinterpretation disregards the essential contribution of these activities to children's well-being. This playful well-being has many side effects – health, learning, development – as confirmed by research of all kinds. But children's joy of play is first.

Thus, let us reemphasize that *children have the right to be active, to play, to develop fantasies, to create works of art for their own enjoyment, self-determined goals and self-evaluated proficiency.*

In preparation [for] this Day of Discussion, I have examined about 20 state party reports reviewed in the last two sessions of the Committee in order to learn how children's right to play, to leisure and to participate in recreational activities was addressed by the states parties and in the 'concluding observations' of the Committee. I found that article 31 was taken up in every report, to a differing extent though. Usually, the reports first underline the right of the child to rest, to play, to recreate and then talk about sports events, libraries, art exhibitions, music schools, vacation camps, youth organizations and youth clubs: remarkable and valuable programmes for the benefit of children, predominantly for the benefit of older children and organized *for* these children, sometimes only *with* [these] children. Hardly ever the spontaneous play, songs, or jokes of young children are mentioned at all in these reports. Sometimes, children's play is mentioned as the best method of learning for young children. Research, in fact, underlines that children learn a lot by their playful activities. But we reduce

children's right to play if we recognize their play as a means, even a tricky means, in the instruction process only. . . .

Therefore. . . : *When we review the conditions of growing-up, we should not forget to examine time, space and facilities provided for young children to be active, to play, to make friends according to their own wishes, fantasies and preferences.*

When these aspects of young children's lives are mentioned in state party reports, it becomes clear that children's spontaneous play and fun activities are no matter of course. Some states parties describe the impediments and shortcomings that prevent children from developing their natural activities. Also, many of the submissions prepared by organizations and experts for this Day of Discussion clearly state that there are many factors endangering children's peer activities, play and art productions: miserable life circumstances, children's workload, insecurity in the streets, [the lack of] playgrounds and poor city planning and, in general, wrong conceptions of children's development and learning. . . . We should demand that states parties pay attention to children's play, their peer activities and their cultural productions. In their reports, states parties should more comprehensively describe programmes, projects and initiatives designed to promote this side of young children's lives.

Thus, my expectation is that, at the end of this Day of Discussion, we will have put together a list of issues that the Committee more insistently will raise when the implementation of children's rights in early childhood is examined. This list should not only contain the important topics [of] survival, nutrition, health, but also the rather neglected rights of children to play . . . and to participate in cultural activities according to the children's own priorities.

4. The young child's right to attend educational institutions

In its presentation on its projects and programmes, sos Kinderdorf International argued that the learning needs of young children are different in nature from those of school-age children. Therefore, pre-school, with its emphasis on play, exploration, experimentation and the communication of ideas and feelings, more properly supports the efforts of young children to acquire knowledge and participate in the life around them. Pre-school helps children learn to solve problems and extend their abilities and thus broadens children's learning experience.

Examples of early childhood education

sos Kinderdorf International

The original from which the following text has been extracted was drafted from contributions supplied by the sos Kinderdorf International Office for Central and Eastern Europe, the Commonwealth of Independent States and the Baltic States, by sos Children's Villages in Bosnia and Herzegovina and by Home of Books for Children, Tirana, Albania. sos Kinderdorf International is a non-governmental organization active in over 130 countries and territories. Affiliated under the umbrella of the organization, national sos Children's Villages offer family-based care to children who, for whatever reason, are unable to live with their parents. The children are supported until they become independent. The training of sos mothers is a key function. sos Social Centres run child-care programmes aimed at preventing child abandonment. Around 22,000 children benefit from sos Kindergartens

throughout the world. For more information, see www.sos-childrensvillages.org and www.sos-kinderdorfinternational.org.

... *Pre-school education in Sarajevo, Bosnia and Herzegovina*

The importance of pre-school education is often underestimated and therefore remains underdeveloped even though it vitally contributes to ... broadening the range of children's learning experiences. ...

The sos Social Centre in Sarajevo is located in a ... suburban area with no green spaces, no sports grounds and playgrounds. However, it offers a wide range of services and extracurricular activities [that] people could not afford otherwise. A major initiative of the sos Social Centre was a pilot project addressing the needs of children coming from socially ... vulnerable families. Most of these families suffer from unemployment or have very low income and can therefore not pay kindergarten fees. ...

The project targets children aged 3-6 years. This pilot project was used to assess the pre-school educational needs of children coming from families at risk (social, financial and other psychological factors) and families [that] run the risk of child abandonment or neglect. This project is also meant to provide social and psychological support to families at risk by supporting socialization, creativity, language and speech skills, development of interactive communication, and emotional development. ...

An important aspect of this programme was also to work in partnership with parents to create continuity between the home and the pre-school setting. ... A corner of the playroom is dedicated to the parents so that they can take part in discussion groups focusing on issues such as family communication, educational problems and legal advice.

The Playbus Programme. . .

The right to engage in play and recreational activities is often underestimated, though it critically supports the child's development and increases the chances of children to fully participate in their own development. The learning needs of younger children are different in nature compared to those of children in the school-age range. ... Play is a central part of learning at this stage.

The initiative started in Albania in September 1999 during the crisis in Kosovo and at a time when many refugees were still in Albania. It was started as a means of providing rehabilitation to traumatized children and of dealing with the unstable situation. The project was then extended to a few other countries . . . : Bosnia and Herzegovina, Georgia, Poland, Ukraine and Romania. ...

A Playbus can be compared to a 'social centre on wheels' and provides games and materials of all sorts organized by a team of child educators. The bus travels the country and offers recreational activities to children of all ages and particularly younger children through visits to kindergartens. The team creates a temporary playground – indoor or outdoor – in parks, hospitals, orphanages, schools, or kindergartens. ...

The Playbus programme gives the children a chance to interact with adults [as] *equal partners*. By following the children's lead in maintaining a positive attitude and having fun together, adults will help children develop a positive attitude towards themselves and others as play partners. ...

Interaction between older and younger children is an important element of the project

and helps the development of younger children. The younger children get inspired by older children, whereas the older ones take pride in helping the younger ones.

Learning through play . . . provides opportunities for exploration and experimentation which are essential to acquire knowledge and develop representational thought. . . . The children learn to solve problems in another way and extend their abilities to communicate ideas and feelings in a variety of ways. . . .

Opportunities to develop independence: children play in an environment where they can be themselves. Sometimes, young children are overprotected and it is good for them to get involved in activities which challenge them. They can invent their own games and they can change the programme of the day by expressing their wishes. . . .

One of the elements of children's participation is to give tailored information to children and to empower them through knowledge. The playbus team establishes special activities *to give clear information to children* about issues that are usually poorly addressed (HIV/AIDS, sexual education, racism, prevention of drug and substance abuse) and to inform them about their rights.

An important success factor for this programme was the cooperation with the kindergarten staff and, wherever possible with the parents so that they would continue this kind of activities with the children after the Playbus team had left. . . .

The Home of Books for Children in Tirana, Albania

Research shows that reading and visiting libraries from an early age on can . . . clearly benefit children in terms of developing language skills, improving literacy levels and providing a sound basis to future educational achievement, as well as introducing young children to the delights of books and reading. . . .

In 2000, sos Kinderdorf International supported the creation of a children's library in the centre of Tirana. . . . The project was suggested by the Albanian section of International Board on Books for Young People.⁴⁵ . . .

. . . More than 1,000 children have already registered at the library. In order to reach children in the suburbs, the team uses the system of portable libraries, which consist of large suitcases containing a wide range of books.

The library is designed in such a way that it is accessible to younger children. For younger children, a corner was designed based on the tale of Snow White and the Seven Dwarfs in order to create an appropriate environment for story-telling, theatre plays and puppet shows. The library is housed in a big room so that younger children can run around and move freely. . . . An exhibition of children's drawings was organized based on the Convention of the Rights of the Child and according to the following themes: 'I am', 'My family', 'My future', 'I have the right to'. . . .

5. The young child's right to participate

According to K. Shanmuga Velayutham, the concept of children's participation should be included in the training curriculum for pre-school teachers in India so that teachers will learn to listen to children in an atmosphere of trust and respect. This will promote children's

46 See www.ibby.org.

participation. Young children need to be considered truly as learners. They must be enabled to express their views freely, build self-esteem and acquire knowledge and skills to prepare them to take responsibility for their own lives.

Similarly, IPPA, the Early Childhood Organization (Republic of Ireland) believes that the young child must be heard by 'significant others' who are in tune with the interests and needs of the child. To exercise and experience 'rights' requires interaction in the social world. Full participation in family life, in child-care settings and in society is firmly grounded in the young child's sense of well-being, self-agency and relationship with the enveloping social world. From the moment of birth, children are poised to participate.

The Commission on Early Childhood, City of Geneva, hopes and expects that, in the child-care institutions funded by the city, it will be possible for children to enjoy their childhood, form bonds and learn skills and that, thereby, the children will become good citizens. Good citizenship implies the experience of a sense of belonging to a family, a group, a culture, a city and the independence necessary for acquiring responsible social values. Early childhood institutions should be a pathway to citizenship for infants and children.

According to the document on a Council of Europe project, 'participation' means that children can express their views and relate their experiences and that these views and experiences are given weight in decision-making. The aim of children's participation is to make children visible in social life and policy-making and to promote education for good citizenship by giving children opportunities to experience democracy. Encouragement for the participation of children can foster mutual respect, trust and good citizenship.

Right to participation among young children in India

K. Shanmuga Velayutham

K. Shanmuga Velayutham is convenor of the Tamil Nadu, India, chapter of the Forum for Crèche and Childcare Services, an organization devoted to causes of relevance for children 0 to 6 years of age, especially among the poor. He is also reader, Department of Social Work, Loyola College, Chennai, India.

... Pre-school organizations and staff working with young children do not have ... sensitivity and orientation to child rights or a clear perspective on participation. It is necessary to make pre-school administrators and teachers listen and consider the views of children in an atmosphere of trust and respect. ... The concept of 'child participation' has to be included in the curriculum of ... teachers training [in India]. ...

... Though Integrated Child Development Services is a major and successful vehicle ... , it is not and cannot be the only institution solely responsible for early childhood care and development.⁴⁷ ...

... The non-governmental organization sector needs support and strengthening to fulfil its role and should not be either co-opted or made into a contractor for government. The very small voluntary sector ... has flexible reach and innovative programmes, but is also

⁴⁷ Run by the Indian Government, Integrated Child Development Services manages over 40,000 centres nationwide and is the largest integrated early childhood programme in the world. It was established in 1975 and receives financial and technical support from UNICEF and the World Bank. The programme covers millions of expectant and nursing mothers and nearly 25 million under-6-year-olds.

often of poor quality. Here, the need is to offer financial support and promote diversity and innovation on a small scale, while monitoring . . . to minimize negatives.

. . . There has been an unprecedented growth in the number of nursery schools both in rural and urban areas in the private sector. This is a vast, mushrooming, unregulated and still unsurveyed sector, much of very poor quality. . . .

All three sectors have a role to play in taking early childhood care and education to every child. At present, the public sector (Integrated Child Development Services) reaches less than a quarter of the age group 3-5 years, perhaps 40 per cent of the poorer sections. These are services directly rendered by the Government, and the need is both for reaching the unreached and improvement of quality. A very large number, . . . perhaps another 40 per cent, are catered to by the private sector, for those who are willing to pay, often at great sacrifice. . . .

There is no official census of these institutions of highly variable quality, ranging from a few excellent ones in the upper-income groups to a vast majority of poor to very poor quality, catering to the lower income groups. With no fixed or common curriculum or method, little suitable equipment or infrastructure and usually employing teachers untrained in early childhood care and education at exploitative wages, large teacher-children ratio[s], they often indulge in malpractices which are damaging or even dangerous to children. Since the state has to ensure early childhood care and education to every child, it is essential to bring in a separate and appropriate code of regulation. . . .

As far as early childhood care and education [are] concerned, the policy of the Government is inadequate. It is failing to promote the kind of educational service that is appealing to . . . children and parents. . . . Most of the nursery schools do not follow any uniform curriculum. A good number of them appear to have chalked out their own syllabi and programmes of activities. These pre-schools never encourage the child's right to participation in a systematic manner. . . . A child-friendly, participatory and contextually relevant activity-based curriculum must be developed . . . on the principle that learning should not be a burdensome process for the young child. . . .

. . . There is a great need to develop and promote training both in the public sector and through self-financed and voluntary institutions. To suit the diversity of early childhood care and education models, there has to be a diversity of training models, including . . . right to participation package modules. . . .

Freedom of expression is a fundamental right, available to every person in India, including children. . . . However, there is no legislation that specifically mentions the right of the child to express his/her views freely.

. . . Children need to be considered as their own learners and not passive listeners. Young children must be enabled to exercise their right to express their views freely, according to their evolving capacity, and build self-esteem, acquire knowledge and skills, such as those for conflict resolution, cooperative behaviour, decision-making and communication, to meet the challenges of adolescent and adult life. . . . Disadvantaged and marginalized young children, in particular, need special attention and support to access basic services, build self-esteem and to prepare them to take responsibility for their own lives. . . . Listening to the child promotes the child's constant participation. . . .

The medium of communication must be in the first language of the child, as an alien language hampers the young child's participation. However, considering the capacity of the child to learn as many languages as possible in the early years, other languages, especially English, which is the main attraction for parents of all income groups, could be initiated

informally along with the first language or the mother-tongue. . . .

There is persistence of discriminatory social attitudes and harmful traditional practices towards girls, including denial of [the] right to participation in social activities. Gender discrimination at all levels interferes with getting to know and hear the views of girls. . . .

. . . Families and caregivers have a critical role and responsibility for the well-being of children and must be supported so that parents, guardians and caregivers have the capacity to fulfil their obligations. All our policies and programmes should promote [the] shared responsibility of parents, legal guardians and caregivers, and society as a whole. . . .

Government should carry out comprehensive public education campaigns to prevent the denial of [the] right to participation, particularly within the family. Good parenting and child-care and protection education must be given to parents, teachers and staff of child-care institutions. Families are the primary care providers for children, and the capacity of families for care and protection of children has to be strengthened, especially of families in the most marginalized groups. Gender-sensitization has to be done at all levels for promoting child participation.

. . . [The] state should make every effort to eliminate discrimination against children. . . . In [the] early childhood development programme, the right to participation of some communities is denied. . . .

Implementing a focus on participation

IPPA, the Early Childhood Organization

IPPA, the Early Childhood Organization, representing over 2,000 early childhood care and education service providers, is the largest voluntary organization working for young children and their families in the Republic of Ireland. The organization advocates for a play-based early childhood curriculum and supports members in implementing services that recognize the centrality of the child's well-being and contributions and the child's right to active involvement in developing his/her interests, sense of identity and the community in which he/she lives. Consequently, it recognizes the role of early childhood services in the areas of early learning, family support, labour-market support and community development. Contact: IPPA, the Early Childhood Organization, Unit 4, Broomhill Business Complex, Broomhill Road, Tallaght, Dublin 24, Ireland, Tel.: (+353) (0)1 463.00.10, Fax: (+353) (0)1 463.00.45, e-mail: info@ippa.ie, web: www.ippa.ie.

. . . The implementation of child rights in early childhood depends, from the adult perspective, on awareness, shared values, training and resources. As an adult living or working with young children, I must first be aware that children, too, have rights, and I must believe, integrate and reflect the concept and reality of 'children's rights' in my life. I may also need support in the form of training or resources to live and breathe a rights-based approach within the context of the family, child-care service and the community. As Hindess (1993) proposes, rights can only have meaning and significance where a citizen can command sufficient resources (mental, as well as material) to exercise those rights.⁴⁸

48 Hindess, B. (1993), 'Citizenship in the Modern West', in B. S. Turner (ed.), *Citizenship and Social Theory*, Sage: London.

... It is not merely the actuality of having rights that is important, but the perception and feelings of having rights.

... We propose that the voice (in its broadest sense) of the young child must be heard and attended to by significant others who are in tune with the interests and needs of the child. ...

The concept of rights is socially constructed, socially implemented and socially experienced. To exercise and experience 'rights' requires interaction with and interaction in the social world, in short, participation. It is participation whereby 'one discusses common affairs with others, reflects upon the common good, learns to bear responsibility, to judge and to decide'.⁴⁹ This is what we seek for all, including our youngest members of society, the conditions and capacity to engage in dialogue and negotiation, to be aware and reflective, to take individual and collective responsibility, to assess and take action.

Full participation in family life, in child-care settings and in society is firmly grounded in the young child's sense of self, well-being, self-agency and relationship with the enveloping social world. From the moment of birth, they are poised to participate. ...

It is within the microcosm of the family or community that the pattern of participation is established, that the engagement of the child as a contributor is respected and that the very young child's sense of self is enhanced by feelings of competence: 'I am, and I can'. ...

Participation, establishing a pattern of contribution, occurs in the detail of everyday life and is supported in the moment, however communicated.

The young infant cries! Her action involves her whole being. ... Significant others are then personally and culturally predisposed to interpret this initiative.

... In the crying or signalling, communication is initiated by the child. The other player in this social dance attunes to the child and makes eye contact. ... The adult or significant other follows the infant's gaze and names what she is looking at. This simple strategy strengthens the child's attention span, supports language acquisition, but, more importantly for the argument of this paper, engages the duo in a participatory situation. Such situations arise moment by moment on a day by day basis, building experience of participation.

In these early days and months, the child connects with the world through her whole body. She will attune to others. ... She will, through the implicit and explicit messages in this discourse, learn much of the nature of the rules of her particular culture. ...

We believe that play-based pre-school care and education services offer a mechanism for the promotion of the rights of young children. ... We are concerned by a shift away from a proactive role for the child in education services. Research-based evidence and recent education policies indicate the enforcement of more formal, teacher-directed curricula for children at a younger and younger age. ... In an effort to counteract what is perceived as a decline in literacy and numeracy standards, early education is returning to a 19th century, labour-market-style pedagogy that is focused on preparing children for the workforce from an early age.

We believe that the Convention on the Rights of the Child now needs to lead a return to the principles embodied in its articles that prioritize the child's right to a curriculum based on creativity, problem solving, investigation and participation in play. ...

Play is dependant on voluntary, child-initiated activity. ... It is based on life experience, but offers children the opportunity to move out of the frame of reality and into the frame of

49 Voet, R. (1998), 'Feminism and Citizenship', page 137, cited in Drake, R. F. (2001), *The Principles of Social Policy*, Palgrave: Hampshire, UK.

pretence. . . . Children play their way into community scenarios that allow them to engage with real life learning. Children learn to negotiate, to compromise, . . . to direct and choreograph within the complexity of the social activity. [Play] . . . keeps us alert and open to change.

. . . So, not only does play allow children to engage with existing communities of practice, but they are invited to engage with the imaginary, the possible and even the impossible. . . .

With this lens to observe play, we can see children imaginatively create a world based on their previous and combined experiences, which they can direct and to which they can belong. . . . Rogoff (1990) draws parallels between the roles of young children and the roles of novices in apprenticeship.⁵⁰ They both actively try to make sense of new situations and put themselves in a position to learn. The apprenticeship model often involves a group of novices who are a resource to one another in developing skill and understanding. They differ in levels of expertise and act, within the group, both as teachers and learners. . . . As children become more familiar with one another, we know that the play scenes are repeated and the play becomes more complex. With practice, children are quicker to move into role and more knowledgeable and skilled in meeting the demands of the role. If planning is part of that role, then children practice planning. If literacy is important, then children engage with literacy. If counting is important, they learn to count. And of course, if creativity or cooperation is valued in that pretence community, children learn these skills. Lave and Wenger (1999) describe expertise as moving towards fuller participation in a 'community of practice'.⁵¹ Children need opportunities to participate in order to become more expert in their communities. . . .

In a society where children have little access to the working lives of adults, pretend play becomes all the more important. It is both a learning and teaching tool. It allows children to enter and experience many communities of practice that in real life they can only observe from a distance or on a television screen. . . . Perhaps this is the culture's way of compensating for children's exclusion from real life learning/apprenticeship opportunities. . . .

When we recognize children as competent, agentic, co-constructing citizens, it allows us to see the experiences children bring to play and to recognize the cultural communities that have already impacted on their learning and identity. It prompts us to question what we value as learning and indicates that any redirection in that learning must be negotiated with the important communities in the child's life. . . . Any education process must recognize the transactional nature of that relationship and empower the child as an agentic participant. This view of learning has major implications for child-care practice. . . .

The right of the child to participate in family, day-care and community life . . . is fundamental to well-being in its own right, but also as the basis of citizenship and social capital. . . . Taken from another perspective, if active citizenship and social capital are aspirations of or valued within society, then the participatory rights of young children must be implemented. . . .

Citizenship depends, according to Drake (2001), on the relationship between membership, participation, entitlements and obligations.⁵² As concepts of citizenship relates to early childhood, it might translate as:

50 Rogoff, B. (1990), *Apprenticeship in Thinking: Cognitive Development in Social Context*, Oxford University Press: Oxford, page 39.

51 Lave, J. and E. Wenger (1999), 'Learning and Pedagogy in Communities of Practice', in J. Leach and R. Moon (eds), *Learners and Pedagogy*, Paul Chapman Publications: London.

52 Drake, R. F. (2001), *The Principles of Social Policy*, Palgrave: Hampshire, UK.

- Membership: having a sense of belonging, of 'I' and 'We' (I am).
- Participation: being a contributor with a voice that is heard and effects change (I do).
- Entitlements: being a rights-holder who exercises those rights respectfully (I can).
- Obligations: having a sense of duty to self and others within society (I must).

When society fails to embrace and support the participation of young children, they become the voiceless and powerless adults of the next generation. . . .

. . . Participation brings with it a sense of belonging and a sense of 'making a difference'. Without this, people become disconnected from neighbours/others, disenfranchised from civic engagement and apathetic to the political/democratic system. . . .

Powerlessness derives from an image of oneself as powerless. Those working with young children, consequently, have a responsibility to build the identity of the child as a competent contributor. This shift from the needy to the competent child has energized the work of IPPA. . . . From a front row seat, we engage with awe-inspiring creativity that leaves us with no choice but to recognize each and every child's right, regardless of ability or cultural background, to have his/her voice heard and to negotiate their own lives as citizens. . . .

Early childhood: rights as a pathway to citizenship?

Commission on Early Childhood, City of Geneva

The following text is based on extracts from an original produced by the Commission on Early Childhood, Department of Social Affairs, Schools and the Environment, City of Geneva. The extracts have been translated by the editors from 'Petite enfance: des droits pour ouvrir à la citoyenneté?', the original in French. For more information, contact: Commission on Early Childhood, 24 avenue Dumas, PO Box 394, CH-1211 Geneva 12, Switzerland, Tel.: (+41) 22 418.81.00, Fax: (+41) 22 418.81.01, e-mail: enfance@dpe.ville-ge.ch, web: www.ville-ge.ch.

. . . We expect that, in the child-care institutions funded by the City of Geneva, it will be possible for children to enjoy their childhood, to form bonds, . . . to learn skills and develop feelings of belonging: all of which may lead to good citizenship. . . .

We arrive all of us into a world that already exists, of which the values and the principles existed before our arrival. We ought to participate in the ongoing development of this world in an independent and responsible manner, while forming relationships with those around us.

Our acceptance, as adults, of values of solidarity and of responsibility and the routine application of these values on a daily basis are, without any doubt, made easier if we have felt ourselves respected, as infants, in our rights and in our independence.

Adherence to social values requires participation in the life of the city, in its growth, in living with others, in developing within one's self the notions of choice, respect, tolerance that are basic to democracy. . . .

This citizenship that we so cherish involves the experience of a *sense of belonging*, a sense of belonging to a family, a group, a culture, a city.

Thus, the role of an early childhood policy is to support institutions for young children in the accomplishment of their goal to facilitate the acquisition by children and their parents of a *sense of belonging* and, at the same time, of the *independence necessary for acquiring responsible social values*.

This goal is reached mainly because of the expertise and understanding of early child-care professionals. To communicate with the young child, the professional must constantly apply his practical experience with children and his theoretical knowledge so that he can interpret the child's actions.

The practice of the early childhood profession therefore consists in creating a comforting space and transferring the tools necessary so that the child can acquire a sense of belonging and exercise its independence, all while reinforcing the family values necessary for the stability of the child.

If early childhood institutions . . . demonstrate to the child and to the child's parents the value of relationships based on respect among persons, as well as attitudes appropriate to a responsible and active individual at the heart of the community . . . , then early childhood institutions can become *a pathway to citizenship* for infants and children.

The pathway to citizenship finds expression in:

- The activities carried out among the children: the institutional culture,
- The integration of the institution within the local neighbourhood and city: the culture of the community, and
- The collaboration with parents based on respect for their experiences: the culture of the family. . . .

The role of a city is to promote the rights of children and to adopt the measures necessary to ensure that these are respected.

It also involves adopting an early childhood policy that will foster . . . the development of a sense of belonging to a community and of integration into this community. . . .

The City of Geneva . . . has identified early childhood as one of its policy priorities. This policy is being implemented through the following six approaches.

- The development and promotion of various types of child-care centres. The goal is to establish a sufficient number of child-care centres in order to allow any family that wishes to do so to place their child in a centre where the child can experience community life for the first time. This means that parents must be able to gain access to these centres without difficulty. Fees must fit the capacity of parents to pay. . . .
- The child-care centres must be integrated within the city and adapted to the needs of the children. The centres should be embedded within the local neighbourhoods and linked in a network with social services and other child services so that the children can be accompanied through the process of the construction of individuality, the experience of socialization and the identification of the children with the neighbourhood. . . .
- . . . Support training and a reflection among professionals on their responsibilities. . . .
- . . . Ensure the quality of the educational environment and create tools to assist the staff to achieve their goals in childcare, socialization and prevention.
- . . . Promote culture-related initiatives and socialization through methods designed to stimulate cultural awareness and the integration, within the group environment, of children in need of special protection.
- Support for parents. Guide, inform and welcome families; consider parents as privileged partners of the institution. . . .

Children, participation, projects: how to make it work

Council of Europe

The following text has been extracted from a text of the same title produced for a Council of Europe project on 'Children, Democracy and Participation in Society', which was carried out by a pan-European working group as part of the integrated project 'Making Democratic Institutions Work'. The text is protected by copyright (2004). For permissions, contact Publishing/Éditions du Conseil de l'Europe, F-67075 Strasbourg cedex, Tel.: (+33) (0)388 41.25.81, Fax: (+33) (0)388 41.39.10, e-mail: publishing@coe.int, web: <http://book.coe.int>. For more information on the integrated project 'Making Democratic Institutions Work', go to www.coe.int/democracy.

. . . 'Participation' means that children . . . express their views and relate their experiences and that these are given weight in the decision-making process. The right to participate in decisions that affect one's own life is a fundamental human right, enshrined in article 12 of the United Nations Convention on the Rights of the Child. . . .

. . . [Children] should be given the possibility to express their views, formulate their thoughts and make decisions that are relevant for their lives. Children themselves are the experts [on] their own lives. . . .

It is clear that children . . . need support from their parents and other adults. Nevertheless, there are vast numbers of things that children can decide and realize by themselves. The aim of participation is to make children visible in social life and policy, as well as to promote education for democratic citizenship by giving children opportunities to learn democratic rules and procedures practically. . . .

A participation project is one in which children are directly involved in decision-making relating to . . . themes relevant to their lives, such as a play space, public transit, school issues, city festivals. In brief, a participation project is about planning things with children, for children. . . .

Participation projects can be successful if all involved people and institutions benefit from them, such as children, parents, teachers, other adults, schools, local authorities and communities, funding bodies and other stakeholders. . . .

What are the benefits of participation] for children?

- . . . Ideally, they become acquainted with a culture of democratic decision-making, in which children and adults are equals.
- They participate actively in areas of life which are normally off-limits to children, such as decision-making on a local policy level. . . .
- They are educated for democratic citizenship by directly learning how democracy works. . . .
- . . . In mixed age groups, younger children learn from the older ones who serve as role models in demonstrating self-confidence. . . . Older children learn to treat younger ones thoughtfully, with respect and consideration, and, when necessary, give them protection. . . .
- . . . In mixed groups, gender equality is reinforced.

- They learn that, in well-implemented projects, participation can be fun, lively and enjoyable.
- They develop important personal and social skills, such as methods of conflict resolution, decision-making and communication. In some projects, they learn to speak in public in front of adults and to explain why they hold a certain opinion or why they reject or dislike something.

... for adults?

- Learning from children is part of an adult education experience.
- Adults get more in touch with children's views and realize the great potential of the young generation. . . .
- They become more receptive of new ideas raised by children. . . .
- The active involvement of adults in participation projects leads to more tolerance and respect [for] children. . . .
- The benefits children reap from working on a participation project are beneficial for the whole of society. . . . Girls and boys who are empowered to form and defend their own opinions, who are aware of their skills and needs and have experienced practical democratic decision-making are competent, responsible citizens who will contribute to society's continuity and further development. . . .

The participation of children, in many cases, facilitates the creation of a tolerant, non-violent, safe community environment by fostering a culture of mutual respect, trust, democratic decision-making and citizenship. Participation can help children to appreciate the value of joint actions. . . .

Careful preparatory work is essential for the successful implementation of children's participation projects. Much of the work has to be done by adults, but the involvement of children in the planning process is very important. . . .

... Schools can play an important role in implementing a participation project. Children are easily accessible regardless of their social or ethnic background, and school staff [are] used to working with children and child-friendly methods. . . .

The role of the involved adults is to create a child-friendly project design and to put it into practice. Be aware that you play a supportive and not an intervening role; it is the children who are responsible for the content and who are the real experts. . . .

B. Examples of Violations of Children's Rights

If children are not given an education that respects those rights which they inherently feel, say Luciana Luisa Papeschi and Michele Trimarchi, co-presidents of the Centre for Human Evolution Studies and the Ius Primi Viri International Association, Rome, then children will never understand what it means to be respected and to respect. Children's self-esteem must be grounded in their awareness of their own value as human beings, in their consciousness of their own dignity and personality.

According to Peter Newell, who is with the Global Initiative to End All Corporal Punishment of Children, research indicates that babies and young children are the targets of more corporal punishment, including hitting, shaking and beating, than any other group

of children. Physical maltreatment kills thousands of children every year and seriously injures very many more. Despite the clear human rights imperative, only about 13 states, most of them in Europe, have prohibited all corporal punishment.

Human Rights Watch describes how HIV/AIDS-affected children are nearly invisible in the Indian Government's policy response to the country's devastating epidemic. Children are acquiring HIV through perinatal transmission, sexual contact, sexual abuse, blood transfusions and unsterilized syringes. Moral judgements have coloured the response. Some officials deny that children are engaging in risky behaviour. Street children are blamed for their own 'bad behaviour'. There is discrimination in schools. Doctors are refusing treatment.

In its paper, the India Alliance for Child Rights addressed the imbalance in the ratio of girls to boys in India. The 2001 national census revealed that there were only 927 girls to every 1,000 boys in the 0-6 age group. Negative social attitudes and new technologies to determine the sex of unborn children are conspiring to deny girls the right to live. Sex selective abortion and infanticide are widely practised on girls. Girls who survive tend to be deprived of proper nutrition and health care and socialized not to ask questions.

Respect the rights of the child, and the child will learn to respect the rights of others

Luciana Luisa Papeschi and Michele Trimarchi

The authors are co-presidents of the Centre for Human Evolution Studies and the Ius Primi Viri International Association. The organizations work to train educators and teachers at all school levels. Send comments to Centre for Human Evolution Studies-Ius Primi Viri International Association, via A. Bertoloni, 29, 00197 Rome, Tel.: (+39) 06.807.34.20, Fax: (+39) 06.807.73.06, e-mails: ceu@ceu.it and Ipvroma@tin.it, web: www.ceu.it, www.dirittiumaniipv.org and www.ceucorsi.ws.

. . . If the child is not given an education which respects those rights which he/she inherently feels, he/she will never be able to know in the future what it means to be respected and to respect.

If the child is taught to express egoism, prejudice, racism (not only against different ethnic groups, but . . . against different ideas), if the child is offered psychological violence as a behavioural model and as a way of problem solving, if the child is taught to see interpersonal relationships as only an instrument for personal benefit, if the child is taught to achieve success in order to be considered 'important' and so on, it means that we are educating the child to disrespect the rights of both itself and others.

How can a child, the adult of tomorrow, be guilty of not being able to respect when it has not been allowed to understand its own rights?

The brain of a 4-5-year-old child is already full of information which creates conflicts between what the child feels and what he/she is given as a behavioural model. . . .

. . . In fact, it is considered normal for children . . . to not accept people, to act polite with an ulterior motive, to hide their feelings to avoid consequences, while, at the same time, it is considered normal for a child to be rational and clever, but insensitive and selfish. Everything seems normal because we expect children to improve as they grow up, but we must realize that the respect for human rights stems from education, from the principles we instil in their young brains and from the abilities we nurture. . . .

Every child should have the right to play, to happiness, to the expression of one's own opinion and thinking and to the respect of one's own dignity. . . .

Even when children are playing traditional games (for instance with dolls) we can see episodes of intolerance, discrimination, the incapacity to lose, aggression, the impossibility to say 'I was wrong', and the need to overwhelm peers. . . .

. . . In fact, in the long run, the violence presented on television is seen by the child as a quick and effective way of problem solving, in contrast with the slow and labour-intensive approach of discussion and mediation (which does not give immediate gratification). . . .

. . . To educate does not mean to instruct. By instruction, we mean to condition the brain to learn human rights, whereas, by education, we mean to promote the experience of human rights. . . .

. . . At the base of the various motivations and objectives of a child, be they conditioned or not, there is the search for the assertion and respect of one's dignity. . . .

This is why no one (much less a child!) accepts to obey, to be punished, mocked, rebuked, or humiliated, but we all desire to feel important, to feel that we have value. It is here where we link to another basic theme: self-esteem. Self-esteem must be grounded in the awareness and consciousness of the child's own 'value' as a human being, of his/her own dignity and personality. . . .

When going to school (and even before) children start to base their self-esteem on their cognitive and social competences. 'Social confrontation' starts to [become] established if one is more or less competent than other children, if one makes more or [fewer] mistakes in an exercise, if one is faster or slower in a race. The tendency towards social confrontation, which can play a determining role in modelling self-esteem if an adequate education is not given, increases with age and becomes stronger if teachers create a competitive climate in the classroom or on the playground. . . .

From this it emerges that present educational methods induce the individual to base his/her self-esteem only on external factors, particularly related to the quality of interpersonal relations, the ability to control his/her surroundings, mastering emotional reactions, success at school, family life, physical skills and personal attraction and charm. As such, one acquires value for what he/she does and not for what he/she is, i.e., one is measured on the basis of social dignity, while personal human dignity is completely neglected. This is in spite of the fact that it is fundamental to the goals of education and the correct development of self-esteem that one has a clear awareness and understanding of the difference between these two kinds of dignity.

. . . While social dignity is acquired during life and depends on the social, cultural and political context, human dignity as a value of life is inborn and untouchable, has an endless value, cannot be traded or sold, is not subject to limitations in time and space, cannot be reduced or increased. . . .

This must be the constant reference point for parents, teachers and everyone coming near a child: love and respect for their human dignity. . . . A child who always feels loved and respected will not have to waste energy looking for, often unsuccessfully, love and respect by pursuing aims which are not useful for his/her growth. He/she will instead be able to gradually develop a self-esteem based on his/her potentialities and will be able to develop the will to verify the consequences of his/her actions and to continuously improve, without fearing to be wrong or to be judged and without having to depend on the approval of others. . . .

End all corporal punishment of children

Peter Newell

Peter Newell is the joint coordinator of the Global Initiative to End All Corporal Punishment of Children. The Global Initiative is supported by the United Nations Educational, Scientific and Cultural Organization, UNICEF, members of the Committee on the Rights of the Child and a wide range of international and national human rights institutions, non-governmental organizations and individual activists. Its website documents progress towards ending all corporal punishment through legal reform and public education and provides information on research. Numerous links are supplied to web-based resources promoting positive, non-violent forms of discipline. Contact: e-mail: info@endcorporalpunishment.org, web: www.endcorporalpunishment.org.

Babies' and young children's lives are scarred by corporal punishment and other inhuman or degrading treatment or punishment by parents and other carers in almost every country in the world.

Available research suggests that babies and young children are the targets of the most corporal punishment – hitting, shaking, beating – both light and severe.⁵³ The vast majority of physical maltreatment of children is delivered in a punitive context: it is corporal or physical punishment. Corporal punishment kills thousands of children every year and seriously injures very many more. In 2003, UNICEF's Innocenti Research Centre produced a league table of child maltreatment deaths in Organisation for Economic Co-operation and Development countries which showed that infants under 1 year are in greatest danger of death from maltreatment, with a risk level approximately three times higher than that for [children] aged 1-4 and approximately six times higher than those aged 5-14.⁵⁴

The Committee on the Rights of the Child has consistently upheld all children's right to protection from all corporal punishment and all other inhuman or degrading treatment or punishment. It has stated that the Convention on the Rights of the Child requires prohibition of all corporal punishment, linked to awareness-raising of children's right to protection and public education to promote positive, non-violent forms of discipline. It has made formal recommendations to more than 130 states in all continents. The Committee's position has been backed by other human rights treaty bodies, by special rapporteurs and by regional human rights mechanisms.

Despite the clear human rights imperative to eliminate all corporal punishment through prohibition and other measures, global progress is slow. Only about 13 states, most of them in Europe, have prohibited all corporal punishment, including in the family. In all other states, corporal punishment within the family remains tolerated by the law and approved by traditional attitudes.

... [A]ll states should:

- Without delay, prohibit all corporal punishment and all other inhuman or degrading treatment or punishment of children, within the family and in all forms of childcare and education. ...

⁵³ For a summary of prevalence research, see www.endcorporalpunishment.org.

⁵⁴ UNICEF (2003), 'A League Table of Child Maltreatment Deaths in Rich Nations', *Innocenti Report Card*, no. 5, UNICEF Innocenti Research Centre: Florence.

- Ensure appropriate and effective enforcement of [the] prohibition. Children have a right to equal protection under the criminal law on assault, and it is essential that the law should send a clear message that assaulting a child is as unlawful as assaulting anyone else. But prosecution of parents is very seldom in the interests of their children: the law should be implemented in the best interests of the affected children, encouraging early and supportive, rather than punitive, interventions.
- Link prohibition with comprehensive awareness-raising of all children's right to protection and with the promotion of positive, non-violent forms of discipline and education. These should be built into every state's existing varied contacts with future parents and new parents and young children, through health services, birth registration, pre-school and school systems and so on, and also into the training of carers and nursery teachers.
- Commission confidential interview research studies with parents, other carers and children to reveal as accurately as possible the extent of violent and humiliating punishment and other forms of violence suffered by babies and young children within the family. This should provide baseline data to enable [the] progress towards reducing and eliminating violence against children to be measured.
- Establish in all states a system for the independent review of and reporting on all cases in which it appears that babies and young children have died or suffered serious injury as a result of deliberate violence or neglect. The prime purpose of the review should be to establish what happened and how the violence could have been prevented.

HIV-positive children in India

Human Rights Watch

This is an extracted version of a text submitted by the Children's Rights Division of Human Rights Watch. Contact: Human Rights Watch, 350 Fifth Ave, 34th Floor, New York, NY 10118, Tel.: (+1) 212.290.4700, Fax: (+1) 212.736.1300, e-mail: hrwnyc@hrw.org, web: www.hrw.org.

. . . Millions of Indians, including at least hundreds of thousands of children, are living with HIV/AIDS. Many more children are otherwise seriously affected by India's burgeoning epidemic when they are forced to withdraw from school to care for sick parents, are forced to work to replace their parents' income, or are orphaned (losing one or both parents to AIDS).

Yet, HIV/AIDS-affected children, including those living with the disease, are nearly invisible in the Indian Government's policy response to the country's devastating epidemic. . . .

All of India's states have reported AIDS cases, and, in at least six states, according to the Government, HIV/AIDS has spread beyond persons considered 'high risk' to the general population. Among young children especially, perinatal transmission is the most common source; however, children in India are also acquiring HIV through sexual contact, including sexual abuse, blood transfusions and unsterilized syringes, including injection drug use. Most of those dying of AIDS are between 15 and 49 years old, the age when many are raising children. The number of AIDS orphans has not been adequately measured, but some calculate more than a million children under age 15 in India have lost one or both parents to AIDS and that the numbers are growing.

Although India's HIV/AIDS policy has sorely neglected children, some government officials have started to speak out about the need to reach children who are seen to be 'innocent victims'.

The Government has also begun programmes designed to prevent the transmission of HIV from mother to child. However, the exclusive focus on persons considered 'high-risk' and the moral judgement that has coloured the Government's response and, in turn, the public's perception have obscured the situation of children. Government and internationally funded prevention programmes have targeted adults such as sex workers, truck drivers and drug users, but the Government has failed to protect the human rights of those whom it recognizes to be at high risk, including sex workers and men who have sex with men, an essential element in preventing the spread of HIV. Some government officials also deny that children are engaging in behaviour that puts them at risk. If not simply overlooked, children who face high HIV risk, such as street children, are not seen as innocent victims, but, instead, like adults, are blamed for their 'bad behaviour' and are especially stigmatized. . . .

. . . Discrimination against people living with HIV/AIDS hits children in schools, in medical facilities, in orphanages, in their neighbourhoods and in their own homes. Doctors, both government and private, have refused to treat and sometimes even touch HIV-positive children. Discrimination, combined with corruption and a failing public health system, leaves many children living with HIV/AIDS without even the rudiments of health care. . . . Schools have expelled or segregated children because they or their parents are HIV-positive. Fear of discrimination discourages people from doing anything that might identify them as HIV-positive, such as getting tested for HIV, seeking treatment and support and taking other measures to protect themselves and others. . . .

Children already facing other forms of discrimination, such as sex workers, children of sex workers, street children, children from lower castes and Dalits (so-called untouchables), suffer more. Sexual abuse and violence against women and girls, coupled with their longstanding subordination in Indian society, make them especially vulnerable to HIV transmission. When living with AIDS, they may be the last in the family to receive medical care. Girls are also more likely to be pulled out of school to care for a sick family member or to take over domestic work. . . .

. . . A few states, including Kerala and Andhra Pradesh, have adopted policies prohibiting schools from discriminating against children living with HIV/AIDS. These policies are a commendable step, but they have not yet been implemented. Moreover, they are no substitute for nationwide protection for all people living with HIV/AIDS in education, health, employment and other areas. The Indian Government should make discrimination on the basis of HIV status illegal, create mechanisms for victims of discrimination to seek redress and provide penalties for violations. Government officials who allow or fail to address discrimination in the areas in which they work should also be held accountable. At the time of writing [July 2004], national legislation on discrimination against people living with HIV/AIDS was being drafted.

In addition to the association of HIV/AIDS with people already deeply stigmatized by society, discrimination against people living with the disease, including children, is connected in large part to the widespread public misperception that HIV can be transmitted by casual contact. A critical element of addressing discrimination against people living with HIV/AIDS, as well as preventing the spread of HIV, is accurate and comprehensive information about how the disease is and is not transmitted. Children, as well as adults, have a right to age-appropriate information to protect themselves against transmission. But most states have failed in part or in whole to provide this information to children. . . . Moreover, when HIV/AIDS education is offered, it is typically introduced in grades eight or later. By then, the majority of children in India, especially girls, have dropped out of school. . . . Beyond formal

education, the Government is utterly failing to provide information to millions of India's children who are not in school, but on the streets, at work, in institutions, in non-formal schools and at home. . . .

. . . The Government's failure to provide basic medical care for people living with HIV/AIDS impoverishes those who are forced to pay for private practitioners willing to treat them and forces those who cannot pay to go without care. Struggling families caring for HIV/AIDS-affected children find it even harder to pay school fees and related costs, further preventing some children from attending school. While the extended family has traditionally absorbed many orphans and other children whose parents are unable to care for them, misinformation and fear cause some families to reject children who are HIV-positive or who are perceived to be so because their parents died of AIDS. For others, it is an insuperable economic burden. Some HIV-positive parents also give up their children to others in the mistaken belief that they will transmit the virus through casual contact. When extended families do take in children whose parents cannot care for them, these children may still need state protection. Children whom the state fails to protect may be denied an education, pushed into the street, forced into the worst forms of child labour, or otherwise exploited, putting them at greater risk of contracting HIV themselves.

Government officials, as a matter of policy, look to orphanages and other institutions as the first and virtually only solution for children whose families are unable to care for them. The potential harms to children from institutionalization have been well documented. Short-term institutional care might be the only possible solution for some children, but it must be used as a measure of last resort. . . . The Government should take steps to implement alternatives to institutionalization, including fostering and other forms of community-based care.

Moreover, many orphanages and other residential institutions reject HIV-positive children or deny that they house them, suggesting that children in state care who are HIV-positive may not be getting needed services. . . .

In December 2003, the Government of India announced that it planned to provide antiretroviral treatment to up to 100,000 children, mothers and others who need it in six high-prevalence states beginning April 1, 2004. At the time of this writing, the programme had begun administering treatment to small numbers of people living with AIDS in a few areas. . . . In addition to antiretroviral medicines, people with HIV/AIDS have a desperate need for other basic medical care, which India's public health system has failed to provide, especially to the poor and marginalized. . . . If the programme is successful, more people will be tested, learn their status, and be treated: more HIV-positive children may well be living in India's communities, schools, health care facilities and orphanages. . . .

India is a party to a number of international treaties that prohibit discrimination and obligate states to take affirmative steps to protect children living with and affected by HIV/AIDS. These treaties also establish the rights to education and to the highest attainable standard of health. . . .

India's girl child: the imbalance in the ratio of girls to boys

India Alliance for Child Rights

The original from which the following text has been extracted bears a note thanking member organizations of the India Alliance for Child Rights and other non-governmental

organizations and researchers for contributing information and insight and for providing supporting documentation. The note acknowledges the impetus given by activist and scholar Vina Mazumdar in raising the issue covered in the document with the United Nations Committee on the Rights of the Child. Contact: Secretariat, India Alliance for Child Rights, Women's Coalition Programme Centre, CISRS House, 14 Jangpura-B, Mathura Road, New Delhi 110014, India, Tel.: (+91) 11 24.31.09.59, Fax: (+91) 11 24.32.60.25, e-mail: iacrindia@yahoo.com, wecan03@yahoo.co.uk.

Early childhood care and education rights and all the underlying protections and entitlements needed for the first five years of life begin with the assurance of three simple essentials: the right to be born, the right to survive birth and the right to stay alive through infancy and to the fifth birthday. For half of India's children, this assurance is at grave risk simply because they are girls, and daughters are not wanted. The first early childhood right for them is to live, and both negative social attitudes and new technologies are conspiring to deny them this [right].

The 2001 national census . . . has revealed the worst-ever ratio of females to males in the 0-6 year age group. The overall female-male ratio for all ages rose slightly from the 1991 figures of 927/1,000 to 933/1,000 in 2001 . . . , but the . . . ratio in the 0-6 range fell from 945/1,000 in 1991 to 927/1,000 in 2001. This is a decline of 18 points. . . .

. . . Defying the normal male-female balance, . . . the higher survival capacity of girl babies and [the] greater life expectancy of women to men prevalent in human populations, the female-to-male balance in India has been adverse to females for at least the past 100 years. The 1901 national census recorded a female-to-male ratio of 972 to 1,000 for all ages. Virtually every subsequent census showed a worsening decline. . . . Researchers and non-governmental organizations have been raising this concern ever since the 1971 census, when the 1961-1971 data comparison showed a slump from 976/1,000 to 964/1,000 in the 0-6 female-to-male ratio. The rate of decline has sharpened since 1981. Sex determination technologies were introduced in India in the 1970s, with amniocentesis (meant to detect congenital defects and abnormalities), and [amniocentesis] was soon being marketed as a way to detect unwanted daughters in the womb. It is now commonly known as a sex determination test. In 1986, the press published reports of 78,000 female foetuses aborted in a five-year period . . . (*Times of India*, June 1986). Clearly, being female is a congenital defect!

The national population policy promotes a two-child norm, but is gender blind in what it proposes. The result in family planning acceptors is that amniocentesis and ultrasound tests are used to find out the sex of the unborn child, and female foetuses are increasingly aborted. The small family 'norm' is disposing of daughters. The unborn girl child is most at risk in northern states of India, with both foeticide and infanticide in use to get rid of her. The Punjab state 0-6 female-male ratio is 793/1,000, while, in neighbouring Haryana state, it is 820/1,000.

. . . The rearing of a daughter is seen as an unnecessary expenditure, and the illegal, but persisting dowry system sends parents into debt. If state policy discourages more than two children, how logical it seems to families to 'choose' to have only sons and meet the Government's norm. In insisting that Indian couples should accept and adopt the two-child norm, the state has failed to see . . . this [outcome]. . . .

In reporting female-male sex ratios in its 2001 periodic report on the Convention on the Rights of the Child, India did not cite data for the 0-6 age group. Non-governmental organization recommendations for national development for the 2002-2007 period had

flagged the 0-6 sex ratio decline as a national crisis. . . .

The census had shown clearly that the early disposal trend is hardly 'invisible', and spot checks of where girl children might be reveal that they are just not there. The National Crime Records Bureau's 2000 report shows a 56.8 per cent rise in female foeticide cases in the five years since 1995. The Government also reported in 2001 that 3.34 million girls in the 0-19 age bracket were 'missing' in India in 1991, but provided no update and gave no age-wise breakdown to show where the 0-6 group stood. . . .

The fallout of the growing female/male imbalance in the youngest age group is not just on the child, but on India's demographic viability. . . . As the treasured boy children grow up, who can they marry? One negative spin-off is the trafficking of girls and young women from other parts of the country; assessments indicate they are treated more as sex objects than as wives or companions. . . .

Rampant in northern and north-western India, sex selective abortion has also crossed into peninsular India. Sex determination clinics emerged in the southern states a decade later than in the north, but are also registering falling female/male 0-6 ratios. . . . The urban decline is twice that of rural areas. But girls – born and unborn – are increasingly unsafe almost everywhere, except in some tribal and south-west coastal areas.

Infanticide was mistakenly believed to have died out; it has not. . . . Cases of midwives being paid to kill the newborn infant girl have been reported from the developmentally challenged state of Bihar. Some customary folk justifications of first-day killing of girl babies say it is to demonstrate mercy to the infant. Seeing her reality, perhaps it is.

Girl children who escape foeticide, infanticide, or neonatal denial are still in the 0-6 high-risk frame for early disposal. She is less fed, less encouraged to explore the world, more likely to be handed jobs to do, given less health care and medical attention, socialized not to ask. A shocking 75 per cent of Indian children aged below 3 years suffer from anaemia; no one has cared to investigate whether girls predominate among these undernourished children, but chances are that they do. Out-patient data from hospitals in northern cities show lower admissions of girl children, and girls in more serious condition than boys when brought for treatment. . . .

Domestic sexual abuse is a hidden reality; available data indicate that it does not spare the very young in the household, and the offenders are most often brothers, uncles, cousins, fathers, stepfathers, even grandfathers. Child rape is increasingly reported, and the National Crime Research Bureau reports that rapes of children below 10 years registered an increase of 22.4 per cent between 1996 and 2000. The news media increasingly reports horrifying cases of below-5 and even infant girl children being raped by neighbours, relatives, people with a grouse [gripe] against the family. . . .

Child marriage of girls and boys below 6 persists. In many cases, the girl child-bride is married to a much older boy or man. In the state of Rajasthan, in particular, the festival of Akha Teej sees tens of thousands of infant and toddler girl children married off in mass ceremonies. Dowry costs are saved or deferred. The legal age of marriage for girls is 18 years, but the law is easily dodged. . . . [P]oliticians and officials regularly attend Teej festivities. Indian law can intervene to 'rescue' the child bride, but her marriage remains valid. . . .

Access to education is another site of inequity. The state has amended its Constitution to legally recognize the right to education as a fundamental right. But it leaves the below-6 age group out, confining its new guarantee of free and compulsory schooling to the 6-14 group. . . . Girls are targeted beneficiaries of current education policy, but lack of early supports as a right deprives them of state help to get a good start. . . .

Some census projections forecasting possible sex ratios for 2011 and 2021 see a declining percentage of the 0-14 segment in the total numbers. Within that, the 0-1 group falls from 2.14 to 2.06 per cent, while the 1-2 year group falls from 4.26 to 4.09 per cent. The projected fall in the 3-5 year group is 6.53 to 5.94 per cent. The big question is of another percentage: how many of these children will be girls?

C. Vulnerable Groups of Children in Early Childhood

At the Day of General Discussion, the Comunità Papa Giovanni XXIII outlined its commitment to providing support to pregnant women and single mothers in difficulty and promoting a culture in favour of unborn children. To offset the effects of structural poverty, globalization and the denial of access to water, food and medicine, the Comunità seeks to guarantee a family to all children and lay the necessary foundations for self-development by fostering children's right to education.

Chris Gardiner, who was representing the International Foster Care Organization, urged the Committee to press governments to phase out institutions for young children and, in the meantime, reorganize these institutions so that children are cared for in smaller family-like groups with trained staff. He stressed that the harmful effects of institutionalization are well documented. By not turning the research into effective policies, countries are failing to ensure the development of these young children.

The contribution of the Friends World Committee for Consultation (Quakers) examined the problems thousands of children face daily because their mothers are in prison or pre-trial detention. Many imprisoned women are the sole or main carer of minor children. Depending on the practice, when a mother is imprisoned, her baby and young children may go into prison with her or be separated from her and left on the outside. These two options are both bad. Neither is favourable to the children.

The paper of the SRG Welfare Society of Bangladesh explained that the incidence of child labour and the number of street children are growing in Bangladesh. About 700,000 children under 15 are employed in urban industrial and commercial activities, representing 17 per cent of the total urban labour force. In practice, child labour laws in Bangladesh do not protect working children. This is not really deliberate exploitation, but rather reflects the attitude of society: children are viewed merely as a source of cheap labour.

Razia Ismail Abbasi, who is affiliated with the Women's Coalition for Peace and Development (India), questioned the Government of India's report on its efforts to implement the Convention on the Rights of the Child. She examined the persistent problems among women and girl children because of health issues, child labour, discrimination against girls, the sex trade, early marriage and so on. Yet, she said, the Government has done very little to address the problems.

Starting sound practices early

Comunità Papa Giovanni XXIII

The members of the Comunità Papa Giovanni XXIII (Community of Pope John XXIII), an international association formally recognized in 1972, are committed to sharing their lives directly with the poor, the marginalized and the oppressed and removing the causes of

injustice, social exclusion, conflict and neglect of human rights. The Association is active in around 20 countries. 'Sharing life directly' tends to make distinctions disappear between the receivers and givers of assistance since everyone shares in benefits and difficulties so as to build a community that renews relationships among people. Contact: Associazione Comunità Papa Giovanni XXIII, via Mameli 1, 47900 Rimini, Italy, Father Oreste Benzi, president and legal representative. For further information about this text, please contact: Samuele Filippini, e-mail: giustiziainternazionale@apg23.org, web: www.apg23.org.

. . . Sharing life with children implies the guaranteeing and safeguarding of their rights. It also implies helping the child to develop individual awareness, self-determination abilities, positive relationships and reciprocal solidarity. . . .

Safeguarding unborn children. A social pattern which favours a gigantic 'I' against a fragile 'us', a general culture which does not defend life, a precarious economic and emotional/psychological situation, personal loneliness, lack of institutional support and legalization of methods for the suppression of life lead many women to regard abortion as the only possible solution to an unwanted pregnancy. There are also hundreds of thousands of abandoned human embryos, produced by the desire to have a baby at any cost. In order to save them from certain death, we recommend that they [be] welcomed by their biological parents or by others willing to give their availability. The Community of Pope John XXIII recommends and is committed to . . . giving psychological, economic and emotional support to pregnant women and single mothers in difficulty (if necessary, they are welcomed into our families or protected centres) [and] promoting a culture in favour of unborn children, even when they are not perfectly healthy. . . .

Right to survival. Structural poverty, denial of access to basic needs, such as water, food and medicine, and globalization, which increases inequality, are a threat to the survival of many children. . . . The Association carries out and believes to be effective the following:

- Short-term strategies: Direct food assistance through nutrition centres, food distribution, education in the nutrition of young children, long-distance support, microcredit for the self-support of families.
- Long-term strategies: Microcredit for the self-development of families, awareness-raising and advocacy for children's rights, at all levels, in social, economic and political spheres.

Right to development. The serene, balanced and harmonious development of children depends strongly on how deeply the child feels loved, protected and welcomed. The family has a central and irreplaceable role in this. Guaranteeing a family to all children is a necessary and indispensable commitment for their healthy development. The Association carries out and believes to be effective the following:

- Support to the family of origin at all levels in order to prevent children being abandoned. This includes financial help, emotional support, counselling and various ways of welcoming children.
- Helping to make foster care and adoption more easily possible, favouring the cultural and traditional resources of each country: 'Give the family to the child, not the child to the family'.
- Welcoming children in difficulty into family-like structures, such as family homes, open families and emergency shelters.

Right to education. Guaranteeing children's right to education means laying the necessary foundations for self-development and guaranteeing the chance of a future. Today, millions of children don't have access to primary education. There are also many different reasons why children drop out of school: family poverty which often forces children to work, children who are orphaned and deprived of any kind of support . . . , a precarious life which prevents future planning . . . , etc. Taking into consideration the complexity of these things, it is necessary to develop strategies which are relevant to the various cultural and social contexts. However, . . . we believe the following general guidelines to be effective:

- Liberating families from the burden of the cost of education;
- Promoting the insertion of all children into educational systems, paying particular attention to the integration of the weakest and most discriminated against members of society (street kids, children with disabilities, children affected by HIV/AIDS, gypsies, etc). When this is not possible, it is necessary to develop alternative educational paths. . . .

Institutional care

Chris Gardiner

Chris Gardiner is president of the International Foster Care Organization, an international network dedicated to the promotion and support of family foster care all over the world. Contact: International Foster Care Organization, Anna Paulownastraat 103, 2518 BC The Hague, The Netherlands, Tel.: (+31) 70 34.62.153, Fax: (+31) 70 42.79.242, e-mail: denhaagoffice@ifco.info, web: www.ifco.info.

. . . So why are so many babies and young children in institutions in all parts of the world today? Why are there such big differences in the proportion of children aged under 3 in institutional care in European countries with similar backgrounds and income levels? For example, recent research shows the proportion of children under 3 in institutions per 10,000 to be: Czech Republic: 60, Romania: 33, Slovak Republic: 31, Hungary: 24, Poland: 9 and Slovenia: 0.⁵⁵

The International Foster Care Organization urges the Committee on the Rights of the Child to press governments hard to do more to *phase out institutions for babies and young children* and, in the short term, to reorganize these 'baby homes' so that children are cared for in smaller family-like groups with trained, sensitive staff who act as 'primary caregivers' for named children. Wherever possible, sibling groups should be kept together and not split because of rigid age rules. . . .

The harmful effects of institutionalization on young children's development [are] well researched and documented, and, yet, failure to turn this research into effective policies means that countries are failing . . . to ensure the development of young children by giving them the chance to grow up in a family setting. . . . with a large percentage of children being received into out-of-home care because of a lack of adequate services and help for poor families. . . .

⁵⁵ World Health Organization and European Union, Daphne Programme project 'Mapping the Number and Characteristics of Children under Three in Institutions across Europe', research at the Centre for Forensic and Family Psychology, Birmingham University, UK, presented at the World Health Organization Conference, Copenhagen, 19 March 2004.

There is also evidence that, with a little more support and a skilled, non-judgemental approach to social work intervention, many children would be able to stay with their families or could return home from institutions. If returning home is not an option then what about the alternative of supported kinship care by members of the child's family? Many countries do not consider this effective option, and judgements that parents are 'unfit' or 'inadequate' are unfairly attached to willing and able relatives.

If parents or relatives cannot provide the child's care, then skilled, supported foster care, wherever possible with regular and meaningful contact with the child's biological parents, should be preferred to institutional care. National adoption is also another option for children without parental contact or any hope of return home.

International adoption should be seen as a last resort when all other options have been fully explored and where all stages of the process are transparent and demonstrably free from corruption.

The International Foster Care Organization, the International Federation of Educative Communities and sos Children's Villages are working together to gather evidence of good practice and quality standards in all settings of out-of-home care across Europe.⁵⁶ . . .

'We are also coming to realize what institutional care does to societies. It perpetuates discrimination, by providing tacit approval for the idea that certain groups of children, whether orphaned, abandoned, living with disabilities, from families affected by AIDS or by poverty, should live apart from society. . . . [T]he use of institutional care also impedes the healthy development of communities and society as a whole.'⁵⁷

Children of imprisoned mothers

Friends World Committee for Consultation (Quakers)

For information on the original from which the following has been extracted, contact: Friends World Committee for Consultation (Quakers), United Nations Office, 13 Avenue du Mervelet, CH-1209 Geneva, Tel.: (+41) 22 748.48.00, Fax: (+41) 22 748.48.19, e-mail: quuno@quuno.ch, web: www.quuno.org.⁵⁸

'These children have committed no crime, but the penalty they are required to pay is steep.'⁵⁹

. . . Around the world, thousands of children face daily problems because their mother is in prison or pre-trial detention. Many imprisoned women are the sole or main carer of minor children. For example, in Brazil, 87 per cent of female prisoners have children, and 65 per cent of these women are single mothers. . . . [It has been] estimated that more than two million American children have a parent behind bars.⁶⁰ . . .

⁵⁶ See www.quality4children.info. See also www.fice-inter.org, www.sos-childrensvillages.org and www.sos-kinderdorfinternational.org.

⁵⁷ Statement prepared by UNICEF for the Stockholm Conference on Residential Care, 14 May 2003.

⁵⁸ For background on this submission, see Taylor, Rachel (2004), 'Women in Prison and Children of Imprisoned Mothers: A Preliminary Research Paper', July, Quaker United Nations Office: Geneva.

⁵⁹ San Francisco Partnership for Incarcerated Parents (2003), 'Children of Incarcerated Parents: A Bill of Rights', September, Friends Outside: Stockton, CA.

⁶⁰ Center for Children of Incarcerated Parents, at www.e-ccip.org/publication.html.

When a mother is imprisoned, her baby and . . . young children may go into prison with her or be separated from her and left on the 'outside'. Neither of these situations is satisfactory. As the special rapporteur on prisons and conditions of detention in Africa stated, 'Prisons are not a safe place for pregnant women, babies and young children and it is not advisable to separate babies and young children from their mother.'⁶¹ . . .

Children in prison with their mother

In many countries, it is common for babies and young children to go into prison with their mother. In the context of the rights of the child and early childhood development, this raises many issues about the facilities available to ensure the children's mental, emotional and physical development. These questions arise even in the best circumstances, where special mother and baby units are provided. In many prisons, the conditions are appalling and do not provide circumstances for even safe physical development, with overcrowding, inadequate food, . . . water, washing and hygiene facilities, etc. Too often, male and female prisoners are not even separated (or not properly separated), with consequent physical and sexual violence or exploitation between prisoners, as well as by prison guards. . . . However, there are also the issues of the children's access to play, to education, to social interaction with other children and to an environment beyond the prison. Some research suggests that imprisoned babies suffer a gradual decline in locomotor and cognitive scores after four months, as compared to babies cared for in the community.⁶² Furthermore, the mental, emotional and physical state of the mother also impacts on the children, as does the prenatal care and circumstances during childbirth in relation to pregnant women prisoners. Finally, if babies and young children are allowed into prison with their mother, but then required to be separated, how can this be done in a way that minimizes the impact of the separation, for example, by ensuring that additional opportunities for visiting are put into place prior to the actual separation to enable the child to settle into their new home and family.⁶³

Children on the 'outside'

Not taking babies and children into prison with their mother raises a different set of problems. It is 'not a question of choosing between a good option and a bad option, but between two bad options.'⁶⁴ The first question is, of course, who will take care of such children? The father, grandparents, or extended family may be able and willing to do so, but children may be separated from each other in order to lighten the burden of care, or they may be taken into state care institutions. . . . How can the mental, emotional, physical and social impact of the mother's imprisonment be minimized for the children both directly for them in continuing their daily lives and also in maintaining their relationship with the mother during imprisonment and following her release (if any). . . . Travelling a long distance, entering a

61 Chirwa, Vera Mlangazuwa (2001), 'Prisons in Malawi, 17 to 28 June: Report of the Special Rapporteur on Prisons and Conditions of Detention in Africa', African Commission on Human and Peoples' Rights: Paris, page 36.

62 Caddle, Diane (1998), 'Age Limits for Babies in Prison: Some Lessons from Abroad', Research Findings, no. 80, Home Office Research Development and Statistics Directorate: London, page 2.

63 HM Prison Service (1999), 'Report of a Review of Principles, Policies and Procedures for Mothers and Babies/Children in Prison', July, Women's Policy Group, HM Prison Service: London.

64 Nari, Marcela, Andrea Fabre, Silvia Hauser, Nilda Calandra, Noemí Fraguas and Jacqueline Friedman (2000), 'Encierro y resistencia en las cárceles de mujeres en Argentina' ('Confinement and Resistance in Women's Prisons in Argentina'), paper prepared for the meeting of the Latin American Studies Association, Miami, 16-18 March, page 17.

grim building, being searched by a strange adult, to spend a short time with a mother that one cannot even touch may be distressing in the extreme to a young child. This in turn may make the child's substitute carer less inclined to undertake this arduous task. Furthermore, the new carers may have their own family responsibilities, as well as financial constraints, which put strains on taking in additional children . . . and in particular adding to the financial, time and emotional burdens of taking children to visit their imprisoned mother. Because there are fewer women prisoners . . . , there are fewer women's prisons, and therefore women are usually imprisoned further from home than are male prisoners. This makes maintaining family contacts harder. . . .

Whatever arrangements are made for the children, the impact of their mother's imprisonment affects every aspect of their lives and not only their relationship with their mother. It is similar to bereavement, but with added stigma and often less support from the new carer, teachers and others. The impact will, of course, vary according to their age and the surrounding family and community response. . . . What are the rights of children in this position?

Poor and destitute working children in Bangladesh

SRG Welfare Society of Bangladesh

The SRG Welfare Society of Bangladesh is an international organization working mainly among the Bangladesh community to support the rights of indigenous and minority people in education, health, culture, technology and economic matters. The original from which the following has been extracted and edited contains a note that Susanta Kumar Barua is responsible for the text. Contact: Susanta Kumar Barua, International Affairs Secretary, SRG Welfare Society, 121 Momin Road, Chittagong, Bangladesh, Tel.: (+880) 31 72.78.94, Fax: (+880) 31 72.17.03.

. . . Bangladesh is predominantly a rural country, with 84.8 per cent of the population living in rural areas.⁶⁵ . . . Seventy-five per cent of children below the age of 12 years are malnourished, and 85 per cent of the population live below the poverty line. . . .

The majority of the people are poor and uneducated because [of] scarcity of land, lack of food, and political unrest. . . . The economic hardship is caused by having a large population and large member of . . . families. This has created various kinds of social problems, and the incidence of child labour is growing.

In Bangladesh, street children . . . may or may not have parents or legal guardians. Street children can be broadly defined into two groups:

- Those who spend all the time in the streets, it being their home, where they eat, sleep, make friends, work and play. . . .
- Those who spend the day on the streets, but return home at night.

Working children can be defined as those between the ages of 7 and 15 years who are engaged in employment and who may or may not live on the street. . . .

⁶⁵ The population of Bangladesh is around 145 million. With an average of approximately 1,000 people per square kilometre, the country is one of the most densely populated in the world.

Child labour in Bangladesh has increased alarmingly in recent years. Traditionally, many children have always worked in village agriculture, but the numbers employed in urban industrial and commercial sectors has risen sharply. Working children are a neglected group in Bangladeshi society. . . .

In Bangladesh, urban working children live either on the street, or in overcrowded slum and squatter settlements. There are 700,000 children under the age of 15 working in urban areas, which is 17 per cent of the total urban labour force. They work in industry, transport, commerce, domestic service, metal and leather factories, construction, and . . . garment factories. . . . In rural areas, almost all children work. . . . Most children work for their families, the boys in agriculture and the girls mainly working at home. Those families who are landless work for rural landowners, with their children working alongside them in the fields. Most families in rural areas who are better off financially use children in their homes as domestic helpers and for cattle tending and other agricultural work. . . . Most working children do not have the opportunity to attend school.

There is . . . large-scale adult unemployment in Bangladesh, so one wonders why child labour exists. Some studies over the past few years have put forward the following reasons:

- *Poverty and family size.* In Bangladesh, the average family size is six persons. In families where children work, the father often works as either a rickshaw puller, or day labourer and the mother as . . . domestic help. . . . The mother, being overburdened with work, can lose interest in her children and neglect them.
Fifty-six per cent of [the] people of Bangladesh are landless. They either work on the land of others on a contract basis, or become floating labour, moving from place to place. . . . [C]hildren become a burden to parents and must find work for their own survival.
- *Victims of migration.* In general, neglected children migrate to big cities with their families or alone. Often, they must beg or drift on the streets in order to earn a living and will consider any work that helps them survive.
- *Illiteracy and ignorance.* Many parents of working children are illiterate and unskilled, with little prospect of being able to improve their situation. There is a lack of faith in the existing education system as it does not necessarily lead to employment. Many poor parents feel that it is better for their children to learn by working rather than sending them to school.
- *Child labour law and rights.* In practice, child labour laws in Bangladesh do not protect working children. Employers prefer children as they are cheap, productive and obedient. Children working in the industrial sector have no contract of employment and so find it difficult to stand up for themselves and fight for their rights. The demand by factories for child labourers is increasing all the time.
- *Family breakdown.* Migration of families, broken families, parental abuse and abandonment all lead to child labour.
- *Natural calamities.* Floods, land erosion, cyclones, etc. have a devastating affect on many areas of Bangladesh every year. This further increases the pressures on poor families and leads to many new children entering the labour force.

Working children are used and exploited for the benefit of the better-off sector of society. This is not really deliberate exploitation of children by the wealthy, but rather reflects the attitude of society, of children as a source of cheap labour. Child workers are always faced with bad working conditions, unfixed wages, health hazards, lack of recreation and are

exposed to mental, physical and sexual harassment. Child labour is prohibited in Bangladesh. . . . [L]aws prohibit the employment of children below 14 years of age. In spite of these laws, children can be found working in garment factories, hotels, brickmaking, biri [cigarette] factories, mechanical workshops, match factories, agricultural work, domestic work, and as garbage collectors. . . .

In Bangladesh, children work because they and their families are poor, and so there is no immediate prospect of eliminating child labour. But that does not mean that nothing can be done. The priority must be to ensure that children are excluded from dangerous and physically demanding work. . . .

What has changed for girls in India in the decade since Beijing and Cairo?

Razia Ismail Abbasi

Razia Ismail Abbasi is international convenor and charter member of the Women's Coalition for Peace and Development, a non-governmental organization based in New Delhi. She is also former president of the World Young Women's Christian Association. The text from which the following is extracted has been produced on behalf of the India Alliance for Child Rights. Contact: Secretariat, India Alliance for Child Rights, Women's Coalition Programme Centre, CISRS House, 14 Jangpura-B, Mathura Road, New Delhi 110014, India, Tel.: (+91) 11 24.31.09.59, Fax: (+91) 11 24.32.60.25, e-mail: iacrindia@yahoo.com.

Question: When will India move from 'effort' to achievement?

. . . The 1991 census of India had already shown what the 2001 census was subsequently to confirm: that the most chronic onslaught on the female Indian and the most sinister erosion of her prospects lay in the steady decline of the female-to-male sex ratio in the 0-6 year age group. What was the expectation of women's rights if the very first birthright – to be born and to survive birth – was denied? What was the expectation of political or governmental action to secure such fundamental rights if all the state could say about this ominous scenario was that 'son preference' is widespread? . . .

Where does one seek the honest appraisal of the girl child's situation? . . . The most recent United Nations review of India's implementation of the Convention on the Rights of the Child in January 2004 highlighted concerns that discrimination against girl children has not reduced. For the second time running, the India report was rightly criticized for being descriptive rather than analytical, narrating failures rather than successes and listing good intentions instead of admitting that it had not done its homework. . . .

Survival. . . . The government 2000 report said '45 per cent of adolescent girls are undernourished.'⁶⁶ It goes on to say, 'Nutritional anaemia, combined with early childbearing, puts adolescent girls at risk of maternal mortality and morbidity.' It also reported that 'girls in India marry young. About 40 per cent are married before the legal age of marriage, 18 years.' . . . *What will the Government report on teen malnutrition, early marriage and mortality in 2005? Has any data been collected and studied on the age profile of maternal deaths? Have any of the figures reduced?*

66 Government of India (2000), 'Platform for Action, Five Years After: An Assessment', Department of Women and Child Development, Ministry of Human Resource Development: New Delhi.

Childhood anaemia is reported to affect 75 per cent of all young children. Anaemia incidence among the 6-month-to-35-month group is higher than that for women in the age range of 15-49 years, a divide of 52 per cent and 74.3 per cent. National Family Health Survey data of 1998-1999 showed three fourths of all children in the 0-3 year age group afflicted with anaemia, with 10 states recording between 70 and 79 per cent, four states recording between 80 and 83 per cent, and one reporting 99 per cent. Has anything changed in the years since? Has anyone found out or inquired how many of these are girls? . . . Studies years ago indicated that girls who are sick are brought to health centres and hospitals much later than boys. *Has this changed?* . . .

Protection. . . . All available information on the past five years indicates that prevention and control measures have not worked and that the demand for younger and younger girl children in the sex trade has steadily increased. The persisting belief that sex with a young 'virgin' is not only more pleasurable, but also safe from HIV/AIDS adds to the market value of children in prostitution. Despite demands for a special section on children in the Immoral Trafficking Prevention Act, this provision has still not been made. The Central Advisory Committee on Child Prostitution . . . prepared a plan of action to monitor the success of preventive and rehabilitative measures. There was nothing to report in 2000; there may still be nothing new to say, since the implementation mechanism is still not in place. What has changed in the seven years since a 1997 study that said 25 per cent of all rape cases were of girls below 16 years of age?

. . . In child labour, girls are increasingly targeted for unprotected work. The estimates indicate that the graph of female child labour is rising and that girls are replacing boys in many occupations that have shifted from visible workplaces to homes in order to dodge the law. Girls in domestic labour, with the attendant sexual abuse, are a large and unprotected workforce. Among street children, . . . girls are vulnerable to all forms of violence and exploitation. . . .

Development. Girls continue to come end-of-the-line or among the last to benefit from most social development measures. Family attitudes limit their access even to available services and generally socialize them not to ask.

The Government's move to make education a fundamental right for all children aged between 6 and 14 years and to make schooling free and compulsory to elementary level could obviously help to capture the large proportion of girls out of school or dropping out. But it robs children below 6 years from the head start that would be critical, especially for girls. Reports indicate that girls who do get enrolled are still dropping out in large numbers. . . .

Child marriages continue in defiance of the law. This imprisons very small girl children in an unacceptable bond. Is there no enforcement? . . . How are child marriages going to be prevented? . . .

Participation. . . . The state has its own views about what youth and adolescents should do with their time and talents. . . . The youth policy targets its constituency for family planning education and promotion. It fails to see the social protective action imperatives in the fact that 36 per cent of married adolescents in the age range of 13 to 16 years and 64 per cent of those in the 17 to 19 age group are 'already mothers or pregnant with their first child' (Report on Adolescents). The Working Group on Adolescents seemed blithely unworried about children's right to be freed from labour when it recommended 'dignified and lucrative work for girls'. . . . 'Female adolescents' are recognized as a priority target group, but the policy is silent on what they would be targeted for. . . .

Image, identity and the right to equality. At every stage of childhood, through all the initial

years of development, a person learns and grows to be either an actor, or an adjunct. If the needed foundation investments are made, the girl child prospers as a person. That is the cornerstone of human rights and advancement for women. Sans such investments, what does society construct and what does the state ensure? . . .

. . . Are girl children only to grow up to be 'safe mothers' in a 'weaker section of society', or can they dream of becoming free citizens of a democracy? . . .

D. Child Rights and Their Implementation in Various Regions

Bulu Sareen, who is with the Forum for Crèche and Childcare Services, decried the fact that, though the Constitution of India guarantees equality before the law to all citizens and pledges special protection for children, discrimination based on socio-economic status, caste, age and gender is still an enormous problem. The Government's response has been inadequate. High infant and maternal mortality rates and the poor performance in other social indicators have been the result.

According to the presentation of the Government of Venezuela, access to education is a major challenge in the country, but the problem of the quality of education is very challenging as well. The right to education must also be protected among those people who have been obliged to drop out or who have been unable to obtain a university degree because of a lack of places. A key element in the education strategy is universal pre-school to prepare children for the education system.

The UNICEF New Zealand National Committee and Action for Children and Youth Aotearoa offered a perspective on young children's rights and needs in a developed country. It appears that the level of wealth does not produce differences among nations so much as the level and proportion of social expenditure that goes to families with children. Likewise, the quality of the nurturing children receive is influenced not by national wealth alone, but by parenting style, family income, the adequacy of housing and the quality of neighbourhoods and community life.

Gustavo Mascó discussed two projects being implemented by the Archdiocese of Buenos Aires. The target population consists of families with children from 0 to 6 years of age who have sought material assistance from the Archdiocese parishes. The beneficiary families are supported through education, health care and nutrition. The goal of the projects is to foster a change in living conditions by building the capacity of the beneficiaries to work together as families. The beneficiaries gradually relinquish their reliance on the projects.

In terms of the situation in Costa Rica, the National Children's Trust, Costa Rica, addressed the Committee recommendations that the state guarantee access to basic health services for all children and focus on rights and gender equity in the services of the social security system and the Ministry of Health. The Trust also examined, within the context in Costa Rica, the realization of the right to engage in play, the right to participation, young children as full actors in their own development, and early childhood programmes.

Carol Bower, representing a non-governmental organization, described the situation in South Africa. Nearly 4 million 0-6-year-olds (about 60 per cent of the age group) are growing up in poverty. As in many countries, expenditure on early childhood development is vulnerable to other spending. A way forward may be to facilitate an intersectoral national policy framework, extend the rights guaranteed to children in the Constitution and supply adequate financing for prevention, early intervention and child protection services.

Victoria Martínez, who is with the Secretariat of Human Rights, Argentina, analysed the efforts of that country to place the power of the constitution behind the Convention by undertaking legislative, administrative and other initiatives. A key component is the national plan of action for the rights of children and adolescents that is being developed. It is to be part of the National Plan on Human Rights. The work is urgent. Seven in every ten children are living below the poverty line, and other indicators of child well-being are disturbing.

UNICEF gave a report on the situation in four countries. Brazil is attempting to strengthen the capacity of families to provide holistic care to their young children. In Burkina Faso, experimental village-based integrated early childhood centres are being set up. In Indonesia, a community-based initiative for early childhood development is being tested for the delivery of health care, nutrition, early stimulation and learning. Finally, neighbourhood child-care centres in Uzbekistan that are known as Makhalla kindergartens are described.

The status of the young child in India

Bulu Sareen

Bulu Sareen is national coordinator of the Forum for Crèche and Childcare Services, a network of organizations committed to campaigning in India for the rights to survival, development and protection of poor and underprivileged children 0 to 6 years of age. Contact: Forum for Crèche and Childcare Services, 10 Parliament Street, New Delhi 110 001, Tel.: (+91) 11 23.34.65.47, Fax: (+91) 11 23.34.17.63, e-mail: forces@vsnl.com.

. . . In . . . 1950, the Constitution of India guaranteed equality before [the] law to all citizens and pledged special protection for children. India adopted a national policy for children in 1974 and declared [children] to be a supreme national asset. . . .

In 1992, India accepted the obligations of the United Nations Convention on the Rights of the Child, and, 10 years later, reported at the World Summit for Children and the United Nations General Assembly Special Session on Children that positive changes were taking place for . . . children. . . .

. . . However, a large number of children are discriminated against on the basis of birth, socio-economic status and caste in India, These children are from families belonging to scheduled castes and scheduled tribes, other 'backward classes' and religious minorities. Gender-based discrimination is also a significant feature of Indian society. . . .

These forms of discrimination lead to malnutrition and poor health indicators in these children. For example, the infant mortality rate is high, and the percentage of low birthweight babies is markedly predominant among this group.

Education should be a well recognized and important component of early childhood care and development, but the recently passed 86th Amendment Act, 2002, excludes children under 6. . . .

Some of the programmes for the young child are derived from labour legislations pertaining to factories, mines and plantations, construction workers, etc. . . . While these provide for crèches and child-care services, in reality these hardly exist. For example, the number of crèches under existing crèche schemes is about 23,000, whereas 800,000 crèches are needed to cater to [the] approximately 220 million women working in the informal sector and in dire need of child-care services.

The status of the child is inextricably linked to the status of the mother. The Indian

mother's vulnerability is reflected in the unacceptably high maternal mortality rate of 660 per 100,000 live births. The multiple roles played by women in society – as workers (economically productive role), as homemakers (consumer role) and as mothers (reproductive role) – lead to a widespread neglect of the young child during the years when development takes place at a very fast pace. While there are statutory provisions for maternity entitlements . . . , these are applicable only to a small percentage of women working in the organized sector who constitute 17 per cent of the total women workforce. The overwhelming majority of women who work in the informal sector are totally denied . . . any kind of maternity entitlements and do not even get any breaks for breastfeeding their children.

. . . Integrated Child Development Services . . . covers health, nutrition, early childhood care and pre-school education.⁶⁷ . . . Though Integrated Child Development Services caters to children in [the] 0-6 age group, it excludes a large population living in urban slums, border villages [and] non-revenue paying hamlets, as well as an increasing number of migrant settlements. . . .

The most disturbing lacuna pertains to the status of the child-care workers. . . . The paltry wages that are disbursed to these workers, the lack of recognition of their roles, the onerous duties that they are made to carry out . . . prevent them from performing their assigned primary tasks.

One of the aims of the Integrated Child Development Services programme is convergence. The programme is supposed to ensure convergence of supportive services such as safe drinking water, environmental sanitation, [the] women's empowerment programme, non-formal education and adult literacy. However, the reality at ground level is quite different, and there is hardly any evidence of such convergence. . . .

The various socio-economic trends of . . . recent years have had and continue to have an impact on the situation of children. . . .

. . . [V]arious international conventions and covenants . . . are being put in place, while social and economic policies at the national level are prioritizing the market economy, privatization and the withdrawal of the state from the social sector. This renders the vulnerable majority of children and their families even more vulnerable. Over the last decade and more, the state's budgetary allocations to health, education, [the] public distribution system, sanitation, drinking water and, specifically, the commitment to provide nutrition to . . . children in need have declined in real terms. . . .

[The] total allocation in gross domestic product of just 2.3 per cent is an insult. . . . Poor allocation of needed resources, improper expenditure of available allocations, some faults in targeting most needed actions: all these have undermined good intentions. . . .

The impact of structural adjustments has sharply reduced the capacities [of] families to fend for themselves. The 10th Five-Year Plan is the first expression of how India proposed to address the reality that, without pro-poor guarantees, the rights of children cannot be secured. The plan document acknowledges this when it says that state subsidies need to continue and such supports must address the early childhood care particularly of the majority of Indian children who are vulnerable. . . .

There are two serious issues regarding the right to life. One of them pertains to the very survival of the girl child. There has been a drastic decline in the female-male sex ratio in [the] 0-6 age group over the last decade. . . .

67 Integrated Child Development Services is the early childhood programme managed by the Government.

This masculinization of sex ratios points to a deep-seated discrimination against the girl child that extends to denying her the right to be born. [The] birth of girls is being prevented, and girl infants are being killed or allowed to die. Female foeticide is increasing. . . . Pre-birth sex selection tests are on the rise. . . .

These skewed sex ratios and related population imbalances portend serious social strife in the future. These have been further compounded by an insensitive population policy that pushes for a two-child norm. These further endanger the survival of the girl child in a society which is deeply and harshly patriarchal. . . .

The second major issue which pertains to the right to life is the infant mortality rate, a staggering 76 per 1,000 live births. It is important to note that, when the infant mortality rate is disaggregated by gender, caste, tribe, region, it climbs to over 100 per 1,000 live births especially among the scheduled castes and scheduled tribes. If gender is added to this structurally based vulnerability, the picture becomes even more dismal. It is important to reiterate that these sections are the most vulnerable sections of Indian society and they constitute 25 per cent of India's population. . . .

The Registration of Birth and Deaths Act 1969 requires every birth in India to be registered. However, only 46 per cent [of] children below the age of 5 years are registered at birth. . . .

Nutrition security is a basic right, but millions of children lack protection against hunger. Existing nutrition programmes are grossly inadequate and do not reach the children in need. . . . Children under 3 years from disadvantaged communities and [the] urban poor need to be brought into the nutrition net comprising . . . proper care, water, sanitation and community support. The death drama in Melghat, a predominantly tribal area in the state of Maharashtra, has recently brought to the forefront the economic and social angle of malnutrition, where poverty-stricken families are forced to go out to seek work for paltry wages and leave their infants in the care of siblings. This year alone, nearly 10,000 children have died of malnutrition and related complications there. . . .

Early childhood in the Venezuelan education sector: implementing child rights

Government of Venezuela

The following text has been extracted from the submission of the Government of Venezuela to the Committee on the Rights of the Child. The original includes a note referring the reader to a copy of the relevant Venezuelan law for the protection of the child and adolescent, at www.defensoria.gov.ve/lista.asp?sec=15040300.

. . . Within the framework of rights, Venezuela assumes education as a human and social right. Every person has the right to be educated, without any discrimination. Therefore, education is compulsory and [free]. The state must guarantee education, placing emphasis on the most vulnerable sectors of the population. . . . If it is true that *access to education* is one of our major challenges, it is also true that we are simultaneously facing the problem of *quality of education*, and it is precisely here that we find the most challenging task for our peoples. . . .

In developing countries, the scope and coverage of programmes precede quality levels due to the enormous *social debt* they have with most of [the] people, due to the *size of inequalities* the people have been subjected to and due to the *social gap* that separates the privileged from the unprivileged. The role of the state is fundamental, acting as a *guarantor of . . . equality* by

emphasizing its efforts to ensure the same rights for privileged and unprivileged people alike. . . . The state understands education as a task that belongs to the *whole society*, a task in which family, society and Government join efforts for the promotion of equity . . . , with the purpose of achieving social equilibrium, . . . giving significance to social justice and . . . social context to democracy. . . .

. . . We also have taken into account those who had to drop out of school before finishing their studies; we have considered those who never had the chance to join the system and those who finished secondary education, but could not continue on to college due to the lack of places at . . . higher education institutions. Only [by] considering all of them, [are] we . . . considering all the people. . . .

The Bolivarian Republic of Venezuela is taking care of education at the early stage, that is, pre-school. . . . This is the most important stage of life and of development for children. At this stage, we have to fulfil the needs they bring from home. In this way, . . . all children without exception will be able to [enter the] first grade of primary education under the same conditions. This way, we will exercise the *principle of equal opportunity*. For this purpose, education must be an integral process, promoting the [harmonious] development of children, compensating lacks in nutrition, affection, pedagogy, linguistics, [playing] and education.

Before 1998, the highest drop-out rate occurred at the early stages of primary education, and most of our children [entered the] first grade of primary education without attending pre-school. Profound socio-economic differences at home [and] deficits in the intake of proteins and calories, as well as lack of affection and solid intellectual background are the characteristics of poor families. All of them have an impact on the development of children. . . . If these limitations are not considered, they become chronic and affect the intellectual development of our children, reducing their capacities, hampering their potentials and sustaining school failure, which means . . . school abandonment and exclusion.

The Bolivarian Government assumes pre-school education as a leading project through the implementation and development of the *Simoncito* [Little Simon] project, which offers orientation to mothers during *pregnancy and after giving birth*; it provides medical care to babies until 4 years of age, when they enter an integral kindergarten.

Nowadays, we are making big efforts to widen the scope and coverage of programmes in order to look after our children during early [childhood] (0 to 6 years). We have surpassed the [number] of *one and a half million children* looked after in this programme. For this purpose, we have been building *2,000 pre-school classrooms* in order to incorporate *70,000 children*. . . .

Moreover, the Bolivarian Government has contributed with extra-budget resources to enlarge the . . . coverage of the *hogares* (day-care centres) and *multihogares* (multi-homes), along with the Ministry of Health and Social Development, in order to look after *300,000 more children*. . . .

These are some of the programmes and actions developed by the Government in order to find social equilibrium, to universalize rights and to guarantee the principle of equity of opportunities to the most vulnerable. . . .

- Since 1998, the Chavez Administration [has] prohibited the payment of school enrolment fees, which [has] allowed all . . . poor fathers and mothers to enrol their *kids* in school. Over half a million . . . excluded Venezuelan kids came back to the classrooms.
- It created the single-shift Bolivarian schools, where *kids* can have breakfast, lunch and snacks, receive medical attention and have access to culture, computers and sports.

There are over 3,500 Bolivarian schools and many more are on the way. . . .

- It doubled the salaries of teachers and professors.
- It doubled the education budget from 3 to 7 per cent of . . . gross domestic product. It created and repaired, in just four years, more schools than those that [had been] repaired in the previous 20.
- It created the Infocentres, where the people have free Internet access, and it established agreements with IBM and Cysco Systems in order to propel Venezuela to be the most advanced Latin American country in information technology. . . .

To pay the social debt accumulated during many years must be the purpose of public policies of *developing countries*. For this, it is necessary to activate a real political will, which involves the Governments and the whole society to devote more time and efforts, but above all, more monetary resources. Ordinary budgets assigned to education in *developing countries* are not sufficient to give immediate answers to major challenges. . . .

. . . For this reason, Venezuela, along with other countries, insists on the need for creating a fund to finance education. We reiterate the proposal to *exchange debt for education*, by allocating between 3 and 5 per cent from the payment of debt service for the creation of this fund. This would be an important step to tackle the social debt. . . .

About early childhood: the view from a developed country with minorities

UNICEF New Zealand National Committee and Action for Children and Youth Aotearoa

UNICEF New Zealand is mandated to promote children's rights and interests in New Zealand and beyond. In addition to fund-raising on behalf of UNICEF's international aid, development and disaster relief work, UNICEF New Zealand advocates on behalf of children in New Zealand. Contact: UNICEF New Zealand, PO Box 10987, Wellington, New Zealand, Tel.: +(64) 4 473.08.79, Fax: +(64) 4 499.13.08, e-mail: 2helpkids@unicef.org.nz, web: www.unicef.org.nz. Action for Children and Youth Aotearoa is a coalition of non-governmental organizations, families and individuals. It is based in Auckland, New Zealand. Contact: ACYA Inc., PO Box 11 318, Manners Street, Wellington, Aotearoa, New Zealand, e-mail: feedback@acya.org.nz, web: www.acya.org.nz.

. . . This submission is being written from the perspective of children's rights and needs in a developed country; . . . we recognize that these will be vastly different from the needs and rights of children in developing or strife-torn countries and in countries affected by major epidemics of illness and famine. . . .

In a developed country like New Zealand, there is considerable information available on the needs and rights of young children, but, nevertheless, these needs and rights are not always fully addressed. In New Zealand, evidence that needs are not being fully addressed and rights not fully respected comes from information available about outcomes, such as . . . the number of children living in relative poverty, the number of children abused and neglected, the number of children experiencing preventable health problems and the number of children not benefiting from the educational opportunities available. . . .

We suspect the situation may be similar in some . . . developing countries. . . .

Attachment, security and stimulation have long been known to affect the healthy development of infants . . . , and now there is increasing research evidence that . . . children

need to be bonded to their carers and feel secure in their care . . . ; children need protection from inappropriate discipline and violence . . . [and] children who are stimulated with attention and encouragement to learn are more ready to learn when they start school. . . .

The following factors influence the quality of nurturing that young children receive:

- *Parenting style*: Demonstration of warmth and affection, consistent and non-abusive parenting practices and provision of social and cognitive learning opportunities are associated with more positive outcomes for children. . . .
- *Family income*: Poverty negatively impacts on outcomes for children. . . .
- *Housing*: Inadequate housing and homelessness negatively impact on outcomes for children. . . .
- *Neighbourhoods*: Outcomes are influenced by the quality of neighbourhoods and community life as distinguished by a range of social and economic indicators such as physical and social infrastructure, as well as factors such as safety, neighbourhood cohesion, social capital and access to adequate community resources. . . . This includes access to quality day care and other early childhood education. . . .

Other issues of critical importance to children in early childhood in developed nations include:

- *Protection from discrimination* (on grounds of age, ethnicity, religion, or disability) and
- *Preservation of identity* (. . . ethnic and cultural identity and biological identity); this includes the rights of indigenous, minority, refugee and migrant children to maintain their mother tongue. For example, there are provisions in New Zealand for indigenous children (*Maori*) to attend early childhood education and care facilities where only the Maori language is spoken. . . .

The well-being of very young children is largely dependent on the quality of care their parents . . . and caregivers give them. This care, in turn, is dependent on the resources available to . . . parents and their ability to access high-quality services in areas such as health, education and childcare. Children's well-being is also dependent on societal attitudes. Political will to invest in supporting less advantaged families by sharing the country's wealth equitably, in investing in services for children and families that enhance children's start in life and to address all forms of discrimination are critical factors in the well-being of young children.

As an example of political impact on children, we refer to the period of economic and social reforms in the mid-1980s and 1990s in New Zealand, which included extensive deregulation and privatization and markedly reduced both the welfare state and the direct role of the state in the economy. The effect on children was a widening in equality between ethnic and income groups and [a] deterioration in outcomes for many children. Although advances have been made since the mid-1990s (including significant new spending on families in a recent budget), the effects of that period are still being experienced. . . .

Although there are some restraints on resources available to children in developed countries, some countries do much better than others in making children a priority in [the] allocation of financial resources.

. . . [I]nternational comparisons of child benefit packages paid to families among 18 Organisation for Economic Co-operation and Development countries . . . found considerable

variation in expenditure on children.⁶⁸ A more recent international comparative study using 2001 data for 22 countries shows that New Zealand, alongside Japan, Spain, Holland, Portugal and Greece, lags behind the majority of Organisation for Economic Co-operation and Development nations in providing investment in child benefit packages. The best performing countries include Austria, Finland, Norway and France. It does not appear to be the level of a nation's wealth that produces these differences between nations, but more the overall level of social expenditure and the proportion of this expenditure that goes to families with children rather than to the elderly.⁶⁹

Countries that experience low rates of child poverty such as Austria, Finland, Norway and France all have extensive public assistance programmes (e.g., paid parental leave, affordable quality childcare and more equitable income distribution) that ensure that young families do not experience overwhelming poverty. . . .

Two projects in the Archdiocese of Buenos Aires

Gustavo Mascó

Presbyter Gustavo Mascó is delegate for childhood and adolescence with the Archdiocese of Buenos Aires. The text below is based on extracts translated by the editors from 'Realización de los derechos del niño en la primera infancia', the original in Spanish. The website of the Archbishopric is at www.arzbares.org.ar.

. . . The aim of this report is to supply information on the progress of the projects *Hacia la dignidad de la familia* (For the Dignity of the Family) and *Apoyar a los que cuidan: Esperanza, solidaridad, y promoción de familias, niños y adolescentes en riesgo* (Support Caregivers: Hope, Solidarity and Favouring Families, Children and Adolescents at Risk) by means of the measurement and analysis of the extent of the change in the conditions of well-being of the target populations. These projects are being implemented by the Commission on Childhood and Adolescence of the Archdiocese of Buenos Aires. . . .

Project operations are planned to run for a period of three years in each parish in the first project and an estimated two years in the case of the second project. . . .

. . . . The beneficiaries are families with children from 0 to 6 years of age who come to the parishes in search of material assistance. . . .

The financing of the resources supplied for the least favoured segments of the population is resulting in a gradual improvement in standards of living. . . . This is providing, at the same time, support for each beneficiary family in three critical and complementary areas in the creation of basic human capital: education, health and nutrition. . . .

The overall goal is to foster a change in the living conditions of the families by favouring the social, economic and cultural well-being of the poor through the development of their capacity to work together as families. . . .

68 Stephens, Robert, and Jonathan Bradshaw (1995), 'The Generosity of Financial Assistance to Families with Dependent Children: An Eighteen Country Comparison', *Social Policy Journal of New Zealand*, July, pages 53-75.

69 Bradshaw, Jonathan, and Naomi Finch (Draft), 'A Comparison of Child Benefit Packages in 22 Countries', Department for Work and Pensions Research Report, no. 174, Social Policy Research Unit, University of York: York, UK.

A basic approach in both projects is to build the capacity of mothers of children 0 to 6 years of age in the parishes prepared to carry out the initiative. Mothers taking part in the project gradually relinquish the assistance they are provided.

The projects both consist of two stages: the first involving the provision of assistance and the second . . . the integration of the families into production components aimed at establishing family self-sufficiency. . . .

The plan of action of the project For the Dignity of the Family starts with weekly workshops among mothers and heads-of-households who are no longer participating in the labour force. This involves the following activities: (a) participation in workshops on child development, (b) courses on caring for mother and child health, the assistance of and visits by paediatricians, vaccinations, . . . , etc., (c) training in the use of community resources, social networks and community-parish services, (d) . . . workshops with nutritionists, (e) enhancement of environmental conditions so as to foster . . . healthy foods, [and] (f) household food security. The project supplies a basic family food basket . . . for a limited period so as to ensure that the households . . . are able to satisfy essential needs. . . .

The plan of action of the project Support Caregivers: Hope, Solidarity and Favouring Families, Children and Adolescents at Risk starts with weekly workshops among mothers and heads-of-household experiencing housing problems. . . . This involves the following activities: (a) participation in workshops to promote social solidarity so that children are not placed in children's homes, (b) training among mothers to ascertain the strengths of the family and promote its social reintegration, (c) the development of family nutritional capacities and the strengthening of the mother-child bond, (d) guidance for, assistance with and promotion of favourable attitudes towards psychological, medical and legal advisory services, (e) information and reflection on the psycho-social aspects of various key moments (pregnancy, birth, nutrition, the physical and intellectual development of the child from birth to entry in school), (f) stimulation of the verbal expression of thoughts and feelings, promotion of the establishment of social networks among groups members, the means to conceptualize one's own experiences so as to share them, (g) household food security. . . .

. . . The impact produced through the [For the Dignity of the Family] project on the families was evident in a significant reduction in the extreme poverty among the beneficiary families . . . during the initial five months.

With regard to the extent of poverty (the number of households with incomes below the poverty line), the incidence of poverty among families taking part in the project was reduced, on average, by 25 per cent during the first five months. . . .

The participation of families in the project reduced income poverty . . . significantly. In line with the household poverty gap . . . , income poverty was reduced, during the first five months, on average, by 72.6 per cent (from 55.88 to 15.31 per cent) with respect to the figures during the period before the implementation of the project. . . .

. . . The incidence of poverty among children and adolescents, on average during the first five months with respect to the initial situation, showed a decline of 21.41 per cent. . . .

Inputs to the working groups of the Committee on the Rights of the Child

National Children's Trust, Costa Rica

The National Children's Trust, Costa Rica, is an autonomous government authority charged with promoting and defending the rights of children and adolescents in the country. The text hereafter has been extracted and translated by the editors from 'Insumos de Costa Rica para los grupos de trabajo', the original in Spanish. Additional information on the National Children's Trust can be found at www.mideplan.go.cr/Modernizacion/instituciones/pani.htm.

. . . Guaranteeing the rights to survival and development of young children, including the rights to health, nutrition and education

With regard to the recommendation of the Committee that the state adopt effective means to guarantee access to basic health assistance and services for all children, . . . a major concern that arose during the process of reform of the Costa Rican Social Security System was the need to embrace a determined policy to reduce infant mortality through the provision of technical and human resources. Another essential step was the adoption of a focus on rights and gender equity in all services of the social security system and the Ministry of Health.

. . . The provision of integrated health care in [the primary care system] includes initiatives targeted at various age and gender groups. Among these are initiatives directed at pregnant women so as to protect the unborn child and integrated health care for children from birth to nine years of age. . . .

Through the nationwide expansion of integrated primary health care units, greater accessibility to health care services has been provided to the population. . . . This service proximity has permitted enhanced access for small children for regular vaccinations, height and weight monitoring, early stimulation, etc. . . .

At the national level, the Integrated Child-Care Programme consists of three main components: perinatal, pre-school and school. The primary level includes a focus on growth and development, immunizations, morbidity, detection of and care for children at risk of psychosocial problems and abuse. . . .

Meanwhile, the Ministry of Health . . . identified infant mortality and maternal mortality as indicators of health service quality in the evaluation of care during pregnancy, birth, the care for the newborn and for under-1-year-olds during growth and development. This transformed these indicators from abstract data . . . into important inputs into the decision-making process [and] priority-setting among interventions and population groups. . . .

From 1997 to 2001, the infant mortality rate fell by 1.7 points, reaching . . . 10.8 per 1,000 live births. . . .

. . . In 2001, 96 per cent of births were assisted by trained personnel in hospitals and maternity clinics run by the social security system, and another 2 per cent were assisted in private establishments.

The share of low birthweight babies remained stable during the period. In 2000, it was 6.5 per cent. In breastfeeding, the situation improved. Among newborns, 95.4 per cent were breastfed, although less than half were being breastfed after three months, and only around a third were being breastfed after six months. . . .

Guaranteeing the rights to rest, leisure and to engage in play and recreational activities

... Although there is no overall policy towards the promotion of rights to cultural, recreational or sporting activities for children, there are many initiatives in which the Government is involved that are aimed at the creation and expansion of opportunities for children and adolescents to participate in recreational, artistic and sporting activities. . . .

. . . Beginning in 1999, with the support of UNICEF, several programmes and projects of an artistic and cultural nature were expanded that affiliate entities were undertaking for the benefit of children and adolescents. . . .

The Ministry of Culture, Youth and Sport has always run programmes and educational activities in . . . recreation and culture for children and adolescents not only because they represent a right, but because at this age is forged the sensitivity needed to appreciate and develop skills and talents in artistic, cultural, sporting and recreational areas. . . .

Young children as full actors in their own development

. . . This right is covered in the Code on Childhood and Adolescence, which guarantees the right of individuals under 18 to lodge complaints about acts committed against them, to participate in processes and procedures that affect them and to have their opinions heard in matters that concern them. . . . During the drafting of the National Agenda for Childhood, 490 children were interviewed about what they considered their principal rights.

Nonetheless, significant gaps appear when one analyses the extent to which society . . . accepts the concept of the participation [of children] as full actors in their own development, instead believing that very young children represent a group that requires protection and 'care', understood in a very conservative sense. . . .

Participation in the family, in the school setting and in the community

... As regards the participation of children within the family, according to a survey conducted during the drafting of the National Agenda for Childhood, children perceive the family as an environment of control and deference, as well as a vital space wherein they can avoid the infringement of their rights by others external to the family or by social institutions. At the same time, for some children, the family was viewed as a space in which there are bald violations of rights, for example, physical punishment. . . .

There appears to exist a social barrier that renders it impossible for most families to accept [the right of] participation within the family by this young age group. . . . In this case, family heads show more concern over the protection of the rights of children and adolescents from threats outside the family, such as abuses committed by social institutions, community organizations, or individuals. As to routine decisions taken within the family in connection with the process of socialization, participation in the education system, or participation in the labour market, children are perceived as individuals under the authority of adults. . . .

From the above, one may conclude that the obstacles that prevent children from exercising the right to participation within the family are essentially of a cultural nature . . . , this being one of the challenges that must be addressed by the state. . . .

The Ministry of Public Education has issued a regulation that establishes guidelines for 'favouring student participation in decision-making in areas related to the learning process'. . . .

School-age children and young people, in general, do not know about the bodies, mechanisms and procedures that the system places at their disposal to appeal decisions, report abuse or acts of violence, or require education personnel to fulfil their relevant responsibilities. Of course, the situation is worse for children of pre-school age. . . .

As regards participation, it should be noted that, to realize the right to participation . . . , there will first have to be a significant campaign to spread awareness among adults about the rights approach. . . .

The role of day-care centres, early childhood programmes, pre-school, pre-primary and first years of primary education in promoting the child as a right-holder

. . . Currently, a public policy is being implemented . . . so that any initiatives aimed at children, whether in education, health, or protection, clearly embody a rights-based approach.

It should be recalled that the efforts being undertaken by authorities are meeting with great resistance because of deeply rooted cultural patterns in . . . relations between adults and young people that work against the effective promotion of children as rights-holders.

There is absolute agreement about the right to physical, mental and social development, the right to play and leisure, [the right] to be raised within the family . . . , but there is little clarity about the right to participate within the family, to express opinions, the right to receive an education . . . free of physical punishment. . . .

Young children in South Africa

Carol Bower

Carol Bower is executive director of Resources Aimed at the Prevention of Child Abuse and Neglect, a non-governmental organization in South Africa. For more information on the organization, go to: www.rapcan.org.za. The text from which the following has been extracted includes a note of acknowledgement to Linda Biersteker and Mary Newman of the Education and Learning Resources Unit, Cape Town, and Jackie Lofell of Johannesburg Child Welfare.

. . . South Africa is currently developing a new dispensation for children. The Children's Bill was six years in the making and involved an extensive and thorough consultation and research process. This culminated in the development of a draft Children's Bill by the South African Law Reform Commission [that] was handed to the Department of Social Development . . . in December 2002. A process of review and revision involving [this] lead department and a range of other relevant government departments then commenced, resulting in a revised version of the bill, which is currently on the table.

The South African Law Reform Commission version of the bill was, in the main, welcomed by the child rights and service delivery sector. . . . It was focused on primary prevention and early intervention and proposed some creative ways of counteracting the vulnerability of those children living in . . . circumstances which rendered them even more vulnerable to exploitation, neglect and abuse. This included children living and working on the streets, children who had been trafficked, children infected and affected by HIV, children living in child-headed households, children with disabilities and chronic illnesses, and children who have been sexually abused. In particular, the national policy framework which the bill proposed had good potential to ensure intersectoral planning and budgeting. . . .

The Department of Social Development draft bill, released in August 2003, has been considerably watered down by a number of critical excisions, including the removal of the national policy framework.

A snapshot of the situation of young children. . . .

- There are approximately 6.5 million children aged 0-6 years [in South Africa]. . . .
- More than half the children under 5 are in poverty-stricken non-urban areas. . . .
- 21.6 per cent of children 0-9 years are stunted, and 10.3 underweight. Younger children aged 1-3 . . . are most severely affected, as well as those living on commercial farms (30.6 per cent) and in tribal and rural areas. . . .
- 40 per cent of early childhood development services are in rural areas, and 60 per cent in urban areas. . . .
- Access to early childhood development services which could counter some of the effects of poverty is lower than the national average in the three provinces with the greatest numbers of poor children: Northern Province (8 per cent), Eastern Cape (13 per cent) and KwaZulu Natal (15 per cent).
- With regard to HIV transmission, in 2001 there were an estimated 63,880 infants affected perinatally, and a further 18,289 babies newly infected by mother's milk. . . .
- Of nearly 48,000 educators/practitioners working with children in pre-schools, 23 per cent have no training at all. Of those trained, 85 per cent require additional training. . . .
- It is the poorest families [that] have least access to early childhood development services

The South African Constitution . . . stipulates that every child has the right to basic nutrition, shelter, basic health care services and social services.

The Grootboom case established that, in order for the state to deliver socio-economic rights relating to housing, health care, food, water and social security, it must devise comprehensive and workable plans to facilitate the realization of these rights.⁷⁰ . . .

Young children are developmentally vulnerable, particularly the approximately 3.8 million (59.2 per cent) of 0-6-year-olds who grow up in poverty . . . or those with special needs as a result of disabilities or growing up affected or infected by HIV/AIDS. The three main government departments responsible for service provision for young children – Education, Health and Social Development – recognize this, and their policies target children under 5. . . .

However, a nationwide early childhood development audit indicated that sites catering for predominantly African children have the greatest number of below-average ratings on infrastructure and support in the form of fees and other income sources, registration and functioning management committees. . . .

⁷⁰ *Government of the Republic of South Africa and Others v Grootboom and Others*, 2001 (1) SA 46 (cc); 2000 (11) BCLR 1169 (cc). In the case, the Constitutional Court laid down the principles for the interpretation of socio-economic rights. The 'Grootboom' community of 900 adults, evicted from private property and living on the edge of a sports field in appalling conditions, launched a legal action for immediate relief when winter rains made their temporary shelter unsustainable. The case reached the Constitutional Court on appeal by the state. The court found there was no immediate entitlement to housing, but that the local, provincial and national governments had violated the right to housing for failing progressively to provide for emergency housing relief. In essence, the court established that it is not enough to support rights through good laws and policies; these must also be reasonably implemented.

. . . Provincial education budgets are likely to be further stretched by targeting of poor learners, which will hit the poorest provinces the hardest. . . .

The vulnerability of early childhood development to other provincial costs is not new. Total provincial early childhood development spending out of total education spending for all provinces was 0.34 per cent in 2001/2, or less than 1 per cent. . . .

The Department of Education is also the lead partner for the development of an integrated service-delivery strategy for early childhood development services for children under 4 . . . within the framework of the National Programme of Action for Children.

This age group has become the focus of Department of Social Development early childhood development provisioning. Here, too, there has been a pattern of limited financing, though the resources have been successfully poverty targeted. . . . At the time of the recent nationwide audit, 40 per cent of children under 5 in early childhood development facilities received subsidies. This is 4 per cent of the total population of children aged 0-5 years. An expansion in the subsidies available might be a stimulus for increased access for children under 5 to early childhood development programmes. . . .

Despite a policy commitment to broad programming, the focus is on centre-based services, full or part time, and not on family programmes. Early childhood development tends to be seen in this way. Family programmes which have the potential for direct support to the primary caregivers of vulnerable young children also need training for practitioners, nutritional services, etc. The lack of budgetary commitment makes expansion of services dependent on the political will at provincial level. . . .

. . . As the majority of children at nutritional risk are not in centre-based services, they remain excluded [from nutrition support].

Some 11,000 centre-based early childhood development practitioners require basic training, and another 31,800 need further training. . . . Donor funding for early childhood development training, the bulk of which is offered through non-governmental organizations, is not enough to sustain it or [trainers and trainees], and there is a loss of capacity in the sector. . . .

The lack of commitment to providing income via subsidies to support the operational costs of childcare will ensure the continued inequitable provision of services, with the poorest services for the poorest children and a complete lack of provision for those in most need.

The potential role of legislation

. . . We need to ensure that all relevant structures of government, along with their non-governmental partners and the broader community, give priority to the basic needs of children. A range of preventive measures should be set out in the [Children's] Bill to ensure, in the first place, that children could grow and develop within healthy families and communities. Where these measures fail, various early intervention mechanisms should come into operation. If these mechanisms do not have the desired effect, an effective protective system should be in place to protect children from . . . harm and ensure their reintegration in the community. Special attention should [be] paid to the needs of children who experience multiple infringements of their basic human rights on a daily basis, such as those living on the streets, those caught up in child prostitution, those exploited for other forms of labour, those marginalized by disability and those in child-headed households or affected in various ways by HIV and AIDS.

We are convinced that the way to achieve these goals lies in ensuring an intersectoral national policy framework, an extension of the rights guaranteed to children by the South African Constitution (a mini-Bill of Rights for children which confirms and operationalizes the realization of basic child rights) and adequate resourcing of . . . prevention, early intervention and child protection services. . . .

Early childhood in a human rights perspective

Victoria Martínez

Victoria Martínez represents the Secretariat of Human Rights, a government authority within the Ministry of Justice and Human Rights, Argentina. The text below has been extracted and translated by the editors from 'La primera infancia desde una perspectiva de derechos humanos', the original in Spanish. The website of the Secretariat is at www.derhuman.jus.gov.ar.

. . . The Republic of Argentina, in order to place the power of the constitution behind the Convention on the Rights of the Child, became committed to undertaking all the legislative, administrative and other procedures of whatever nature that were necessary to implement the Convention.

In this regard and as part of the National Plan on Human Rights that this Secretariat [of Human Rights] has been carrying out, the process to design a national plan of action for the rights of children and adolescents has been initiated. . . .

Children and adolescents should be considered citizens who possess rights from birth. This means that the state must guarantee the effective realization of these rights through public policy.

. . . [O]ur country has experienced a situation of severe crisis in recent years . . . produced by an economic model that left behind shameful amounts of debt. . . .

It has therefore been necessary to adopt urgent measures so as not to increase the damage to society, while implementing public policies within a human rights perspective that will guarantee the needed transformation in this critical situation.

It will be essential, then, to establish medium- and long-term plans and programmes to correct the structural imbalances that are sustaining social exclusion and reproducing poverty. . . .

A healthy adult grows from a child who has begun life with adequate nutrition, the necessary emotional care and a safe and comfortable environment. This is indispensable so that the child can develop all its potential and become an adult who can be active in the life of society in a responsible and creative manner. . . .

In situations of economic crisis that generate poverty, social policies tend to be implemented that are focused on alleviating hunger and malnutrition so as to ensure survival. Although it is a priority to guarantee the satisfaction of basic needs, there is a risk of forgetting the importance of other factors that are central in the development of healthy children. . . .

. . . It is by way of empathy that the adult can identify the needs of the child in warmth, food, sleep, [and] speech, as long as the adult views the child with a loving objectivity so as to consider it an individual, distinct in itself, with needs and rights. . . .

Its cognitive development, its skills, its social ties, its creative capacities, its emotional security and self-esteem, as well as its health, depend . . . on the conditions in which it lives

during its first years of life. . . .

Recently, besides the economic crisis, there has been great concern in the country because of the lack of security. . . .

Seven in every ten children are living below the poverty line, among which 40 per cent are living in extreme poverty.

In 2002, nearly 12,000 infants died before reaching the age of 1, more than 60 per cent due to preventable causes, raising the infant mortality rate to a very high level in several northern provinces. . . .

Around 50 per cent of the child population suffers from iron deficiency anaemia and shows alarming growth retardation. Thousands of children are eating from trash bins and, in the best of cases, in community kitchens that, although they have alleviated the hunger of the children . . . , have, at the same time, eliminated the possibility of a return to the family, given that food represents a basis for the relationship between parents and children, a means of transmitting affection and the routines and patterns of life together.

Thousands of children throughout the country are not registered at birth; many more are without proper documents, so that their right to an identity is threatened, and they also become ineligible to receive social services and are placed at risk of becoming victims in the commerce and traffic in children. The frequency of this crime has been rising in recent years, and no countermeasures have been adopted.

More than a million and a half children under 14 are being obliged to work, many of whom are experiencing serious illnesses because they are handling toxic agricultural inputs, although there are millions of adults unemployed in the country. Then, there is the paradoxical situation of the father who cannot provide for the basic needs of his child, and so a judge exercises the authority of the state by putting the child in an institution for its own 'protection', thus depriving the child of its freedom, its normal setting for growth. . . .

There are alarming numbers of juvenile fathers and of child-adolescent mothers who die or suffer complications during birth and whose babies are born with defects or die malnourished soon after birth. . . .

One may go on listing reasons for the existence of social exclusion. When marginalization becomes routine, social solidarity in its many forms is disrupted. . . .

For the effective protection of the rights of early childhood that can guarantee integral development, a significant political commitment must be achieved, with the cooperation of all the sectors involved, within the state, as well as civil society, that converges in effective policies.

A public policy with a focus on human rights must drive plans or programmes of action, with interdisciplinary and intersectoral approaches that:

- Contribute to a clarification of the complex of problems,
- Raise the awareness and the capacities of personnel,
- Foster commitments to achievements, with short- and long-term goals, among local communities,
- Define, with civil society, strategic actions that builds the capacity of community leaders, especially 'mother-caregivers', and classes for fathers,
- [Create] programmes in health promotion and preventive care in maternal and child health,
- Focus on strengthening the family and structures within community support networks,
- Enhance programmes that address critical nutritional needs,

- Encourage formal initiatives for the creation of early childhood educational establishments in areas of low income, as well as community day-care centres,
- [Undertake] massive campaigns for effective registration and documentation systems.

These are some of the measures that could be taken to remedy the serious situation among very young children.

To favour integrated development among our young children is the primary responsibility that we must assume in order properly to respect human rights.

Examples of good practices (Brazil, Burkina Faso, Indonesia, Uzbekistan)

UNICEF

Within the United Nations system, the United Nations Children's Fund is a worldwide advocate for children's rights and well-being. It works in nearly 160 countries and territories around the globe. The world headquarters are in New York. The first part of the UNICEF submission is extracted in 'Comprehensive introductory statement' (Section I, C). Contact: UNICEF House, 3 United Nations Plaza, New York, NY 10017, Tel.: (+1) 212.326.70.00, Fax: (+1) 212.887.74.65, 887.74.54, web: www.unicef.org.

Brazil: strategy to strengthen the capacity of families

In supporting and strengthening the capacity of families to provide holistic care to their young children, core family competencies applicable to all Brazilian families were identified in a collaborative process that took 18 months. The 28 identified competencies were validated through existing international research on family care practices that promote children's survival, development, protection and participation. In addition to family competencies, a core 'municipal competencies' has been developed to support families' access to information and quality services.

The 28 competencies were then translated into an interactive kit for families entitled, 'Strengthening Brazilian Families: A United Action for Integrated Early Childhood Development'. This kit was developed in 2003 in collaboration with 28 key partners (government, non-governmental organizations and United Nations agencies). The kit contains five modules/flipcharts that cover the life cycle . . . : (a) pregnancy and prenatal care, (b) caring for [a] 1-month-old child, (c) the 2-to-12-month-old child, (d) 1-to-3-year-olds [and] (e) 4-to-6-year-olds. Each flipchart addresses the rights of the child and her/his health, nutrition, psychosocial and protection needs. The five modules were extensively tested in selected municipalities and with indigenous Afro-descendent populations and in rural, urban and semi-arid areas. The kit will be used by community health agents in home visits, crèche and pre-school teachers, paediatricians and other groups who work with families.

The key implementation strategy for the integrated early childhood development programme is partnership with the Government and non-governmental organizations to build and strengthen the capacity of 300,000 community health workers and leaders and 120,000 pre-school teachers in the use of the kit and the rights-based approach to child development. Through their home visits and meeting with families, community health workers and leaders will monitor and support families' health and well-being and strengthen [the families'] competencies, while focusing on children aged 0-6. For phase 1, 11,000 kits

were produced. In April 2004, President Lula and UNICEF Executive Director Carol Bellamy launched the integrated early childhood development kit in Brazil.

State-level training of trainers started in 2004, when the human rights-based approach was introduced to trainers as the foundation of their work with families. So far, 122 top-level trainers from 16 states . . . have been trained in the use of the kit. These trainers will train municipal level trainers, who, in turn, will train the community health workers, community leaders and early educators.

The ‘family and municipal competencies’ have created the platform for a truly integrated approach to early childhood development and have responded to the diversity of Brazilian families by ensuring an intersectoral collaboration to address such issues as the rights of the mother to prenatal care, pregnancy issues, the role of the family in supporting the expectant mother, nutrition, hygiene, protection issues facing the mother and the young child, care of the environment, child participation and rights, child abuse, gender equality, HIV/AIDS, birth registration procedures and early stimulation and learning.

Burkina Faso: experimentation of the community-based integrated early childhood development centres

UNICEF and the Ministry of Social Action and National Solidarity took the initiative in 1997 to create Bisongo, an experimental village-based integrated early childhood development institution for children 3 to 6 years old. It is designed [to be] child-centred and focuses on child rights and protection by assuring birth registration, safety and other basic needs.

The process of experimentation started slowly because it took time to convince people of the benefits of establishing the integrated early childhood development centres in villages. Early childhood development is often perceived as a luxury, for wealthy people, and is not attributed a high value by rural communities. Government officials did not perceive the integrated early childhood development centres as among the basic needs of the poor in rural areas, and they were at first confused at the difference between the holistic approach advocated in early childhood development and the traditional pre-school programme. It was true that the existing structure of pre-school, requiring a high fee from parents, [was] not conceivable in villages, where the majority of families are poor. It was in this context that Bisongo was designed, namely, a community-based model to suit the reality of rural Burkina Faso.

Community-based management is the core of this model. The management committee formed by the community oversees the community’s input of local materials and manual labour in constructing the [centre] building. The community chooses the persons whom they can trust as the caregivers, called the *petites mamans* [little mothers]. In return, the *petites mamans* take pride in their assigned responsibilities. Neither the Government, nor UNICEF pays them; they only receive a small remuneration collected from the contribution of parents. Despite this, they continue to carry on their work; the training and the recognition of their role by the community members gives them a sense of mission and motivates them to work for the village.

By visiting a Bisongo site, one can see how a holistic approach to early childhood development operates. Around the small classroom building are latrines, a tubewell and a water tank for washing hands. [Through] kitchen facilities, snacks and lunch are provided to supplement the nutrition of young children. The *petites mamans* are trained to provide basic education on health, hygiene [and] sanitation by teaching educational songs or poems and using picture stories.

Village people observed the visible impacts as soon as Bisongo was established. While young children are taken care of at Bisongo, mothers are able to engage in housework, as well as economic activities. The primary-school-age girl can drop off her younger siblings and go to school, freeing her from child-care responsibilities during school hours. Parents are pleased to see that their children enjoy going to Bisongo and have become very active.

This model did not [involve the] design [of the] early childhood intervention in isolation. Bisongo is generally located next to the primary school, often a UNICEF-supported satellite school. Those who have completed the final year of Bisongo are automatically registered in primary school. It should be noted that over 50 per cent of children enrolled in Bisongo are girls; subsequently, the enrolment of primary school has increased, particularly for girls. The UNICEF-supported satellite school adopts a bilingual approach, whereby children can learn in their mother tongue, while they gradually acquire the necessary French skills by the end of the three-year cycle of schooling, after which they are transferred to regular primary school. Thus, the gradual approach facilitated by the Bisongo-satellite-primary school linkage helps pupils overcome the language barriers to . . . school.

Indonesia: the Tanjungsari approach

The Tanjungsari Integrated Women and Childhood Care and Development pilot project started in October 1999 in 14 of the 28 villages in the Tanjungsari subdistrict in Sumedang, West Java, with the primary objective of testing an integrated community-based model for early childhood development. The Suryakanti Foundation, the World Health Organization Collaborating Centre for Perinatal Care, Maternal and Child Health, and UNICEF are partners in the project.

The project delivers integrated services in health, nutrition, early stimulation and learning to children under 6 years of age, all through the existing posyandu [integrated service post]. Initiatives for mothers are delivered through the local health centres. Project components comprise the following:

- Early child education through the taman posyandu, a neighbourhood playgroup meeting two-three times a week which provides 3-to-5-year-old children with experiences in socialization, gross and fine motor skills and language development,
- Promotion of partnerships between the community midwife and the traditional birth attendant to assist mothers through pregnancy and childbirth,
- Growth monitoring, followed by home visits by cadres to children showing growth faltering and [by] parental education on nine key messages, and
- Monitoring of children's developmental stages, which aids in early detection of developmental delays and enables caregivers to intervene with early stimulation.

Activities are organized by trained community volunteers (cadres), and parents contribute to the maintenance of the activities, including transport costs. This development indicates that communities are willing to contribute to such early childhood development initiatives, whereas mere growth monitoring through the normal posyandu system does not attract such community support.

In nearly two years of field testing, the 14 taman posyandus reached some 701 children ages 2-6. Anecdotal reports indicate that children who participated in the programme were

adjusting and performing better in the first grade of primary school. A range of training and parental education materials have been developed. The eastern provinces of Papua, West Nusa Tenggara and East Nusa Tenggara requested support for similar initiatives. The initiative has taken off successfully in Papua, and, by early 2004, the local government there was running taman posyandu from its own budget.

Anchoring the programme within the health system and relying on the health system for supervision has proved to be a drawback, due mainly to the frequent rotation of health staff and the fact that early childhood development requires an intersectoral approach. UNICEF is exploring the use of other community-based channels as project anchors, such as the village-based family planning worker. However the workers are reluctant to take on such a role without clear directives from central level, and UNICEF is working with appropriate national authorities towards this end.

Uzbekistan: the Makhalla kindergartens

Success in influencing social practices and behaviour is most likely when you build on the familiar. ‘*Makhalla*’ literally means neighbourhood. Uzbekistan has an old tradition of neighbourhood child-care centres or Makhalla kindergartens, which, with the participation of parents and families, provide comprehensive services to the young children of the community. The Makhalla kindergarten is an institution unique to Uzbekistan. It is a home-based kindergarten supported by the state, the likes of which are not found in any country in the Central Asia region. . . . It is an accessible alternative to the regular state-run pre-school. State-run pre-schools are usually located in the centre of town, out of reach of families in far-off areas. Of late, the number of Makhalla kindergartens has declined steeply. Taking advantage of the National Year of the Makhalla in Uzbekistan, wherein community-level organizations and institutions are to be revived and revitalized, UNICEF is promoting Makhalla kindergartens as a unique channel to meet the needs of young children through community-based services.

Thanks to the initiative of local communities and the response of the state, about 250 Makhalla kindergartens all over the country have been established. Parents generally find them very satisfactory because of their proximity and the informal home atmosphere they offer. Children have good opportunities for learning in a home environment.

Makhalla kindergarten teachers are among the frontline workers being trained to participate in Uzbekistan’s Family Empowerment Programme, which, starting with the most vulnerable communities, aims to [extend] critical information on child-rearing to families all over the country.

E. Proposed Amendments to the Convention

The two texts extracted below propose slight changes to the Convention on the Rights of the Child. The German League for the Child recommended that, relative to Convention article 6 (the right to life and the right to survival and development), the states parties should give an accounting to the Committee on the Rights of the Child on the early childhood concepts and programmes they have implemented or on their progress in doing so, including successes and obstacles. The League also recommended moderate changes to articles 18 (responsibility for the well-being of the child), 24 (health care) and 28 (education).

The Coalition of Non-Governmental Organizations for the Rights of the Child (Democratic Republic of the Congo) recommended extensive changes to articles 6 (the right to life and to survival and development) and 42 (the obligation to make the Convention widely known). It also recommended that a new article be added following articles 12 (participation) and 13 (freedom of expression). The new article would focus on participation in a democracy and the creation of children's parliaments as an educational activity.

Recommendations to amend Convention articles

German League for the Child

The German League for the Child, founded in 1977, is a nationwide interdisciplinary network that promotes the mental health and psychosocial well-being of children aged 0 to 6. It seeks to enhance the rights and development potential of these young children in all spheres of life. Among the more than 250 member organizations are scientific societies, paediatric and child psychological associations, family and youth welfare associations and service clubs. The League is a member of the National Coalition for the Implementation of the UN Convention on the Rights of the Child in Germany and the World Association for Infant Mental Health. Contact: Franz Resch, president, Deutsche Liga für das Kind, Chausseestrasse 17, D-10115 Berlin, Tel.: (+49) 30 28.59.99.70, Fax: (+49) 30 28.59.99.71, e-mail: post@liga-kind.de, web: www.liga-kind.de.

. . . The United Nations Convention on the Rights of the Child and its Optional Protocols are the most important binding set of international legal standards for the protection and well-being of the world's children. At the 2002 World Summit for Children in New York, the General Assembly officially adopted the international Plan of Action 'A World Fit for Children'.⁷¹ It specifies a number of important goals, strategies and actions by means of which the UN Convention on the Rights of Children can be implemented in the next few years. Consideration and further development of these two international instruments are of outstanding significance in an increasingly globalized world. The well-being of each child and the well-being of all children are becoming more and more intertwined.

Recommendations

(a) *On article 6 (right to life and development):* In order to ensure, to the maximum extent possible, the survival and development of children, early childhood has to be taken into account as a period in life which is particularly sensitive and crucial. . . . Therefore, it is necessary to work out concepts and programmes on . . . national and international levels.

In the international Plan of Action 'A World Fit for Children', the states commit themselves to 'Development and implementation of national early childhood development policies and programmes to ensure the enhancement of children's physical, social, emotional, spiritual and cognitive development' (paragraph 36, e).

⁷¹ United Nations (2002), 'A World Fit for Children', Resolution adopted by the General Assembly, A/RES/S-27/2, United Nations: New York. The resolution consists of a declaration and the Plan of Action. The resolution was adopted by 180 countries. The Special Session during which the resolution was passed (the World Summit for Children) took place on 8-10 May.

The German League for the Child recommends [that] the Committee . . . make the following request to the states:

‘In their periodic reports issued in accordance with article 44 of the UN Convention on the Rights of the Child, the States Parties should specify which concepts and programmes concerning early childhood they have developed and what progress has been made in implementing them. They should indicate factors and difficulties, if any, which prevent them from implementing the actions or reaching the goals to be achieved.’

(b) *On article 18* (responsibility for the well-being of the child): Parents or . . . legal guardians have the primary responsibility for the upbringing and development of the child. In carrying out their child-rearing responsibilities, parents need to be supported by the community.

Establishing and further developing quality-controlled day-care facilities for children [are] an important way to support working parents. . . . These child-care facilities should be developed according to the needs and financial resources of families. Provided that relationships are emotionally stable, children may benefit from day-care facilities even in their first years of life. Such facilities can serve as a complement to the family’s upbringing, education and care by orienting their activity towards the child’s well-being.

The German League for the Child recommends that the Committee propose the amendment of article 18, paragraphs 2 and 3 of the UN Convention on the Rights of the Child as follows (amendments are [italicized]):

Article 18 (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 child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the *upbringing, education and care* of children.

Article 18 (3): States Parties shall take all appropriate measures to ensure that children of working parents, in particular, have the right to benefit from *services and facilities for the upbringing, education and care of children* for which they are eligible.

(c) *On article 24* (health care): Among the basic rights of all children is the highest attainable standard of health. Each society that wishes to be prepared for the future is urgently dependent on the health of its children. According to the definition of the World Health Organization, health denotes ‘a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.’⁷²

In numerous countries, the spread of life-threatening diseases has been contained over the last few years. In their place, however, new menaces to health have emerged: diseases which do not reduce life expectancy, but seriously affect children’s quality of life and their potential of a sound development. Among these ‘new childhood diseases’, there are, in particular, early disturbances of the parent-child relationship and of interpersonal relationships, as well as regulation disorders (e.g., excessive crying, sleep and feeding disorders); there are chronic illnesses (e.g., neurodermatitis, asthma), psychosomatic and environmentally induced

⁷² Preamble to the Constitution of the World Health Organization as adopted by the International Health Conference, New York, 19-22 June 1946, signed on 22 July 1946 by the representatives of 61 states (Official Records of the World Health Organization, no. 2, page 100) and entered into force on 7 April 1948.

illnesses (e.g., allergies, respiratory diseases), lack of physical activity and being overweight, [and] disorders of (language) development and behaviour, as well as psychosocial dysfunction. All of these are caused by an unfavourable combination of constitutional factors, adverse behaviour with respect to health, lack of information and disadvantageous living conditions. The . . . consequences, especially for children during their first years of life, are manifold and complex. Hence, children are affected in their physical, mental and cognitive well-being and health.

The German League for the Child recommends that the Committee propose the amendment of article 24, paragraph 1 of the UN Convention on the Rights of the Child as follows (amendments are [italicized]):

Article 24 (1): States Parties recognize the right of the child to the enjoyment of the highest attainable standard of *physical, mental and cognitive* health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

(d) On article 28 (education): Education starts with birth and equally comprises emotional, social and cognitive processes of learning. Particularly the first years of a child's life are sensitive periods in which development and learning take place. . . .

At the 2002 World Summit for Children . . . , the states committed themselves to 'expand and improve comprehensive early childhood care and education, for girls and boys, especially for the most vulnerable and disadvantaged children' (paragraph 39 a).

The success of early childhood facilities and services for the upbringing, education and care of children is narrowly connected with the introduction of quality standards and their evaluation.

At the 2002 World Summit for Children . . . , the states therefore committed themselves to 'develop and implement special strategies for improving the quality of education and meeting the learning needs of all' (paragraph 40,6).

The German League for the Child recommends that the Committee propose the amendment of article 28, paragraph 1 of the UN Convention on the Rights of the Child as follows (amendments are [italicized]):

Article 28 (1): States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) *Make available facilities of upbringing, education and care of children in their first years of life. These facilities shall be tailored to the needs of this age group and shall be available and accessible to every child. The States Parties shall take appropriate measures such as providing services free of charge and offering financial assistance in case of need; . . . ['a' in the original becomes 'b', etc.]*

(g) *define binding quality standards for all educational institutions according to established methods and take appropriate measures to evaluate and improve the quality of the institutions regularly.*

Proposal to amend or improve formulations of Convention articles

Coalition of Non-Governmental Organizations for the Rights of the Child

With a view to supporting child rights, the Coalition of Non-Governmental Organizations for the Rights of the Child of the Democratic Republic of the Congo seeks to strengthen the operational capacities of its non-governmental members and advocate for the financing of projects in favour of street children, orphans and child soldiers. The text hereafter has been extracted and translated by the editors from ‘Contribution de la coalition des ONG des droits de l’enfant “code”, the original in French. For the Coalition, contact: Théodore Kabanga Bitoka, coordinator, PO Box 11 239, Kinshasa I, Tel.: (+243) 99 34.858, 44.852.

[Article 42]

. . . The Coalition of Non-Governmental Organizations for the Rights of the Child recommends the addition of three paragraphs to article 42 of the Convention; they would be formulated as follows: . . .

[2.] ‘States Parties also undertake to develop national plans for the promotion and protection of the rights of the child, with precise goals that can be readily evaluated and quantified and that reflect an awareness of the specific differences between the various provinces within their respective territories.

[3.] ‘States Parties shall establish independent national-level agencies charged with the responsibility to oversee the implementation of the Convention by governmental entities, to produce appropriate recommendations for them and to report periodically to the Committee. These agencies should be composed of independent members who are dedicated to addressing children’s issues.

[4.] ‘States Parties shall encourage and support the creation of local and national coalitions of non-governmental organizations for the promotion and protection of the rights of the child and join with them in the drafting of social policies in favour of the child and the regular evaluation of the implementation of the Convention.’

Comments

. . . *With regard to paragraph 2:* In most of the countries that have ratified the Convention, including the African countries, there are no national plans for the promotion and protection of the rights of the child. For this reason, because of the lack of precise goals to be reached that can be readily evaluated and quantified, the efforts of both the governments and social partners are not integrated into a unifying plan. This leads to a lack of transparency among the efforts expended and in the steps that remain to be taken or completed.

. . . *With regard to paragraph 3:* Since the ratification of the Convention, states parties have not set up independent, local mechanisms to oversee the implementation of the Convention and make pertinent recommendations to governmental organizations that are responsible for issues relevant to children. However, such mechanisms are very important. . . .

. . . *With regard to paragraph 4:* Since the ratification of the Convention, states parties have not been fostering or supporting the emergence of national networks of non-governmental organizations that could contribute, each in their own way, to the promotion and protection of

the rights of the child. For this reason, civil society is not participating in the implementation of the Convention, especially in the development of social policies. . . .

It is to be hoped that governments will encourage [non-governmental organizations] . . . , in particular, through . . . material and financial support.

[Article 6]

. . . The Coalition of Non-Governmental Organizations for the Rights of the Child recommends that the phrasing of article 6 should be improved; unlike article 24, which must apply to children above 5 years, it should apply to early childhood. . . . Thus, the following formulation: . . .

‘1. States Parties recognize that every child has the right to be born and to a viable life, that access must be improved to the required prenatal and postnatal care and that pregnant women have the right to be assisted during birth based on the latest medical technologies.

‘2. States Parties shall ensure, to the maximum extent possible, the survival and development of the child. To this end, they shall ensure better access to vaccinations in the fight against early childhood illnesses and shall ensure that, throughout their territories, there is access to appropriate maternity and family planning services.’

Comments

Many maternal deaths, especially in Africa, are due to births that are not preceded by prenatal care and that do not take place in maternity clinics because of the great distances or the high cost of access. Moreover, the incidence of some disabilities and some early childhood illnesses can be reduced through prenatal check-ups and the use of modern medical technologies. This is why prenatal and postnatal medical visits should be free and compulsory. . . .

Furthermore, it is clear that too many pregnancies per woman and the lack of proper birth spacing are major causes of maternal mortality and morbidity.

To reduce the number of these deaths, the coverage of appropriate maternity and family planning services should be expanded at the national level. These services must counsel young people in general and mothers in particular on the advantages of proper birth spacing and, above all, family planning.

[Article 13, supplement]

. . . The Coalition of Non-Governmental Organizations for the Rights of the Child proposes that a new article be added relative to the right to participation and to learn about democracy. . . .

‘States Parties shall create spaces, in schools or elsewhere, so that children can learn about democracy, express their opinions on problems that concern them and propose solutions.

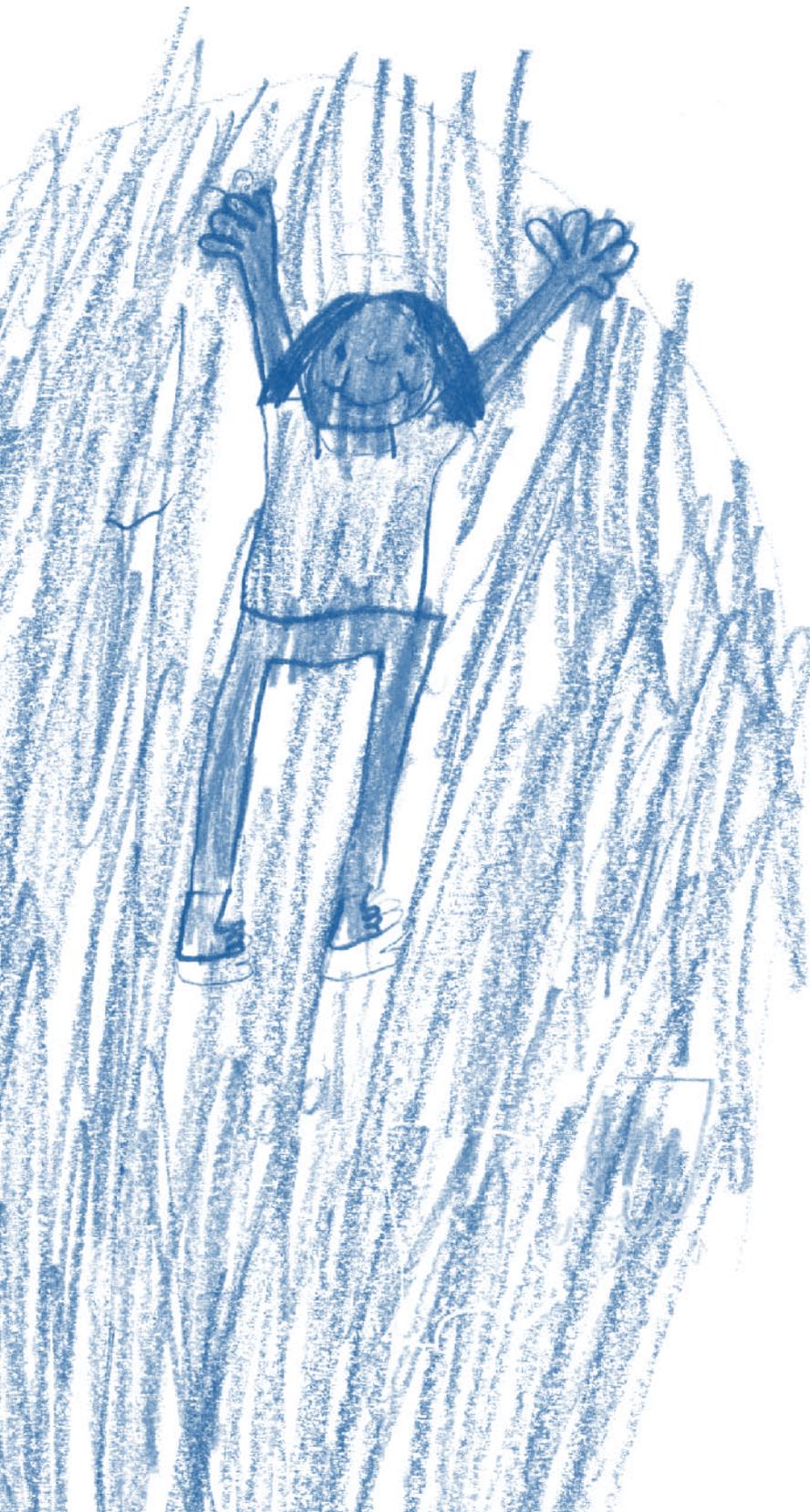
‘To this end, States Parties shall establish children’s parliaments with sessions that are compatible with school programmes.

‘States Parties shall also undertake to organize collaborative efforts among children’s institutions and governmental entities.’

Comments

It is undeniable that democracy represents the most advanced form of human social organization today.

[Democracy] could be enhanced if it were experienced from early childhood. For this reason, the emergence of children's parliaments should be encouraged. . . .



IV. Background Materials on Children in Early Childhood

Nearly three dozen papers were presented during the Day of General Discussion by non-governmental organizations, civil society organizations, United Nations bodies, local and national government representatives, experts and other interested individuals and groups. These papers form the core of Section III, which is intended to elucidate General Comment 7 (Section II). Adopted on 30 September 2005, at the end of the 40th session (12-30 September), the General Comment represents in some sense the culmination of the process begun two years before, during its 33rd session, 19 May-6 June 2003, when the Committee announced the Day of General Discussion on this topic.

However, the papers focus by and large on particular issues in child rights or individual provisions of the Convention. For this reason, the following extracts from four overviews on problems and issues related to child rights in early childhood are offered in order to place the General Comment into a more general perspective.

The first paper extracted below, presented by Kimberly Browning for the High/Scope Educational Research Foundation, offers evidence from a scrutiny of longitudinal studies that early childhood programmes aimed at supplying nurturing environments for child development can have extensive benefits for the children and can produce outcomes that are socially and economically positive and significant because they empower children, challenge their problem-solving capacities, stimulate their communications and enhance their relationships.

Martin Woodhead, in his contribution, notes the history in international declarations of the child's right to development. He goes on to survey the meanings of 'development' in traditional perspectives and recent scientific and economic studies and analyse the consequences of cultural and research-based interpretations of development on the implementation of the Convention. A balance between respect for the child's abilities and the child's need for guidance is crucial in the proper realization of participatory principles.

The piece by Gerison Lansdown considers the significance of the concept of the evolving capacities of the child that is so evident in the Convention on the Rights of the Child. An implication of the concept is that there is a diminishing need to protect children as their competency increases and they take more responsibility for decisions affecting their lives. This evolution in the capacities children possess should be adequately acknowledged and supported through appropriate laws and policies.

Caroline Arnold presents a detailed paper on ways to advocate effectively for children's rights. The rights approach should work at multiple levels, including emphasis on influencing government policy, civil society and families, so as to achieve fundamental value changes and shifts in social mores. Advocates will enhance their legitimacy by representing a broad spectrum of people and groups. They will improve their credibility by demonstrating that the solutions proposed are firmly grounded in theory and practical experience.

Longitudinal studies on early childhood programmes: an international perspective

Kimberly Browning

Kimberly Browning is associated with the High/Scope Educational Research Foundation. The paper from which the following text has been extracted was commissioned by the Bernard van Leer Foundation from High/Scope as part of an ongoing effort to mine High/Scope's abundant experience in longitudinal studies of the impact of early childhood programmes. Through this effort, the Bernard van Leer Foundation hopes to advance its own institutional learning and benefit its grant-making activities. Contact: High/Scope Educational Research Foundation, 600 North River Street, Ypsilanti, MI 48198-2898, Tel.: (+1) 734.485.20.00, Fax: (+1) 734.485.07.04, e-mail: info@highscope.org, web: www.highscope.org.

. . . The remarkable transformation that occurs in all areas of development during the first five years of life lays the foundation for all future learning. . . .

. . . Children who are cared for and nurtured appropriately grow and develop in healthy ways, experience fewer illnesses and diseases and develop appropriate thinking, language and emotional and social skills. . . . They are more likely to complete schooling and have greater self-esteem. . . .

Sadly, the early years are the least likely to receive investment. . . . This lack . . . exists in spite of the fact that investment in early interventions in a variety of countries and cultures has been shown to produce results far beyond initial financial subsidies. . . .

. . . Unfortunately, the public policy debate . . . has not always focused on the vast research available about the power and cost-effectiveness of early interventions. What follows is a review of international early childhood care and development programmes that can help inform the debate. . . .

Turkish Early Enrichment Project

The Turkish Early Enrichment Project is a study of 255 children and their mothers in a low-income, low-education area of Istanbul.⁷³ The [study was] conducted over a period of 10 years beginning in 1982. It began as a four-year investigation of the effects of two different types of educational pre-school experiences and a mother-training programme. . . .

There were three possible . . . experiences for the children: an educationally based day-care experience, a custodial day-care experience and no programme experience at all. . . .

Summary of important findings: . . . [C]hildren who attended educational day care performed significantly better than the other two groups on psychosocial and cognitive development assessments. . . . Custodial care . . . was shown to be a detriment to children's development. These children had more grade [repetitions], poor attitudes towards their parents and school, lower self-esteem. . . . The mother-training programme had significant effects on the mothers. Mothers were found to enjoy higher intra-family status, greater decision-making, more role sharing . . . with their husbands. . . .

73 See Kağıtçıbaşı, Çiğdem, Sevda Bekam and Ayla Göksel (1995), 'A Multipurpose Model of Nonformal Education: The Mother-Child Education Programme', Coordinators' Notebook, no. 17, Consultative Group on Early Childhood Care and Development: www.ecdgroup.com/download/ca117cmn.pdf.

The Effective Provision of Pre-School Education Project

The Effective Provision of Pre-School Education Project is a . . . study [on] the development and school success of 3,000 children in the United Kingdom.⁷⁴ The initial study began in 1997 and is [a] longitudinal study . . . examining the effects of pre-school education for 3- and 4-year-old children in 141 centres. . . .

Summary of important findings: . . . Those children who attended pre-school had enhanced educational and social development compared to children who did not. . . . Earlier entry to pre-school resulted in better intellectual development, independence, concentration and sociability. . . . Children who spent time learning at home with parents, combined with quality pre-school experiences, had more positive social and intellectual development. . . .

New Zealand: Competent Children

Begun in 1993, the Competent Children Project is a longitudinal study of the contribution of early childhood education to children's educational and developmental growth.⁷⁵ It [is] funded by the New Zealand Ministry of Education and the New Zealand Council for Educational Research. . . . [T]he researchers have collected . . . data on over 500 children. . . .

The Competent Children Project found for children at age 12 that: . . . Of particular importance for children's learning was the quality of teachers' support. . . . Children's dispositions and experiences prior to school entry, such as family resources, language practices in the home . . . affected children's literacy and math scores at age 12. Parental education levels and family income affected children's literacy and mathematic scores. Higher education and income seemed to result in children having greater knowledge and more varied experiences. Family resources were not evident in attitudes or social skill differences. . . . Persistent low income resulted in lower scores at age 12 even if family income improved for children between the ages of 5 and 10. [The] starting age of early childhood education was significant. . . .

The IEA Pre-Primary Project

The IEA Pre-Primary Project is a multi-nation study of pre-primary care and education sponsored by the International Association for the Evaluation of Education Achievement.⁷⁶ The purpose of the study was to identify how . . . structural characteristics of community pre-primary settings affected children's development at age 7. Ten countries participated . . . (Finland, Greece, Hong Kong, Indonesia, Ireland, Italy, Poland, Spain, Thailand and the US). . . .

Summary of important findings: . . . Children's language performance at age 7 . . . improved based upon the greater numbers of years of . . . schooling the teacher had obtained. Children's cognitive performance at age 7 improved as the children spent less time in whole-group activities. Children's cognitive performance at age 7 also improved based upon increases in the number and variety of equipment and materials . . . available to children. . . .

74 See Department for Education and Skills, UK, at www.dfes.gov.uk/rsgateway/DB/RRP/u013144/index.shtml. See the International Association for the Evaluation of Educational Achievement, at www.iea.nl/ppp.html.

75 Wylie, Cathy, and Jean Thompson (2003), 'The Long-Term Contribution of Early Childhood Education to Children's Performance: Evidence from New Zealand', *International Journal of Early Years Education*, vol. 11, no. 1, pages 69-78.

76 See the International Association for the Evaluation of Educational Achievement, at www.iea.nl/ppp.html.

Save the Children's Early Child Development Programmes in Nepal

... This study looked at short-term and long-term impacts of ... [programme] experiences in Nepal.⁷⁷ Data were collected on 935 children in 38 early childhood centres. The study examined the impact of ... [programmes] on ... enrolment, attendance, pass rates. ...

Summary of important findings: ... Children who participated in the ... programmes were more likely to enter school at the appropriate age as opposed to later or not at all. Girls and boys who attended the ... programmes initially enrolled in primary school in equal numbers, compared to 39 per cent ... girls and 61 per cent ... boys for children with no early childhood development experience. The impression of parents and facilitators is that children who attended a centre were better prepared to handle school than their non-[programme] peers both academically and socially. ...

Mauritius: The Effects of Environmental Enrichment at Ages 3-5

This study examined the effects of an environmental enrichment programme for 83 3-to-5-year-old children in Mauritius.⁷⁸ ... The study matched these children with 355 others based on temperament, nutritional status and cognitive and demographic variables. ...

... The education component consisted of small class sizes ... , with a focus on verbal skills, coordination, conceptual skills, memory, and sensation and perceptions, as well as the availability of toys, art, handicrafts, drama and music. The ... physical activities included the use of gymnastic and rhythm activities, outdoor activities and physiotherapies. The nutritional component involved providing the children with daily milk, fruit, hot meals and salads. The programme also included enrichment activities such as walking, field trips, basic hygiene instruction and medical evaluations.

The matched sample underwent the traditional Mauritius community educational experience ... that included a traditional grade-school curriculum, much larger class sizes ... , no nutritional component and no structured exercise programme. ...

Summary of important findings: ... Children who were not in the enrichment programme and were malnourished at age 3 were more likely to exhibit conduct disorders and motor excesses. ... At the age of 23, those children who were malnourished at age 3 and participated in the enrichment programme had lower schizotypal personality scores. This was also true for interpersonal deficits. At the age of 23, self-report rates of criminal behaviour for children who had participated in the ... programme were significantly lower. ...

The Carolina Abecedarian Project

This study examined the effects of early, high-quality childcare on low-income children in North Carolina.⁷⁹ One hundred eleven infants began the study between 1972 and 1977.

77 Save the Children (2003), 'What's the Difference?: An ECD Impact Study from Nepal', Save the Children Norway and Save the Children USA: Kathmandu.

78 Raine, Adrian, Kjetil Mellingen, Jianghong Liu, Peter Venables and Sarnoff A. Mednick (2003), 'Effects of Environmental Enrichment at Ages 3-5 years on Schizotypal Personality and Antisocial Behavior at Ages 17 and 23 Years', *American Journal of Psychiatry*, vol. 160, no. 9, pages 1627-35.

79 The website of the Carolina Abecedarian Project, FPG Child Development Institute, University of North Carolina at Chapel Hill is at www.fpg.unc.edu/~abc/index.cfm.

They were all . . . considered 'high risk' based on evaluation which took into account factors such as family income and maternal education level. The children were matched with a comparable sample that experienced a variety of early care environments. . . .

The intervention consisted of high-quality childcare with low teacher-child ratios . . . , extensive in-service training for teachers and low teacher turnover. The infant curriculum . . . focused on cognitive, language, perceptual motor and social development. . . .

Summary of important findings: . . . During the toddler phase, both groups were equivalent on measures of intellectual development. After that, children who received the early education treatment outscored the control group from age 18 months through 54 months. At age 8, children who had been in the treatment group had higher intellectual test scores than the control group. . . . At age 12, the advantages in IQ,⁸⁰ math, reading and retention were maintained. At age 21, children who received the early educational treatment achieved higher overall IQ scores. . . . At age 21, the children in the treatment group were more likely to have attended a four-year college, postponed childbirth and . . . be employed. Cost-benefit analysis of the Abecedarian Project indicates that . . . every dollar invested returned \$4.00 . . . in education, social welfare and socio-economic benefits by reducing public expenditures for income, remedial education, health benefits. . . .

The Chicago Longitudinal Study

The Chicago Longitudinal Study was implemented in . . . Chicago public schools [beginning in the mid-1980s]. . . .⁸¹ The study contained 1,150 children who were enrolled in 20 child-parent centres. . . . The centres provided services for children between the ages of 3 and 9. . . . The sample was predominantly black and poor. . . . The comparison group of 380 children was randomly selected from . . . schools in poor neighbourhoods. . . .

Summary of important findings: . . . Children who were involved in the programme had higher reading and math scores during adolescence than those who had not participated. . . . The longer the children participated . . . , the better they performed on reading assessments. . . . Children who participated in both the pre-school and elementary programme had significantly lower delinquency rates at ages 13-14. Children who participated in [the] full-day kindergarten . . . had significantly higher rates of school completion by age 20. . . . Cost-benefit analysis . . . indicates that every dollar invested in the pre-school programme returned \$7.14 in . . . social welfare and socio-economic benefits. . . .

Parent-Child Education: The Avancé Strategy

The Avancé Strategy was a two-generation programme that worked with low-income Hispanic families in . . . Texas.⁸² The programme . . . has existed since 1973 and was evaluated between 1987 and 1991. It included weekly three-hour classes for mothers and their children between the ages of birth [and] 2 years old. . . . The evaluation included 486 families: 207 in the programme and 279 in the control group. . . .

80 An 'intelligence quotient' is a score based on standardized tests that measure the relative cognitive abilities of individuals of approximately the same age.

81 The website of the Chicago Longitudinal Study is at www.waisman.wisc.edu/cls/home.htm.

82 The analysis here refers to the Parent-Child Education Programme, one of several programmes in Avancé. See Johnson, Dale L., Todd B. Walker and Gloria G. Rodriguez (1996), 'Teaching Low-Income Mothers to Teach their Children', *Early Childhood Research Quarterly*, vol. 11, no. 1, pages 101-14.

Summary of important findings: . . . Mothers who participated in the Avancé Strategy were significantly more likely to believe they could be effective teachers of their children. Mothers who participated . . . were found to provide a more educationally stimulating environment for children. Mothers . . . communicated more effectively with their children. . . .

The High/Scope Perry Pre-School Study

. . . Conducted by the High/Scope Educational Research Foundation, the [High/Scope Perry Pre-School] study examined the lives of 123 African-Americans born in poverty and at high risk of failing in school.⁸³ Between 1962 and 1965, children aged 3 and 4 were randomly divided into two groups; one group received a high-quality, active-learning pre-school programme, and [the other] received no pre-school programme. . . . Both the control group and the participants have been followed through age 27. . . .

Summary of important findings: . . . Children who participated . . . had higher IQ scores at age 4 to 7 than did those in the control group. Children who participated . . . had significantly higher average achievement scores at ages 9 and 14. . . . Children who participated . . . had significantly higher literacy scores at age 19. . . . The high school grade point averages of programme participants were higher than [those of] the control group, and they were more likely to graduate. . . . Female participants in the programme had only about two thirds as many out-of-wedlock births as did the non-participants. . . . By age 27, only one fifth as many programme members as control group [members had been] arrested five times or more. . . . Cost-benefit analysis . . . indicates that every dollar invested in the pre-school programme returned \$7.16 in education, social welfare and socio-economic benefits. . . .

Early Head Start

In 1994, the Administration on Children, Youth and Families created Early Head Start to serve as a two-generational programme with the goal [to enhance] . . . children's development and health, strengthen family and community partnerships and support the staff delivering new services to low-income families. . . .⁸⁴ Currently, the programme operates in 664 communities and serves approximately 55,000 children. At the inception of the programme, the Administration selected 17 programmes across the United States to participate in an evaluation. . . . The sample included 3,001 families. . . .

Summary of important findings: . . . Early Head Start programmes enhanced cognitive development so that children in the programme scored modestly, but significantly higher than their control group peers. . . . Early Head Start programmes enhanced language development. . . . Early Head Start participants engaged in more positive socio-emotional behaviours. . . . Early Head Start had an impact on parents. Parents were evaluated as being more emotionally supportive, [engaging] in fewer negative parenting behaviours. . . . Early intervention is better. The impact of Early Head Start was greater on children's outcomes whose mothers enrolled during pregnancy. . . .

83 See High/Scope Educational Research Foundation, 'Lifetime Effects: The High/Scope Perry Preschool Project', at www.highscope.org/Research/PerryProject/perrymain.htm.

84 See Administration for Children and Families, US Department of Health and Human Services, 'Head Start Bureau', at www.acf.hhs.gov/programs/hsb/programs/ehs/ehs2.htm.

Head Start Family and Child Experiences Survey

The Head Start Family and Child Experiences Survey is an ongoing longitudinal study of the characteristics of Head Start classrooms, staff and teachers and Head Start children and their families.⁸⁵ The random sample of 3,200 children and families and 40 Head Start programmes is nationally stratified. Initial data gathering occurred when children entered in the programme in fall 1997, and children were assessed in the spring when they had completed one or two years of Head Start. . . .

Summary of important findings: . . . Head Start children increased their vocabulary and writing skills over the Head Start year. Gains were considered 'educationally meaningful'. . . . Children exhibited significant improvement in social skills during the programme year. . . . Head Start parents reported increases in weekly and monthly intellectual and socially stimulating activities . . . with their children. . . .

Summary and conclusions

. . . The consistent findings included:

- Early childhood . . . programmes positively influenced children's socio-emotional and cognitive-intellectual development . . . often . . . into adolescence and adulthood. . . .
- There was a positive influence on child's later school achievement. . . .
- Nutritional intervention was a significant variable in the development of physical and mental health. . . .
- The quality and . . . type of educational experience affected outcomes. . . .
- Length of intervention or age at entry affected outcomes (earlier and longer [are] better). . . .
- Parenting skills improved, and parent participation influenced child outcomes. . . .
- Early childhood . . . programmes positively affected [the] behaviour of the child participants [when they had become adults]. . . .
- Early childhood . . . programmes exhibit economic benefits. . . .

Early childhood development: a question of rights

Martin Woodhead

Martin Woodhead is professor of childhood studies, Centre for Childhood, Development and Learning, the Open University, Milton Keynes, Buckinghamshire, United Kingdom. He has published extensively on early childhood, including In Search of the Rainbow (Bernard van Leer Foundation, 1996) and Cultural Worlds of Early Childhood (Routledge, 1998). This contribution is an edited, extracted version of an article of the same title appearing in the International Journal of Early Childhood.⁸⁶

. . . In the book, *The Twelve who Survive*, eight lines of argument are offered for investing

⁸⁵ See Administration for Children and Families, US Department of Health and Human Services, 'Head Start Family and Child Experiences Survey (FACES), 1997-2008', at www.acf.hhs.gov/programs/opre/hs/faces/index.html.

⁸⁶ Woodhead, Martin (2005), 'Early Childhood Development: A Question of Rights', *International Journal of Early Childhood*, vol. 37, no. 3, pages 79-98. The text is protected by Mr Woodhead's copyright (2005).

in early childhood development.⁸⁷ . . . But at the head of [the] list was a less familiar line of thought for many of us at that time: ‘. . . children have a right to live and to develop to their full potential’. . .

A right to development

The principle that children have ‘a right to development’ goes back at least as far as the Geneva Declaration of the Rights of the Child adopted by the League of Nations in 1924 and including the statement: ‘The child must be given the means requisite for its normal development, both materially and spiritually’. Thirty-five years later, in the context of a very different world order, the United Nations Declaration of the Rights of the Child (1959) also included development among its 10 principles: ‘The child shall enjoy special protection, and shall be given opportunities . . . to develop . . . in a healthy and normal manner and in conditions of freedom and dignity’. A further 30 years [of] international human rights work resulted in the UN Convention on the Rights of the Child, 1989, with its much more comprehensive coverage of protection, provision and participation rights. . . .

The UN Committee emphasizes that rights to development are to be understood in a holistic way and that all rights are interrelated, interdependent and indivisible. To this end, the UN Committee has identified four articles which – when taken together – can be seen as offering general principles. These, briefly, are: article 6 on survival and development . . . , article 2 ensures rights to every child without discrimination; article 3 sets out that the best interests of the child are a primary consideration: article 12 states that children have a right to express views in all matters that affect them.

The reason for highlighting these general principles is that . . . they begin to point to some of the challenges in interpreting children’s right to development. . . .

Science and social construction of development

. . . Looking more closely at the question ‘what is development?’ soon reveals a variety of definitions of ‘healthy’ or ‘normal’ development and, sometimes, strongly contested beliefs about what experiences and opportunities are good for young children and which skills it is most important for them to learn. . . . For example, four competing ideas . . . have shaped beliefs about young children in Western societies over many centuries. These can be summarized as:

- The young child is naturally wild and unregulated: development is about socializing children to take their place within society (e.g., as in the writings of Thomas Hobbes 1588-1699).
- The young child is naturally innocent: development is fostered by protecting their innocence and giving them the freedom to play, learn and mature (e.g., as in the book *Emile* by Jean Jacques Rousseau, 1712-1778).
- The young child is a ‘tabula rasa’, a blank slate: development is a critical time for laying down the foundations that will enable children to achieve their potential (e.g., as argued by John Locke, 1632-1704).
- The young child is shaped by nature and nurture: development is an interaction between

87 Myers, Robert G. (1992), *The Twelve who Survive: Strengthening Programmes of Early Childhood Development in the Third World*, Routledge: London.

potential and experience (e.g., linked to the philosophy of Emmanuel Kant, 1724-1804).

. . . Indeed, beliefs about what makes for a healthy physical, intellectual and, especially, psychosocial development are highly variable between different societies and cultural groups and at different points in history. . . . A simple illustration would be the contrasting parents' and teachers' responses to the question 'What are the most important skills for 4-year-olds to learn?'. This question was part of a cross-national study conducted by High/Scope for the International Association for the Evaluation of Educational Achievement. A sample of parents and teachers in the United States generally agreed that social and language skills were their highest priority for their young children and gave much less emphasis to pre-academic skills. In a Nigerian sample, there was also agreement that language skills are important, but Nigerian parents and teachers identified pre-academic skills as the highest priority. In Hong Kong, the High/Scope study identified yet another pattern, including a discrepancy between teachers and parents. Once again, language skills featured highly, but, whereas teachers gave low priority to pre-academic skills compared to self-sufficiency skills, among parents, pre-academic skills were the highest priority.⁸⁸ . . .

. . . Scientific knowledge about children's development offers the most promising starting point for interpreting articles of the Convention, setting universal standards, respecting diversity and assessing children's best interests. Child development research offers a detailed account of complex biological and psychosocial dimensions of early childhood, the sensitivity of the child's growing individuality to the quality of environmental support. . . . Journals and textbooks of child development have a great deal to offer, but child development knowledge should arguably always carry a health warning! . . . Researchers contribute to the construction of cultural images of childhood . . . through the questions asked, settings and samples studied, methods used, interpretations offered, and especially through the theories offered. . . . While developmental psychology has been the dominant framework for understanding children's development, social constructionist critiques of conventional theorizing have become increasingly influential and have, in turn, contributed to alternative frameworks for understanding early childhood. . . .

Normal childhoods or childhoods in a global context?

. . . While identifying universal features of development is an attractive starting point for realizing rights for all children, this approach also has serious limitations. Despite claims to universality, developmental accounts are often very closely tied to cultural assumptions about the developing person and reflect the context . . . within the economically rich, individualistic, Western societies that originate most research. The same applies to research on the role of parents in supporting development. . . . Many textbook accounts of early child development have given the impression that [the] mother is the only significant caregiver, that she engages in reciprocal, playful interactions with her infant and that she frames or scaffolds her child's learning within an environment well resourced with basic child-care equipment, toys and books, etc. . . . A small number of cross-cultural studies [have gone] some way to offering an antidote to the de-contextualization, idealization, normalization of particular child development practices. . . . A classic, 12-country study concluded that the

⁸⁸ Information on the High/Scope Educational Research Foundation is available at www.highscope.org. The contrasting views outlined here were described to the author during a personal communication in 1995.

care-giving style observed in the United States was (in global terms) abnormal in terms of the extent of mothers' sociability with their children and in the number of playful interactions in which children were treated as equals.⁸⁹ Yet, this style of interaction has become part of child development orthodoxy as the normal and, indeed, healthy way for adults to relate to their children. . . .

Another very striking example concerns the neglect of children's contributions to economic activity within accounts of normal child development. . . . At least 220 million children, or 20 per cent of all children under the age of 15, are working as their primary occupation. . . . These estimates do not include the domestic help, family-based agricultural work and casual work carried out by the majority of children, including very young children, throughout the world. But these global contexts for child development are almost entirely neglected. . . . Since the 18th century, Western childhoods [have been] progressively constructed as a period of extended economic dependency and protected innocence, a period of rapid learning enhanced through universal schooling, which is largely separated . . . from economic and community life. . . . Arguably, this has always been an idealized construction. It never fully acknowledged the diverse and unequal realities of children's lives even within Western societies, nor the complex processes of economic and social change. . . .

The neglect of work in children's development also applies to young children. Yet, a detailed study of children in southern Bolivia found even the youngest children were expected to contribute to household chores, animal care and agriculture. By 3 or 4 years old, children were already fetching water, collecting firewood, going on errands, feeding ducks and chickens, scaring birds from crops, picking peas and beans, peeling maize stalks and harvesting peaches. . . .

. . . Child work is frequently labelled 'child labour' with connotations of exploitation and harm. . . . But this reaction is less obviously appropriate to the majority of more moderate child work situations throughout the world. . . . From his research among the Abaluyia of Kenya, Weisner . . . noted that parents consider that working is a valuable element in children's socialization, preparing children for their adult roles and integrating them into a family and community network that places high value on interdependence and interconnectedness. . . .⁹⁰

. . . The dominant construction of childhood as work free means that contributions of children in Western societies are relabelled as 'play', or 'learning', or 'taking responsibility'. Yet, even the youngest children can be said to make their own contribution, even in the wealthiest countries, as noted in a study of US toddlers helping their mothers carry out domestic chores: 'All the children, even those as young as 18 months of age, promptly and for the most part without direction participated in some everyday housekeeping tasks performed by adults.'⁹¹ . . .

Child development as natural or cultural?

. . . Ideas about 'normal' development have been closely linked to beliefs that development is a largely individual process, driven by 'natural' processes of maturation. In the same way, the importance of 'context' goes hand in hand with recognizing that children's development is a

89 Whiting, Beatrice, and Carolyn Edwards (1988). *Children of Different Worlds: The Formation of Social Behaviour*, Harvard University Press: Cambridge, MA.

90 Weisner, Thomas (1989), 'Cultural and Universal Aspects of Social Support for Children: Evidence from the Abaluyia of Kenya', in Deborah Belle (ed.), *Children's Social Networks and Social Supports*, Wiley: New York.

91 Rheingold, Harriet L. (1982), 'Little Children's Participation in the Work of Adults: A Nascent Prosocial Behavior', *Child Development*, vol. 53, page 122.

social and a 'cultural' process.

Respecting young children's nature has been one of the ground rules for working with young children. It has roots in Rousseau's philosophical writing and found clear expression in Froebel's vision for kindergarten education, based on natural stages of development.⁹² . . .

Elaboration of these stages and their implications for early years care and education became one of the major goals for developmental research during the 20th century Piaget's developmental stage model was coupled with a vision of individual children's exploratory play as the process through which they construct an increasingly sophisticated understanding of the world. These theories became the underpinning rationale for child-centred curricula and play-based pedagogy. . . .

Piaget's paradigm of universal stages in cognitive development offers a persuasive framework for interpreting children's right to development [that] . . . strongly resonates with Western images of and goals for young children. But the scientific evidence for the theory is much less robust than is generally assumed. . . . Since the 1970s, increasing numbers of developmental psychologists [have] turned to a different theoretical framework [that] seems to account much more adequately for the social and cultural dimensions of the developmental process. . . . Stages are embedded in social practices as much as in processes of maturation. In fact, children's development might most accurately be described as 'naturally cultural'. . . .

Early childhood settings and practices are culturally constructed, the product of generations of human activity and creativity, mediated by complex belief systems, including about the 'proper' way for children to develop. There is nothing fundamentally natural about modern environments for childcare either at home, or within a pre-school setting. There is nothing natural about the institution that dominates so much of children's lives: the school. The most significant features of any child's environment are the humans with whom [children] establish close relationships. These individuals (usually family) are themselves cultural beings. . . .

. . . The 'developmental appropriateness' of children's experiences, the 'harmfulness' or 'benefits' of their environment cannot be separated from the social and cultural processes through which they develop, the values and goals that inform the ways they are treated and understood. . . .

Needs or competencies?

. . . Article 12 sets one of the strongest challenges for those responsible for early childhood development. . . . Article 12 reminds us that children have their own perspective on the issues that concern parents, teachers, psychologists and child rights' workers. In their own way, even the youngest children are trying to understand about their development and their own place within it, as they interpret the behaviour, demands and expectations of adults and other children and as they learn a repertoire of ways of acting and reacting. . . .

[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 principles. . . .

. . . The stage theorists are asking the wrong question! Respecting children's growing

92 Froebel, Friedrich Wilhelm August (1885). *The Education of Man* (translated by W. N. Hailmann), D. Appleton Century: New York, London.

competence isn't about measuring the progress of their development, like you might measure the height of a growing tree in order to decide when it should be felled. The more useful question is 'How do children's competencies develop through appropriate levels of participation?'. . .

Decisions about how best to respect and support young children's expressions of competence as rights-bearing citizens places new responsibilities on the adult community to structure children's environments, guide their learning and enable their social participation in ways consistent with their understanding, interest and ways of communicating, especially about the issues that most directly affect their lives. . .

. . . Recognizing the interdependencies between children and adults sets a further challenge. Realizing children's rights requires close attention, not only to children, but also to the concept and status of 'the adults' children are destined to become. . . Promotion of children's participatory rights would be better served by recognizing that the process of 'growing up' is relative, not absolute. . . In short, implementing the Convention doesn't just alter the status of children. It also alters the status of adults. Respecting the rights of young children changes the way we think about ourselves! . . .

The evolving capacities of the child

Gerison Lansdown

Gerison Lansdown was the founder director, in 1992, of the Children's Rights Alliance for England, which was established to promote the implementation of the Convention on the Rights of the Child. The text below has been extracted from the Executive Summary of 'The Evolving Capacities of the Child', which she wrote for UNICEF.⁹³ The text is protected by copyright (2005). For permissions, contact: Publications, UNICEF Innocenti Research Centre, Piazza ss. Annunziata, 12, 50122 Florence, Italy, Tel.: (+39) 055.20.330, Fax: (+39) 055.24.48.17, e-mail: florence@unicef.org, web: www.unicef-icdc.org.

. . . For the first time in an international human rights treaty, the Convention on the Rights of the Child introduces the concept of the 'evolving capacities' of the child. Article 5 of the Convention states that direction and guidance, provided by parents or others with responsibility for the child, must take into account the capacities of the child to exercise rights on his or her own behalf.

This principle – new in international law – has profound implications for the human rights of the child. It establishes that, as children acquire enhanced competencies, there is a reduced need for direction and a greater capacity to take responsibility for decisions affecting their lives. The Convention recognizes that children in different environments and cultures who are faced with diverse life experiences will acquire competencies at different ages, and their acquisition of competencies will vary according to circumstances. It also allows for the fact that children's capacities can differ according to the nature of the rights to be exercised. Children therefore require varying degrees of protection, participation and opportunity for autonomous decision-making in different contexts and across different areas. . .

⁹³ Lansdown, Gerison (2005), 'The Evolving Capacities of the Child', *Innocenti Insight*, no. 11, UNICEF Innocenti Research Centre: Florence.

The concept of evolving capacities is central to the balance embodied in the Convention between recognizing children as active agents in their own lives, entitled to be listened to, respected and granted increasing autonomy in the exercise of rights, while also being entitled to protection in accordance with their relative immaturity and youth. This concept provides the basis for an appropriate respect for children's agency without exposing them prematurely to the full responsibilities normally associated with adulthood. It is important to recognize that it is not respect for rights as such which is influenced by the evolving capacities of children. All the rights in the Convention on the Rights of the Child extend to all children irrespective of capacity. What is at issue is where responsibility for the exercise of the rights lies.

Balancing the rights of parents and children

The Convention adds a vital additional dimension to the status of the child within the family. Article 5 stresses that the state must respect [the] rights and responsibilities of parents or other caregivers 'to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention'. In other words, parental rights and responsibilities are not unbounded. By inserting the word 'appropriate', Article 5 removes the possibility that parents or other carers have carte blanche to provide, or fail to provide, whatever guidance and support they deem suitable. Similarly, Article 18 imposes certain boundaries on the upbringing and development of children, stressing that 'the best interests of children will be [the parents' or legal guardians'] basic concern'.

These provisions have profound significance for the triangular relationship between the child, the family and the state. The Convention, for the first time in international law, establishes a direct relationship between the child and the state that challenges the presumption that parents have rights of ownership over the child.⁹⁴ It renders the child visible as a subject of rights within the family, entitled to protection on his or her own behalf, and empowers the state to intervene, when necessary, to protect the rights of the child in recognition that the best interests of children are not always protected by parents. The rights and responsibilities of parents to provide direction and guidance to children are therefore not in consequence of their 'ownership' of the child, but rather a function of parenthood until the child is capable of exercising those rights on his or her own behalf.

Assumptions about child development and evolving capacities of the child

Conventional child development theory influences current thinking based on five key assumptions:

- Child development is a universal process.
- Adulthood has normative status.
- Development goals are universal.
- Deviation from the norm indicates risk for the child.
- Childhood is an extended period of dependence in which children are passive recipients

94 Holmberg, Barbro, and James Himes (2000), 'Parental Rights and Responsibilities', in Alfhild Petré and James Himes (eds), *Children's Rights: Turning Principles into Practice*, Save the Children Sweden: Stockholm and UNICEF Regional Office for South Asia: Kathmandu.

of adult protection, training, wisdom and guidance rather than contributors to their social environments.

More recent approaches to childhood studies have challenged these assumptions and the uniformity they have imposed on our understanding of how children develop. While the assumptions have contributed significantly to the debate, they fail to reflect the diversity of childhood experience and the extent to which cultural context impacts development.

Applying a rights-based approach to the evolving capacities of the child

The evolving capacities of children need to be understood and examined through three conceptual frameworks:

- Firstly, as a *developmental* concept, recognizing the extent to which children's development, competence and emerging personal autonomy are promoted through the realization of the Convention rights. In this sense, it imposes obligations on states parties to *fulfil* these rights.
- Secondly, as a *participatory* or *emancipatory* concept emphasizing the rights of children to respect for their capacities and transferring rights from adults to [children] in accordance with their level of competence. It imposes obligations on states parties to *respect* these rights.
- Thirdly, as a *protective* concept, which acknowledges that, because children's capacities are still evolving, they have rights to protection on the part of . . . parents and the state from participation in or exposure to activities likely to cause them harm, although the levels of protection they require will diminish in accordance with their evolving capacities. It imposes obligations on states parties to protect these rights. . . .

Respecting children's evolving capacities within the law

Societies require legal frameworks that prescribe the ages at which children acquire certain rights. The Committee on the Rights of the Child, in its guidelines relating to Article 1, the definition of the child, acknowledges the growing autonomy of the child and the need to respect the gradual acquisition of [the] independent exercise of rights. Accordingly, it requests information on the minimum legal ages set, for example, for legal and medical counselling without parental consent, medical treatment without parental consent, creating and joining associations, giving testimony in court and participating in administrative and judicial proceedings. Conversely, it also seeks evidence that children are not forced to engage in activities that expose them to responsibilities, risks, or experiences that are inappropriate or harmful in view of their youth. In other words, it could be argued that states parties are expected to introduce protective measures that acknowledge children's as yet 'unevolved' capacities.

However, the evidence that children do not acquire competencies merely as a consequence of age, but rather through experience, culture and levels of parental support and expectation has implications for determining the most effective legal framework for respecting children's right to participate in and take responsibility for those decisions they are capable of, while also providing appropriate protection. There are a number of possible models, each with certain benefits and disadvantages:

- Provision in law of fixed, prescribed age limits.
- Removal of all age limits, substituting a framework of individual assessment through which to determine competence to exercise any particular right. Alternatively, the law could introduce a presumption of competence with the onus on adults to demonstrate incapacity in order to restrict a child's rights.
- Introduction of a model that includes age limits, but entitles a child who can demonstrate competence to acquire the right at an earlier age.
- Differentiation in law between specific rights – providing age limits only for those rights that are at risk of being abused or neglected by adults – and introducing a presumption of competence with respect to other rights.

Approaches to assessing evolving capacities

The same thresholds of competence are not necessary for all decisions, nor are all aspects of competence relevant for all types of decision-making or responsibility. One approach would be to apply a principle of proportionality with a sliding scale of competency according to the seriousness of the decision. Where the risks associated with the decision are relatively low, it would be possible for children to take responsibility without demonstrating significant levels of competence. In order to overrule the child's expressed wishes, it would be necessary to demonstrate that the child is not competent to understand the implications of the choice and that the consequent risks associated with the choice would be counter to the child's best interests.

One of the challenges associated with using the assessment of children's evolving capacities as the basis for the exercise of rights is the lack of effective definitions of competence, compounded by a lack of availability of skilled personnel for its assessment. Much of the thinking in terms of competence assessment has taken place in the context of medical consent, although criteria developed in this field have equal relevance for many other areas of decision-making. The central elements of competence for decision-making relating to health are deemed to include:

- Ability to understand and communicate relevant information. The child needs to be able to understand the available alternatives, express a preference, articulate concerns and ask relevant questions.
- Ability to think and choose with some degree of independence. The child needs to be able to exercise a choice without coercion or manipulation and be capable of thinking through the issues for [him- or herself].
- Ability to assess the potential for benefit, risk and harm. The child must be able to understand the consequences of different courses of action, how they will affect him or her, the risks involved and the short- and long-term implications.
- Achievement of a fairly stable set of values. The child needs to have some value base from which to make a decision.

Creating environments to promote, respect and protect children's evolving capacities

Realizing children's rights in accordance with their evolving capacities can only be achieved through a holistic approach to implementing the Convention. Accordingly, it has implications for all rights, demanding significant changes at all levels of society. It represents

a fundamental challenge to conventional attitudes towards children, questioning some of our deeply held assumptions about children's needs, children's development, protection of children and children's agency. In societies throughout the world, more could be done to create environments in which children achieve their optimum capacities and greater respect is given to children's potential for participation in and responsibility for decision-making in their own lives, within the family, in school, in respect of their own health care, in courts, in local communities, and in local and national political forums. Action is needed in law, policy and practice to promote cultural change in which the contributions children make and the capacities they hold are acknowledged.

Almost every sphere of children's rights merits further exploration in the context of the issues raised in this study: freedom of religion and association, freedom of information and access to the media, ages of criminal responsibility and sexual consent, the right to education and the nature of schooling, and the role of work and family relationships. The purpose of this study is to open discussion and promote debate in order to achieve a better understanding of how to promote the cultural change necessary so that children are protected appropriately in accordance with their evolving capacities and also respected as citizens, as people and as rights bearers.

Positioning early childhood development in the 21st century

Caroline Arnold

Caroline Arnold is senior programme officer, education with the Aga Khan Foundation in Geneva. She was previously the senior child development and education advisor (Asia) for Save the Children, Kathmandu (Save the Children USA and Save the Children Norway). The following represents an extracted version, much reduced in length, of an article originally published under the same title in Coordinators' Notebook.⁹⁵ For information, contact: e-mail: info@ecdgroup.com, web: www.ecdgroup.com.

. . . [W]e need to shift the perception of early childhood care and development from being viewed as a luxury item

. . . Too many young children are growing up without the basic nutrition, health care, stimulation and interaction needed to promote healthy growth and development. Many poor children are . . . denied the opportunity to go to school at all or [are entering school] unready to learn. These children do poorly, repeat and drop out at high rates. They are at a disadvantage when they enter the labour force. . . .

The Convention on the Rights of the Child has more signatories than any other international convention, and it is important for us to recognize the legal implications of this achievement in how we position our work. It . . . provides the basis to demand that governments be more accountable to young children and their families. . . .

We need to keep this message in the public eye: children's rights start at birth. . . .

Quality early childhood care and development programmes aim to ensure that children grow up healthy, well nourished and protected from harm, with a sense of self-worth

95 Arnold, Caroline (2004), 'Positioning ECCD in the 21st Century', Coordinators' Notebook, no. 28, pages 1-34, Consultative Group on Early Childhood Care and Development, c/o School of Early Childhood Education, Ryerson University: Toronto.

and identity, enthusiasm and opportunities for learning. They make sure children have opportunities to explore, discover, communicate effectively, get on with others and play an active role in their environment. . . .

This holistic view of children's well-being . . . has been validated and encouraged by the Convention. With the impetus of the Convention, this interpretation of the role of early childhood care and development is being increasingly taken on board by many agencies and governments. . . .

A rights approach emphasizes the necessity to be working at multiple levels if we are to achieve the sort of fundamental value changes and shift in social mores [that] we are seeking. A rights framework ensures not only that we pay attention to young children, but that we also place increased emphasis on influencing government policy as a key to sustained change (whether through delivery of services or the protection of children through the legal system). . . . This means that civil society's role is central. . . .

Families are the frontline for ensuring that . . . children will get the love and protection, food, health care and learning opportunities to which they are entitled. Early childhood care and development provides a natural platform for participatory discussion and dialogue with parents on key children's issues. . . .

. . . Such discussions form the basis for practical joint planning for interventions, ensuring better gains for children. Such dialogue also helps programmes to root themselves in the culture and to consider how to ensure children's rights within the context of local child-rearing practices and strengths.

Societies vary greatly in their understanding of the importance of the early years, and, indeed, of childhood in general. . . . We have to recognize that some cultural beliefs can be damaging and in direct contradiction to the rights of the child (e.g., beliefs that girls should not be educated or that children should be beaten). Programmes have to find ways to challenge such beliefs, but from within the culture or community. . . .

The degree of parental involvement and empowerment both in supporting . . . children's development and [in] managing programmes appears to be strongly correlated with programme success. In studies worldwide that look at home and centre-based programmes, the greater the level of parental involvement, the better the outcomes tend to be for children. . . .

Parenting programmes strengthen families' abilities to support their children's overall development from a young age. They also encourage parents to have a sense of their children's entitlements. . . .

. . . Children with a good start in the early years develop a sense of self-worth, the capacity to take responsibility and retain a flexible, enhanced ability to learn. . . . Far from being 'luxuries' these are survival skills. . . .

The investment perspective

. . . Economic arguments, like child rights arguments, can help to frame people's understandings of why early childhood care and development [are] essential to achieving both economic and humanistic goals. . . .

. . . [I]n a financially constrained environment, we need to show how early childhood . . . interventions can compete favourably with other programmes and projects such as secondary education, irrigation works, or feeder roads. . . .

. . . Early childhood care and development programme participation has a significant effect

on future income because a child who attends an early childhood care and development centre or pre-school is more likely to enter and to complete primary school, to go on to secondary education and to achieve higher performance levels than [are] children who do not attend pre-school. . . .

Economists who have undertaken these types of analyses are clear that early childhood care and development programmes result in a large increase in the accumulation of human capital. . . . Early childhood care and development programmes, as an investment, compare favourably in terms of economic rate of return with investments in the so-called ‘hard’ sectors such as . . . infrastructure projects. . . .

‘Societies cannot prosper if their children suffer. [Early childhood development] programs are a sound investment in the well-being of children and in the future of societies. By breaking the intergenerational cycle of deprivation, [such] programs are a powerful tool for obtaining the ultimate objective of development: to give all people a chance to live productive and fulfilling lives.’⁹⁶

. . . Often the economic analyses address the concept of ‘efficiencies’, such as those of the school system. . . . Providing low quality or no services to those most in need and most in danger of failing to thrive is inefficient. Building prisons to house troubled youth and adults because society saved money through cuts to health and education is inefficient. . . .

. . . It does not take complex analysis to see that reduced repetition [in school] – a benefit of early childhood care and development programmes that is easy to demonstrate – increases the efficiency and decreases the costs of schooling. . . .

. . . [W]e need to find ways to . . . communicate all the evidence that shows a successful programme for young children can be an entry point for responding effectively to many of the factors underlying poverty. . . .

. . . We need to become adept at using economic analysis regarding the very considerable returns on investment in early childhood care and development. . . .

The challenges we face in the 21st century

. . . Some of the most commonly cited benefits of early childhood development programmes relate to children’s ability to participate successfully within the formal education system: lower drop-out and repetition rates, higher levels of overall achievement, etc. These are clearly benefits not only to the individual child, but also in terms of reducing education system costs by increasing efficiency. It is ironic, therefore, that a commonly encountered view is that early childhood provision is somehow a luxury, a bit frivolous in view of the ‘more pressing need’ for primary education services. Basically, where resources are limited, young children are the first to lose out. . . .

Early childhood services do not fall neatly into any one sector. The needs and indivisible rights of young children span the areas of health, nutrition, a safe environment, psychosocial development and learning. . . . As the responsibility of many, providing services can too easily become the responsibility of no one. Governments and donor agencies alike tend

96 van der Gaag, Jacques, and Jee-Pang Tan (1998), ‘The Benefits of Early Childhood Development Programs: An Economic Analysis’, Working Paper, 18992, vol. 1, Education Department, Human Development Network, World Bank: Washington, DC, page 33.

to be oriented sectorally, and government departments or ministries tend to be organized vertically. Comprehensive development frameworks are needed to integrate the vision of policy makers and to coordinate action on the ground. . . .

When countries start to . . . expand early childhood . . . programmes, they often tend to equate early childhood care and development with formal programmes (especially pre-schools), instead of valuing and encouraging non-formal, family and community-based and community-owned initiatives. An important point . . . is that we don't expect or want early childhood care and development to be 'delivered' primarily in formal settings. It occurs through natural interactions in homes and should continue to do so. . . .

It is not helpful to romanticize the way families and communities operate. There are issues to be addressed, and we recognize that families face very real constraints. However, we want to ensure that a flexible range of supports are available to families and communities that will strengthen their abilities to support their children's overall development. In working towards this, there is a need to build more on the positive and for more planning to be done collaboratively with families and communities.

Meeting the challenges

. . . A child rights framework is . . . an important tool for guiding . . . early childhood care and development policy, planning and the establishment of monitoring frameworks to assess progress in meeting obligations to young children at different levels (family, community, local institutions, district, provincial and national). . . .

One aspect of making effective use of limited resources is targeting, making sure that the children who will benefit most (i.e., the disadvantaged) are reached. While we may wish to see free early childhood services for every child, where resources are constrained, this commitment should initially be targeted.

Reaching *all* children means working to ensure that the most disadvantaged are included. . . .

We must persuade people of the costly consequences for children's health, development and education in situations where we do not reach the disadvantaged. . . .

. . . [T]here is pressure on governments to take a holistic approach. And, while the overall frameworks should indeed be looking at the whole child, international agencies might do better to acknowledge that ministries *are* sectoral and that what matters is that children have access to services and supports. . . .

. . . Services need to converge at the level of the child, not necessarily at the institutional level. . . . What is crucial is that the diverse sectors have ways to communicate and support each other's work, rather than competing for resources and control over what happens for young children. . . .

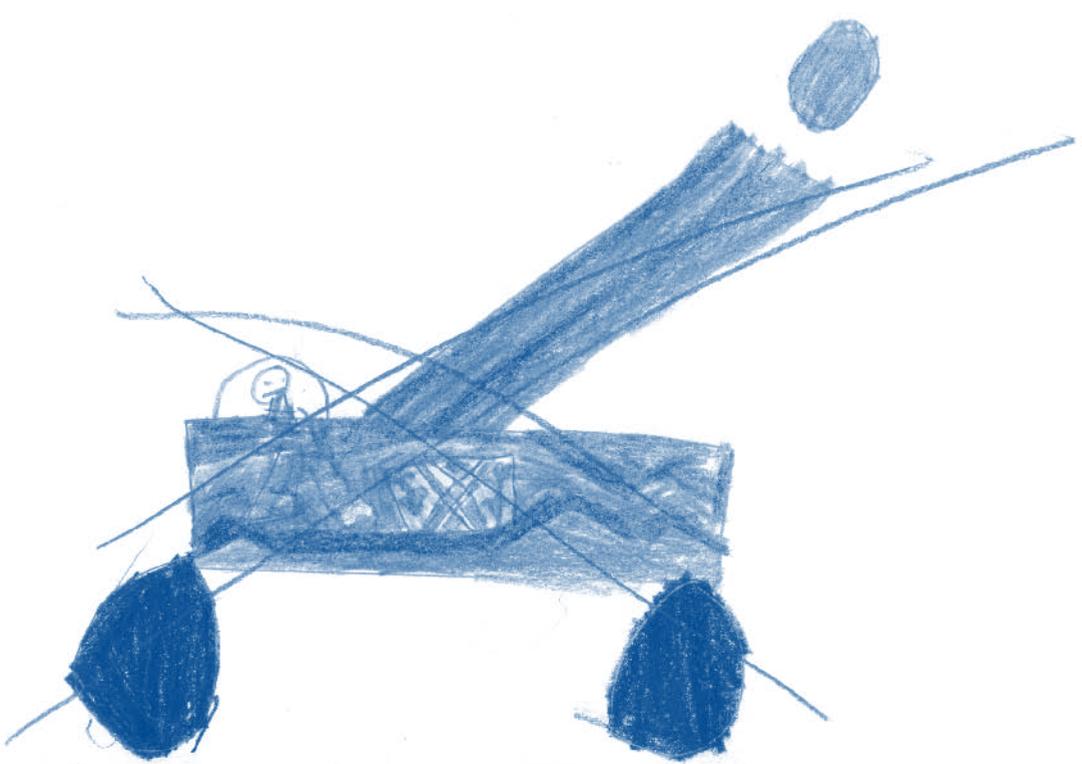
A key role for early childhood care and development programmes is to reinforce existing positive child-rearing practices and the self-esteem of parents and caregivers as effective providers and supporters for their children. Tapping into the family and cultural stream in which children are nurtured supports and builds on parental strengths. . . .

More contextual knowledge of children's realities will allow us to inform and encourage the development of broader-based early childhood care and development approaches that take account of both cultural values and the need to equip children for a rapidly changing world. . . .

While . . . the evidence is overwhelming in . . . support of early childhood care and development interventions, . . . there are plenty of people who need convincing. . . .

Whoever we are trying to influence, it is important to be able to speak with authority. To gain authority requires having both legitimacy and credibility. We enhance our legitimacy by representing a broad or important section of people and groups. It is important to create alliances and build broad collaboration with others with similar objectives. Credibility comes from being able to demonstrate that we know what we are talking about: having information about the current situation, speaking from both direct practical experience and sharing findings of research studies or evaluations, i.e., providing evidence that the solutions being proposed have a good chance of succeeding. . . .

. . . Getting the youngest children on the international agenda as a starting point will take a sustained effort in many arenas. A powerful argument that makes sense to most audiences is that you don't build a house starting with the second floor. Similarly, the world cannot begin its attention to children once they reach school, cannot ensure health without working with the age group in which the foundations of health are laid, can't hope for peace if its youngest children experience daily conflict and violence. . . .



V. The United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child, which was adopted by the United Nations General Assembly on 20 November 1989 and which entered into force on 2 September 1990, represented the culmination of over 60 years of advocacy to obtain international recognition for the rights of children.

The initial high point in this effort was reached in 1923 when Eglantyne Jebb, the founder of Save the Children, produced a draft declaration that was then adopted by the League of Nations, the precursor of the United Nations, on 26 September 1924. This, the first Declaration of the Rights of the Child, the so-called 'Geneva Declaration', contained only five brief articles. The articles covered the development and livelihood of the child, the protection from exploitation and a few other issues. Despite the title of the document, however, the articles were not proposed as definitions of the rights of children, but rather as duties incumbent on the 'men and women of all nations'. Article 2 is typical in this sense, though perhaps more eloquent than the others:

'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'.⁹⁷

The economic depression and the world war came; the League of Nations disappeared, and then in 1948, three years after the founding of the United Nations, a second Declaration of the Rights of the Child was circulated. It consisted of the first Declaration's five articles, with a few alterations, plus two other articles: new articles 1, dealing with race, nationality and religion, and 2, citing the need for respect for the 'family as an entity'.⁹⁸

That same year, 1948, the Universal Declaration of Human Rights was also adopted by the UN General Assembly. Of particular interest for our purposes are article 25 (2), which states that 'Motherhood and childhood are entitled to special care and assistance', and article 26, which enunciates the right to education.⁹⁹

A third, more detailed Declaration of the Rights of the Child was adopted by the UN General Assembly in 1959. Undoubtedly under the influence of the Universal Declaration of Human Rights, this was the first of the three declarations to frame its articles, which were identified as 'principles' (there were 10), in terms of the 'rights' of the child. Nonetheless, the rights were apparently not yet viewed as well established, for the declaration:

'calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authorities and national Governments to recognize these rights and strive for their observance by legislative and other measures progressively taken'.¹⁰⁰

97 CRIN, 'Declaration of the Rights of the Child, 1923', Child Rights Information Network: www.crin.org/resources/infoDetail.asp?ID=1306&flag=legal.

98 CRIN, 'Declaration of the Rights of the Child, 1948', Child Rights Information Network: www.crin.org/resources/infoDetail.asp?ID=1309&flag=legal.

99 United Nations (1948), 'Universal Declaration of Human Rights', United Nations General Assembly Resolution, 217 A (III), 10 December, Office of the United Nations High Commissioner for Human Rights: www.unhchr.ch/udhr/index.htm.

In 1966, the UN adopted two international covenants, one on civil and political rights and the other on economic, social and cultural rights.¹⁰¹ The two covenants, which entered into force in 1976, along with the related amendments, known as 'optional protocols', and the Universal Declaration of Human Rights, make up the International Bill of Human Rights. The two covenants are significant in our context because they form an additional foundation for many of the rights recognized in the Convention on the Rights of the Child.

In 1978, non-governmental organizations active in issues related to child rights took advantage of the preparations for the International Year of the Child (1979) to lobby for a covenant or convention on child rights similar to the other legally binding human rights treaties. The Government of Poland took the lead and formally proposed a draft for such a convention at the United Nations. The Polish draft was essentially the 1959 Declaration of the Rights of the Child with the addition of language to support the adoption of the declaration's 10 principles as law.

In 1979, the United Nations Commission on Human Rights established a working group of governmental representatives and members of civil society organizations to review and revise the text proposed by the Government of Poland. Human rights experts and observer delegations of governments and UN agencies such as UNICEF also participated. The work went on for 10 years, until 1989, when the Convention was unanimously adopted by the United Nations General Assembly.

In September 1990 the Convention went into effect and became legally binding for all ratifying countries. That same month, government leaders gathered for the 1990 World Summit for Children. At the Summit, a World Declaration and Plan of Action were agreed upon to advance the fulfilment of the rights of children.

Since its adoption by the General Assembly, the Convention has attracted more signatories than any other human rights instrument (the sole non-signatories are Somalia and the United States).

The three earlier Declarations of the Rights of the Child were statements of goodwill. They were not legally binding treaties. This meant that states concurring in the adoption of the declarations were not required to ensure that the declaration articles or principles were supported by domestic law.

In contrast, states acceding to the Convention on the Rights of the Child assume an obligation to promote and support the rights it recognizes. Their progress towards achieving this goal is monitored by a committee established by the Convention, the Committee on the Rights of the Child. States interact with the Committee by submitting periodic reports on their efforts to implement the provisions of the Convention. These reports help generate a dialogue with the Committee and with local civil society organizations interested in the relevant issues. The Committee then publishes recommendations.¹⁰²

As is obvious from the presentations in this volume, many governments have profited from

100 United Nations (1959), 'Declaration of the Rights of the Child', United Nations General Assembly Resolution, 1386 (xiv), 20 November, Office of the United Nations High Commissioner for Human Rights: www.unhcr.ch/html/menu3/b/25.htm.

101 See United Nations (1966), 'International Covenant on Civil and Political Rights', United Nations General Assembly Resolution, 2200A (xxi), 16 December, Office of the United Nations High Commissioner for Human Rights: www.ohchr.org/english/law/ccpr.htm, as well as United Nations (1966), 'International Covenant on Economic, Social and Cultural Rights', United Nations General Assembly Resolution, 2200A (xxi), 16 December, Office of the United Nations High Commissioner for Human Rights: www.ohchr.org/english/law/cescr.htm.

102 See the main Introduction for more details.

this process. Many have enacted legislation, identified appropriate mechanisms and put into place a range of creative measures to ensure the protection and realization of the rights of all children.

Convention on the Rights of the Child

The Convention on the Rights of the Child was adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. It entered into force on 2 September 1990 in accordance with article 49.

Preamble

The States Parties to the present Convention,

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

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

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

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

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

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

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

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

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, 'the child, by reason of his physical and mental immaturity, needs special safeguards and care, including

appropriate legal protection, before as well as after birth;

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

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

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

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

Part I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

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

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

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

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

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine,

in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

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

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

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

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general

and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and

to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and

sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age.

In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international

humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

Part II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights
 - (a) Within two years of the entry into force of the Convention for the State Party concerned;
 - (b) Thereafter every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

Part III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

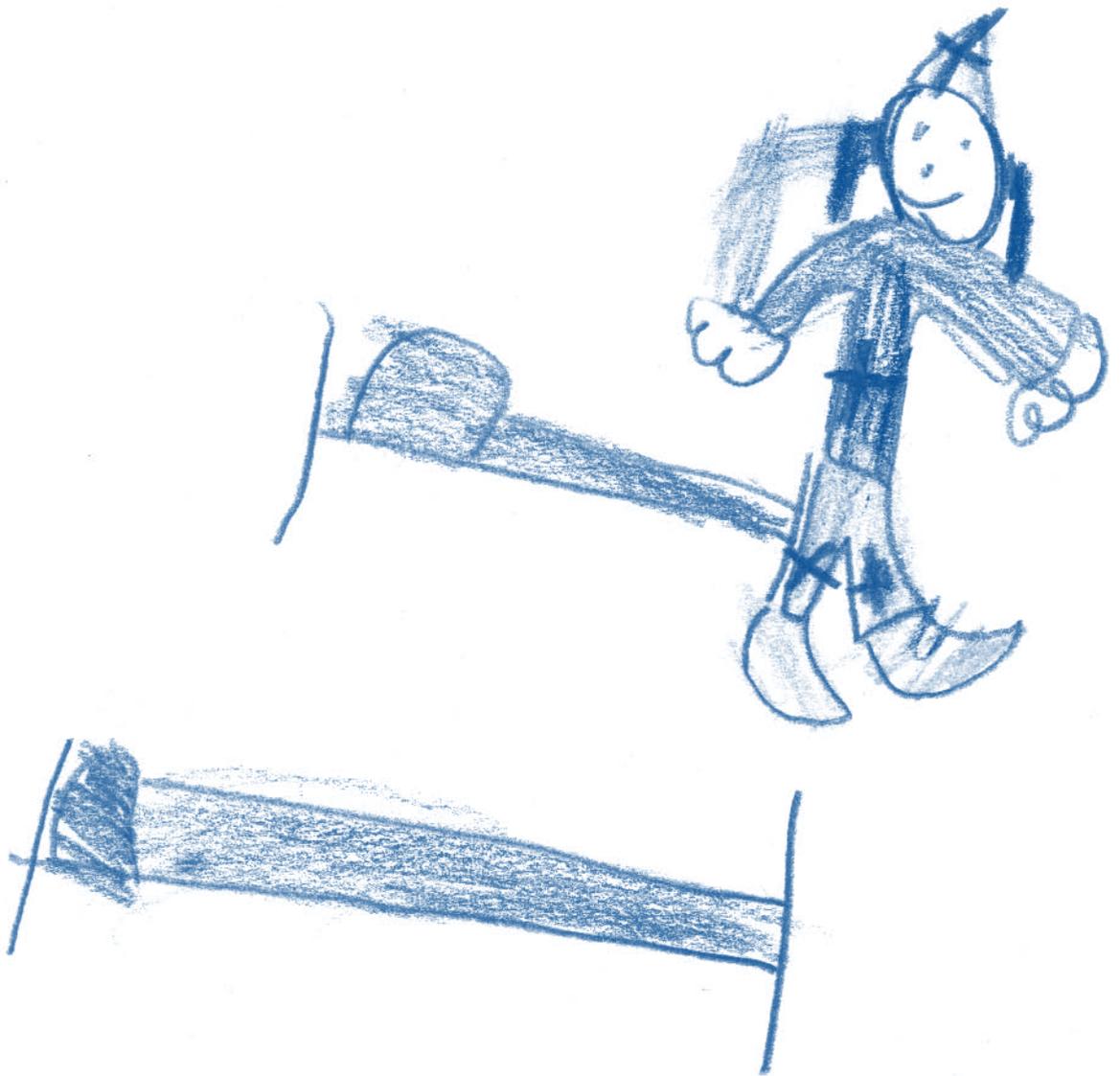
Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.



VI. Membership of the United Nations Committee on the Rights of the Child

The Committee on the Rights of the Child is composed of 18 independent experts who are persons of high moral standing and recognized competence in an area related to the matters covered in the Convention on the Rights of the Child. Members are elected for a term of four years by states parties in accordance with article 43 of the Convention. Members serve in their personal capacity and may be re-elected if nominated. The following were members of the Committee on the Rights of the Child as of the 40th session, 12-30 September 2005, when General Comment No. 7, 'Implementing Child Rights in Early Childhood', was adopted (on 30 September).

Ghalia Mohd. Bin Hamad Al-Thani, Qatar. In addition to her practice in paediatric gastroenterology, Ms Al-Thani helped establish, in 1998, the Shafallah Centre, an educational institution for children with disabilities. She has headed the Committee for Childhood of the Supreme Council for Family Affairs since 2001 and was vice-chairperson of the National Human Rights Committee. In May 2005, she was appointed board chairperson of the National Health Authority. She is a member of the Royal Colleges of Physicians (United Kingdom) and a fellow of the Royal College of Paediatrics and Child Health and the Royal College of Physicians. Current Committee membership: 1 March 2001-28 February 2009.

Joyce Aluoch, Kenya, vice-chairperson of the Committee. Ms Aluoch is head of the Family Division of the High Court of Kenya. She is chairperson, Kenya Women Judges Association, and member, Governing Council of the National Research Centre in Kenya, which is responsible for conducting research in crime, including juvenile delinquency. She is regional coordinator for African Women Judges for the comparison of issues affecting women and children in Africa, first chairperson of the Committee of African Union Experts on the Rights and Welfare of the Child and one of the five judges of the International Tribunal for Children's Rights. Current Committee membership: 13 February 2003-28 February 2009.

Mary Alison Anderson, Jamaica. Ms Anderson is chief executive officer, the Child Development Agency, Ministry of Health, Jamaica. She is also a board member of the Early Childhood Commission, Ministry of Education, Youth and Culture. She is a member of the Adolescent Health Policy Group, Ministry of Health, and the National Working Group on Children and Violence. She is chairperson of a programme review group for the Mid-Term Review of the Government of Jamaica-UNICEF Country Programme. Ms Anderson was nominated as member of the Committee following the resignation of Marjorie Taylor. Current Committee membership: 12 January 2005-28 February 2007.

Jacob Egbert Doek, the Netherlands, chairperson of the Committee since May 2001. Mr Doek is emeritus professor of family and juvenile law, Vrije Universiteit, Amsterdam. He is also deputy justice on the Court of Appeals of Amsterdam. He is a past president of the European Law Faculties Association and is a founding member of Defence for Children International (Geneva) and a founding member of the International Society for Prevention of Child Abuse. He was involved in the establishment of the African Network for the Prevention

and Protection against Child Abuse and Neglect. Current Committee membership: 1 March 1999-28 February 2007.

Kamel Filali, Algeria. Mr Filali has taught and carried out research in Algeria on international human rights law, including international systems for the protection of human rights, the rights of the child and the rights of women. He has been a commercial attorney at the Supreme Court and defence counsel for minors at the juvenile court. He has helped train trainers to protect children, especially handicapped children, within the Associative Movement. He has also taught at the International Institute of Human Rights in Strasbourg, where he has assisted in setting up programmes to teach about rights and freedoms in schools. Committee membership: 13 February 2003-28 February 2007.

Moushira Khattab, Egypt, vice-chairperson of the Committee. Ms Khattab is secretary general of the National Council for Childhood and Motherhood. She is a member of the Egyptian Council for Foreign Affairs. She is also a board member of the Union of Radio and Television, the Union of Non-Governmental Organizations and the Electricity Board. She has been assistant minister for foreign affairs and ambassador to the Republic of South Africa, the Republic of Botswana, the Kingdom of Lesotho, the Czech Republic and the Slovak Republic. She has chaired the delegations of Egypt to a number of conferences on children's issues. Current Committee membership: 13 February 2003-28 February 2007.

Lothar Friedrich Krappmann, Germany. Since 1982, Mr Krappmann has been professor of the sociology of education at the Free University, Berlin. He worked for many years as senior researcher at the Max Planck Institute for Human Development and Education, Berlin. His main areas of research have been children's social and cognitive development, social change and childhood, and factors threatening children's well-being and development. He was chairman of the commission that prepared the 10th German Report on Children and Youth (1998). He is an active member of many expert committees and advisory boards on children and youth affairs. Current Committee membership: 13 February 2003-28 February 2007.

Yanghee Lee, Republic of Korea, vice-chairperson of the Committee. Ms Lee is professor at Sungkyunkwan University, Seoul. She is a member of the governing boards of the Korean Association for the Prevention of Child Abuse and Neglect and the Korean Council for Children's Rights. She is a member of the editorial board of the Korean Association of Child Studies. She is also vice-president of the Korean Association of Persons with Autism, a founding member of the Korean Society for the Rights of Children with Disabilities and a member of the Korean Academy of Child and Adolescent Psychiatry and the Korean Society for Special Education. Current Committee membership: 13 February 2003-28 February 2009.

Norberto I. Liwski, Argentina, vice-chairperson of the Committee. Mr Liwski, a social paediatrician, is director of the Adolescence and Juvenile Citizenship: Rights and Contradictions programme, Faculty of Law, University of Buenos Aires. He is associate member, Spanish National Distance Learning University, and past adviser, Commission on the Family, Children and Women of the Chamber of Deputies, Argentina. He is president of the Argentine section of Defence for Children International and a former member of the Executive Committee of the Inter-American Children's Institute of the Organization of American States. Current Committee membership: 13 February 2003-28 February 2007.

Rosa María Ortiz, Paraguay. Ms Ortiz has participated in the drafting of national laws and municipal bylaws. She has been involved in the institutional reform of the National Police and in educational reforms to foster children's participation. She has defended and promoted children's rights in 100 municipal governments. She has been active, notably among non-governmental organizations, in supporting legal adoption and combating trafficking in children. She has carried out advocacy campaigns on issues of child rights. She has written and published on international adoptions and child domestic labour. Committee membership: 13 February 2003-28 February 2007.

Awa N'Deye Ouedraogo, Burkina Faso. Ms Ouedraogo is technical adviser, Ministry for the Promotion of Human Rights. She has been cultural advisor at the Embassy of Burkina Faso, Washington, and the Permanent Mission of Burkina Faso to the United Nations. She attended the General Assembly from 1989 to 1997, notably, meetings of the Third Committee. She took part in preparations for the World Conference on Human Rights, Vienna, and the Fourth World Conference on Women, Beijing. She was at the first five meetings of the states parties to the Convention on the Rights of the Child. She has been vice-chairman of the UNICEF Executive Board. Current Committee membership: 27 February 1997-28 February 2007.

David Brent Parfitt, Canada. Mr Parfitt has been director of the Family and Social Services Law Unit at the Ministry of the Attorney General, Canada. In 1979, he went to the Ombudsman's Office, where he created the Child and Youth Team and became the deputy ombudsman for children and youth. He has also lectured at the Faculty of Law, the School of Child and Youth Care, and the School of Public Administration (University of Victoria) and was clinical instructor at the Faculty of Medicine, University of British Columbia. He was the chairperson of the International Institute for Child Rights and Development. Current Committee membership: 23 February 2005-28 February 2009.

Awich Pollar, Uganda. Mr Pollar was a child soldier in Uganda from age 13 (1983-1986). He was responsible for evacuating children and women to safe areas and supervising food distribution, immunization and hospital security. In 1995, he helped children present their views to the Constitutional Review Commission. In 2002, having rejoined the army as captain, he organized ex-child soldiers during peace talks with the Uganda National Rescue Front. He is a 1999 law graduate, Makerere University, and has specialized in juvenile justice. He is board member, African Network for the Prevention and Protection against Child Abuse and Neglect, Uganda. Current Committee membership: 23 February 2005-28 February 2009.

Kamal Siddiqui, Bangladesh. Mr Siddiqui has been a member of the board of the Asian Development Bank. He has helped in organizing the release of a large number of children from jails in Bangladesh, establishing nurseries in prisons and safe homes, raising the age of criminal liability and converting correction centres for children into development centres. He was recognized as a champion of children by the High Court Division of the Supreme Court of Bangladesh in a landmark judgement in a child rights case in 2003, owing to these activities. He is chairman of the Board of Governors of the Social Development Foundation. Current Committee membership: 23 February 2005-28 February 2009.

Lucy Smith, Norway. Ms Smith is professor emeritus at the University of Oslo. The principal spheres of her research are children's rights and human rights. She is a former rector (president)

of the University of Oslo and vice-president of the European University Association. She is also a member of the Norwegian Academy of Science, and she is a member of the boards of several humanitarian organizations. She is a member of the Advisory Board of the Institute on Family and Neighbourhood Life, Clemson University, Clemson, South Carolina. Current Committee membership: 13 February 2003-28 February 2009.

Nevena Vučković-Šahović, Serbia and Montenegro, rapporteur of the Committee. Ms Vučković-Šahović is founder and head of the Child Rights Centre, Belgrade, the first and only organization in the country devoted exclusively to the promotion and implementation of the Convention on the Rights of the Child. She also coordinated the establishment of the South-East European Child Rights Action Network. Previously, she was an independent human rights lawyer and senior counsellor in the Federal Ministry for Human and Minority Rights, where she was in charge of communications on human rights issues. Current Committee membership: 13 February 2003-28 February 2009.

Jean Zermatten, Switzerland. Mr Zermatten has been judge at the juvenile court (1972-2000) and is director of the International Institute for the Rights of the Child, Sion, Switzerland. He has been a lecturer at the Law Faculty, University of Fribourg, and initiated the Master's degree on children's rights in collaboration with the University of Fribourg and the Institut Universitaire Kurt Bösch. He was charged by the Swiss Government to draft a bill for the first unified law on criminal procedures for minors. He helped create the first Swiss children's rights network (more than 50 non-governmental organizations). Current Committee membership: 23 February 2005-28 February 2009.

The following were also members of the Committee on the Rights of the Child during the 37th session, 13 September-8 October 2004, or the preparations thereof. The Day of General Discussion on 'Implementing Child Rights in Early Childhood' was held during that session (17 September).

Ibrahim Abdul Aziz Al-Sheddi, Saudi Arabia. Mr Al-Sheddi is deputy minister of education for cultural and external relations, in addition to holding the post of secretary-general of the Saudi National Commission for Child Welfare. Committee membership: 1 March 2001-28 February 2005.

Saisuree Chutikul, Thailand. Ms Chutikul has been a senator, Cabinet minister in charge of children, youth and social development and senior advisor, Office of the National Education Commission on Early Childhood Development. She was on the United Nations Commission on the Status of Women. Committee membership: 1 March 2001-28 February 2005.

Luigi Citarella, Italy. Mr Citarella is professor of human rights, University of Rome (La Sapienza). He has been secretary-general of the Interministerial Committee for Human Rights and member of the Italian delegation to the United Nations Commission on Human Rights. Committee membership: 1 March 2001-28 February 2005.

Marilia Sardenberg, Brazil. Ms Sardenberg, a career diplomat, is a founding member of the National Council on the Rights of Children and Adolescents, Brazil, and is a 1994 recipient

of the UNICEF Child and Peace Award. She is currently consul general in Oporto, Portugal. Committee membership: 23 February 1993-28 February 2005.

Marjorie Taylor, Jamaica. Ms Taylor, special assistant to the prime minister, member of parliament and ambassador, has been special envoy for children's affairs, with responsibility for numerous agencies within the Ministry of Health. She was unable to attend the 37th session. Committee membership: 28 February 2003-13 August 2004 (resigned).

For additional information, contact: Office of the High Commissioner for Human Rights, United Nations Office at Geneva, 1211 Geneva 10, Switzerland, Fax: (+41) 22 917.90.11, e-mail: InfoDesk@ohchr.org, web: www.ohchr.org.

Production: Bernard van Leer Foundation
Design and layout: Homemade Cookies, The Hague, The Netherlands

Cover: Olaf van den Berg and Thijs Ledeboer
p. xii: Mees Bruins
p. 6: Stijn de Jong and Suzan van Cuyk
p. 30: Sofie Goslinga
p. 56: Iza IJzerman
p. 138: Carlijn Bey
p. 160: Robert Westerveld and Tim van Dongen
p. 164: Emma Verkerk

A Guide to General Comment 7:
'Implementing Child Rights in Early Childhood'

The United Nations Convention on the Rights of the Child applies to all persons under the age of 18. But reports by states parties on the implementation of the Convention with respect to young children usually cover only certain aspects of health care and education issues. Other important issues related to early childhood are rarely addressed.

This is why the Committee on the Rights of the Child devoted its Day of General Discussion 2004 to the topic 'Implementing Child Rights in Early Childhood' to raise awareness on this topic and to adopt recommendations that underscore the full entitlement of young children to the rights of the Convention.

The Committee elaborated on ideas and issues related to the Day of General Discussion 2004 in a General Comment to supply states parties with more detailed information and guidance regarding the implementation of children's rights in early childhood.

The present monograph describes the background of the Day of General Discussion held on 17 September 2004 and contains, in extracted form, the papers submitted to the Committee at that time, along with other relevant material. It also presents the General Comment that was the outcome.

This book is particularly useful for child's rights advocates at the local level, human rights activists, particularly those with no special legal knowledge, and the general reader interested in child rights, human rights and the United Nations, including university students and researchers in law, social work, international relations, or other, associated areas.

Bernard van Leer  *Foundation*

Eisenhowerlaan 156, 2517 KP The Hague, The Netherlands
P.O. Box 82334, 2508 EH The Hague, The Netherlands
Tel: +31 (0)70 331 22 00, Fax: +31 (0)70 350 23 73
Email: registry@bvleerf.nl Web: www.bernardvanleer.org

