

**MEMORANDUM
ON
UNIVERSAL ENTITLEMENT TO
EARLY CHILDHOOD EDUCATION IN INDIA**



**A Policy Proposal by
National Campaign for Early Childhood Care and Education Right
Submitted to
Government of India.
2012**

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National Campaign for ECCE Rights (NCER)

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PREFACE

Intension of the Memorandum

1. This Memorandum calls on the Government of India to develop a comprehensive strategy for early childhood care and education; and, in that context, to introduce a Bill into Parliament of India to secure universal, free, high quality and accountable pre-school education for children in the three years before they start primary school.

The Campaign

2. These proposals have been developed by the Committee for Legal Aid to Poor (CLAP), which leads the National Campaign for Early Childhood Care and Education Right (NCER) - aimed at improving Early Childhood Care and Education Services (ECCE) in India with statutory backup. The purpose of this paper is to distil the issues emerging from the civil society debate (Between 2007-2010 conducted by NCER) and to drive action by central government to secure the rights of young children to early childhood education. We acknowledge helpful comments on this paper from academics; civil society organizations, pre-school practitioner as well as facilitators and from many partner NGOs who have joined the Campaign across India.

Evidence Base

3. NCER-CLAP has already published research into the provision of early childhood services in India, including a survey of law & policy in many other countries. That research includes an overview of international instruments relevant to early childhood rights. This brings out clearly that India, despite some useful initiatives to provide comprehensive child development and family support services to the most disadvantaged and vulnerable members of society, is now lagging behind many other developed and developing nations in its approach to early childhood services and - most importantly - in the coverage and quality of services on the ground.

The Fundamental Right to Pre-School

4. CLAP, which specialises in rights-based advocacy, recognizes the scale and complexity of the task facing government to raise the standard of early childhood services to meet the norms set by the UN Committee on the Rights of the Child. We call for an integrated,

multi-dimensional strategy for early childhood services to provide an over-arching framework for government intervention.

5. Within that context, we argue that young children have a fundamental right to pre-school education in the three years before they start primary school; and that government should acknowledge that right through legislation to require public authorities to secure universal provision of pre-school education.

A Framework for Quality & Governance

6. This paper also makes proposals for a quality framework for the delivery of pre-school education; for governance and accountability to ensure universal and equitable access to services with appropriate parental input to policy making; and for evaluation.

Next Steps - Our Expectation

7. We draw this paper to the attention of Parliamentarians at national level and call on them to take appropriate action to move the policy and legal framework in India forward.

8. We in NCER-CLAP, who have worked on children's rights to education for many years, now appeal - to leaders in industry, corporate bodies, the academic world, the arts, media, science and technology - and to activists in civil society, to government and legislators, to opinion formers of all kinds, and (most importantly) to parents to take action to secure pre-school education as a fundamental right of all children in India; and to press for real progress toward this goal.

For the sake of future generations and the wellbeing of our country, we should act now.

Bikash Das

Convenor,

National Campaign for ECCE Right.



Structure of the Paper

This paper has 10 main sections (main points are summarized at the start of each section) in the following order:

1. ECCE - Evidence Base & the Case for Government Intervention
2. Position in India - Law, Policy and Practice
3. Purpose, Issues, Outcomes of NCER
4. Proposals - A Right to Early Education within a Strategy for ECCE
5. Infrastructure and Workforce Development
6. Quality Assurance and Regulation
7. Entitlement and Delivery
8. Governance, Accountability & Parental Involvement
9. Next Steps - Outline Implementation Programme
10. Conclusion

Annex:

1. Abbreviation
2. Provision of Constitution and Law.
3. General Comments No. 7 (2005): Implementing child rights in early childhood.





ECCE

Evidence Base & the Case for Government Intervention

Main points

- This section explains what is meant by the term ‘early childhood care and education’ and outlines the case for government support for children’s early years.
- It considers arguments based on the intrinsic demands of human rights and also ‘instrumentalist’ arguments which draw on evidence of the educational, social and economic benefits flowing from investment in pre-school education.
- Drawing on NCER-CLAP’s own comparative research, it suggests that the trend, internationally, is for states to devise comprehensive strategies for the early years and to confer universal and enforceable rights in the specific area of pre-school education.
- It points to the need for the Government of India to develop an integrated and holistic policy for early years care and education; and, against that background, to propose legislation to secure universal, free pre-school education for every child in the three years before they start primary school.

Early Childhood Care & Education

- 1.1. The term 'early childhood care and education' (ECCE) is generally understood by educationalists and childcare experts worldwide to refer to an integrated package of measures, led by government, to fulfil the rights of young children to intellectual, physical, social, and emotional development and well-being. Those rights are recognized by the UN Convention on the Rights of the Child, which the Government of India ratified in 1992. The policy agenda flowing from those rights has been extensively set down in institutional, academic and governmental writings, notably in the General Comment by the UN Committee on the Rights of the Child, (CRC/C/GC/7/Rev.1) published September 2006.
- 1.2. That UN document emphasizes that ECCE has its roots in a rights-based approach to the provision of services for young children. It stresses that governments should address the entitlements of young children in an integrated and holistic way, attending to the full range of their rights to education, friendship, affection, health & nutrition, protection from disease and hardship, and care within and beyond the



family. The UN has also stressed the crucial importance, in designing ECCE policies and legislation, of recognizing and respecting the diversity of children and their families, in terms of culture and also in terms of specific requirements arising from disability or particular vulnerability (for example, where children have no families, or where their families are afflicted by substance misuse or HIV/AIDS).

- 1.3 The UN Committee also stresses the importance of services and support for parents and for local communities, in parallel with services for children themselves. That position reflects extensive research evidence that outcomes for children are affected both by how their rights are addressed in formal settings (eg early education & childcare centres) and by how their parents and the wider community engage with them as young learners and social actors.
- 1.4. Across continents and nations, many countries have adopted ECCE policies and programmes to uphold the rights of young children. These initiatives recognize early childhood (the period from birth to the start of formal schooling) as a distinct and precious phase in human development, which children are entitled to enjoy and in which they have a right to fulfillment for its own sake. Indeed, the right to early childhood care and education could be said to be the most 'human' of the human rights, since the capacities that such services seek to develop - for feeling, thinking, creativity, relationships, living and working together - are those that characterize us as human beings.
- 1.5 Alongside these arguments stressing the intrinsic and inescapable obligation on states to support the early years, nation states recognize the instrumental significance of ECCE programmes. There is compelling evidence, across societies and economies, of the positive return on human capital secured through investment in early childhood care & education (see for example studies, including those of Heckman, cited in the UNESCO EFA Global Monitoring Report on Early Childhood Care & Education 2007). There is evidence drawn from neuroscience of the positive impact of ECCE programmes on the cognitive functioning of children as they progress through primary education, and their ability to acquire skills and competence. This has a direct bearing on their personal wellbeing and on contribution they will later make to the workforce and to their society and economy.
- 1.6 Further, ECCE has been shown to have positive impacts in raising school enrolment and reducing primary school drop-out rates (see report of the National Centre for Educational Research and Training (NCERT). Studies in various parts of the world (as reported by UNESCO) have also found that comprehensive programmes of support for young children and their families are a potent force for community development, community empowerment, and social integration. In terms of reducing inequalities and promoting social cohesion, ECCE programmes have much to offer.



- 1.7 As part of its research into early childhood care and education in an international context, NCER-CLAP has reviewed (using published secondary sources produced by international agencies) the legislative provisions, policies and programmes adopted by 19 countries across the world, including India (see Global Legal Perspective on ECCE, NCER-CLAP, 2010). ECCE has received an increasing amount of government attention, right across the world, in last two decades. A number of key points and themes emerge from the comparative data:
- First, almost all the states surveyed have articulated strategies and policies for early childhood. For the most part, these strategies emphasise the distinctiveness of the 'early years' (i.e. 0-6 or 7) and the need for comprehensive and integrated provision that responds to child's rights in the fullest sense - attending to the full range of his or her development needs and potential.
 - Secondly, where states accept legally binding obligations to deliver service, they tend to focus on pre-primary education rather than on wider aspects of health, childcare, parental support, or community development. One possible reason for this is that ECCE (or ECCD) services, taken in the round, represent a huge investment in social welfare; and states must assess the affordability of granting social welfare rights before enshrining them in legislation.
 - Thirdly, there is widespread acknowledgement of the need for a firm quality framework to early years services - a framework which encompasses curriculum; workforce development and training; self-assessment, inspection and evaluation; and outcome indicators. Many states have established regulatory systems to ensure quality and in several cases these are reflected in legislation.
 - Fourth, many countries are grappling with the challenges of administrative coordination, to link the work of various ministries and departments and ensure joined-up service delivery. Given the spread of early years services - spanning health, education, social welfare and community development - this is likely to remain an issue for governments.
- 1.8. Taken in the round, evidence from around the world points to the central importance of ECCE to the well-being of individuals and communities. It is one of the most strategic and influential set of investments that a country can make. If India is to lay a firm foundation for long-term economic and social development, it must embrace a radical and far-reaching programme of ECCE, and - as we shall argue - make appropriate legislative commitments to ensure enforceable rights to early education which lies at the cornerstone of ECCE.



Position in India - Law, Policy and Practice

Main points

- **This section outlines the current legislative provisions on early childhood care and education.**
- **It notes that central government at present recognizes only an aspiration to provide pre-school education and that state governments have a discretion, but no obligation, to provide pre-school education.**
- **This section draw attention to the deficiencies in the current delivery of early childhood services. It notes the absence of any overarching strategy, the inadequacies of the public sector system of Integrated Child Development Services, and the shortcomings and variability of services in the private sector.**
- **It points out that accountability in the present arrangement is weak, and that value for money cannot be tested or demonstrated.**

2.1. The Government of India has not yet articulated a comprehensive programme of action to fulfill the rights of all young children to support for integrated development. This is not to say that it has not taken some useful steps in that direction. Indeed, it has been a pioneer in launching initiatives that aim to deliver integrated services to the most vulnerable children and families. The philosophy of Integrated Child Development Services (ICDS), which are delivered through state-supported Anganwadi centres, has been influential and the centres have made an important contribution to children's physical health, nutrition and immunization.

2.2 ICDS programmes do not however have any statutory foundation: they rest on government initiative, not law. NCER-CLAP's research [which presents data collected with the agreement of local authorities] shows that the reach of such centres is narrow, employees are in general poorly qualified, resources available in the centres are often extremely limited, and the educational component is in many centres almost totally lacking. There is a very worrying disparity between the number of centres claimed to be in existence and those actually in operation. The educational deficit is serious and



pervasive and has been established by research at local and national levels [see NCER-CLAP 2010 and wider assessments including by Upadhyay et al & Cleghorn & Prochner, 2003]

2.3 The 86th Constitutional Amendment Act 2002 changed the framework within which the federal government of India fulfils its constitutional responsibilities for education. First, it inserted Article 21-A into the constitution to make school education for children aged 6-14 a statutory obligation on the state. Children aged 6-14 now have a fundamental right to school education. This right can be vindicated through the courts. Further, the 2002 Act inserted Article 45 into the constitution. This provides that the State 'shall endeavour to provide early childhood care and education for all children until they complete the age of six years'. This aspirational provision does not appear to create a fundamental right to early education. It forms a Directive Principle of State Policy which state is expected take into account in framing policies and programmes; but such principles are intended to be advisory rather than offering scope for interpretation and adjudication by the courts. Further, the legislative policy - The Right of Children to Free & Compulsory Education Act 2009 recognises (in Section 11) the need to prepare children from age 3 for entry to primary school, and empowers governments at state level to provide pre-school education for such children in the context of early childhood care and education more broadly. But this is an enabling provision, not one imposing obligations. The provision of pre-school remains discretionary.

2.4. If the public sector is characterized by severe gaps in provision and neglect of early childhood education, services in the private sector - which have expanded considerably in recent years - are characterized by inequity and variable quality. Parents in higher income groups are increasingly sending their pre-school children to private playgroups or to the nursery departments of private schools. This provision is entirely unregulated and is not informed by national curriculum guidelines. In many cases, the provision takes the form of formal, school-based learning intended to accelerate the child's performance in primary school. Such provision, in its narrow concentration on cognitive development, often neglects vital and wider aspects of the child's growth, her need for affection, friendship, and opportunities for physical development. The accent in such provision is on building the child's 'readiness for school'. This notion - which also prevails in some other countries - has attracted a good deal of international academic comment and firm reminders that pre-school should avoid over-formal approaches.

2.5 In short, therefore, provision of ECCE in India is inadequate, often inappropriate, variable and unreliable in quality, and unaccountable. As provided in the public sector, its value for money cannot be demonstrated.





Purpose, Issues, Outcomes Of NCER

Main points

- **The NCER campaign has revealed a strong demand from civil society for a comprehensive and integrated Government strategy for the 'early years'.**
- **It has also focused attention on pre-school education, as a key entitlement which should be backed by legislation at the earliest opportunity.**
- **Quality of provision has emerged as a key concern, with calls for robust regulation to apply to providers of pre-school education in all sectors.**
- **CLAP's distinctive contribution to the debate has been through rights-based advocacy and its expertise in community engagement.**
- **CLAP offers its proposals to Government and to those with expertise in early childhood care and education – as a basis for discussion and action.**

- 3.1 In recent years (2007 onward) there has been a vigorous campaign by civil society in India for progress on early childhood care and education. NCER which CLAP has led insists on the rights of young children to an integrated programme of support, spearheaded and funded by government.
- 3.2 The campaign has mobilized support from across the NGO community and has stimulated extensive community-level debate. Four major regional conferences (2008-Ranchi, 2008-Shilong, 2009-Goa and 2009-Bhubaneswar) and several state wise deliberations have taken place (between 2007 - 2010). Speakers at those events included nationally-recognised academic experts on early childhood services and pre-school education.
- 3.3 A key issue emerging from these discussions is around the scope of ECCE as a set of policies and programmes; and the child rights that should be recognized in statute



and enforceable. The term ECCE itself is controversial, with some academics preferring the term ECCD (early childhood care and development) or ECE (early childhood education) to ECCE. The consensus emerging from the regional conferences sponsored by CLAP was that -

- there should be a firm commitment on the part of Government to a strategy for comprehensive, integrated and cross-sectoral services for all young children and their families - services which uphold the child's rights to fulfil her potential and develop her personality, capabilities and faculties;
 - in the context of such an all-embracing strategy, particular attention should be paid to securing universal early childhood education, since that supports the child's fundamental right to education;
 - early childhood education should be provided as of right and delivered in settings that recognize the wider need for care, healthy living, and support for parents as educators and carers;
 - early education provision should be governed by a strong quality framework; all providers, irrespective of sector, should be regulated and evaluated against common standards;
 - accountability must be strengthened, not least through performance information placed in the public domain, in order to ensure compliance and eliminate discriminatory practice.
- 3.4 It was also clear from the regional conferences that civil society in India is impatient for change and keen to see India take its place amongst nations that recognize the benefit - and cost-benefit - of investment in early childhood education. Against this background, CLAP has considered what its distinctive contribution to the campaign should be and how progress is to be secured. It believes the time is right to publicise NCER-CLAP's position on this topic, informed by CLAP's long experience of civil rights advocacy. CLAP does not claim to be expert in early childhood services or pre-school education. Its particular contribution to the debate lies in its understanding of how ECCE fits into a rights-based philosophy and how those rights should be characterized and vindicated.

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Proposals

A Right to Early Education within a Strategy for ECCE

Main points

- CLAP calls for a strategic policy framework for all early years services, covering the full range of ECCE; this should be developed by Government.
- We recognize that ECCE services are extensive, and that welfare provision is always constrained by a country's economy and ability to pay.
- But pre-school education is a key service within ECCE since it enables the fundamental right to education; every child should have a statutory right to pre-school education in the two years before primary school.
- Gaps and failings in the primary school system must be addressed but do not constitute an argument for neglecting pre-school.
- The entitlement to pre-school should be without exceptions; wherever possible, children with special needs should be integrated into mainstream provision. Specialist support should be provided for those whose special needs are best met otherwise.
- Pre-school education is defined by its educational characteristics, not by where it is provided. It can be provided in a wide variety of settings, including (but not limited to) schools.

A Strategic Framework

- 4.1 It follows that NCER-CLAP believes there needs to be a strategic policy framework for the totality of services encompassed within ECCE. Those are: pre-natal and post-natal child health and immunization; maternal health and health education; maternity entitlement; childcare for working parents with children under school age; support for parents as educators and care-givers; nutritional support for disadvantaged children and mothers; crèche services for young children; early childhood education, particularly in the three years before children start primary



school. Policy needs to see these services in the round - as inter-connected and inter-dependent. Such services need to be provided in a joined-up way for any family; but for families who are marginalized, disadvantaged (by poverty, disability, discrimination or rurality) it is particularly important for services to be mutually reinforcing. The broad approach of ICDS is in line with the need for integrated service; but ICDS is failing many children and parents, notwithstanding Government commitments to extend its reach. Those failures are not only in terms of coverage (though that deficiency is clear, as our research shows): there are also failures of accountability.

Welfare Rights: the Cost Constraints

4.2 The services included within ECCE are welfare services - services designed to improve the lives of citizens, to remedy inequalities, and to alleviate the effects of poverty and disadvantage. With the exception of the right to education, which has been translated in many states into enforceable and justiciable rights, the other services implied by ECCE have not generally been translated into 'hard' and universal rights to specific services delivered without charge and to specific standards.

4.3 There are two, linked, reasons for this.

(a) First, the economic and social rights set out in various international treaties and conventions are cast in advisory terms. Unlike fundamental rights to individual freedoms and survival, they are not prescriptive. They leave states a good deal of discretion as to how they implement them. The UN Committee on the Rights of the Child 'encourages States parties to construct a positive agenda for rights in early childhood' but stops short of proposing specific legislative rights to particular levels of service or government protection.

(b) Secondly, welfare rights - rights to safe and healthy working conditions, or childcare, or care for disabled people, or social security - are recognized as depending on states' economic and social circumstances and - crucially - on their standard of living. In the welfare field, international instruments generally seek to impose general obligations, such as the need to apply policies consistently and without irrelevant or unjust discrimination. States enjoy a wide 'margin of appreciation' in how they construct laws and policies.

4.4 In short, the fulfilment of social welfare rights - particularly those with wide economic and financial implications - is generally seen as depending on states'



ability to pay. Ability to pay hinges on political decisions about the allocation of resources between competing claims and programmes across the totality of welfare. This point needs to be borne in mind in considering the way forward on ECCE, since the cost implications of those services are immense.

A Focus on Pre-School Education

- 4.5 As a campaigning and rights-based advocacy organization, CLAP has considered very carefully whether its policy should be to pursue universal and enforceable rights to the totality of ECCE services. Whilst there is no doubt that ECCE, in its full form, is desirable as a set of universal services available to all young children and their families, we believe that - as a matter of law & practical politics - the campaign for enforceable rights should focus on pre-school education as the top priority.
- 4.6 There is a difference between protecting fundamental freedoms and state interventions to deal with the social problems (eg homelessness, sickness, poor working conditions). Those interventions always depend on the prevailing political and economic conditions. Our comparative research across nations tells us that no nation has so far legislated to give universal and enforceable rights to every service encompassed within ECCE (though very many have granted a right to universal pre-school education). Our position therefore is that whilst the strategic policy framework should be holistic and integrated, realism must prevail in the arena of universal and enforceable rights. Those should be demanded in service areas of the utmost priority. Our view is that pre-school education commands priority.

Justifying a Right to Pre-School Education

- 4.7 So how do we justify our claim that pre-school education should be the right of every child? Our case is simple. The education of children 6-14 has been established as a fundamental right under the Indian Constitution. There is compelling evidence that pre-primary learning helps children to benefit from primary schooling; that it helps to prevent attrition in primary schools (especially where early grade primary education is well attuned to the early years and recognizes children's prior learning); and that it helps to promote high enrolment in primary school. All children should have access to pre-primary education to help them prepare for primary school. The pre-primary years are pre-requisite and the key to fulfilling the fundamental right to education.



- 4.8 The wider evidence mentioned in paragraph 1.5 above - on the long-term cost-benefit to societies and economies of investing in early education - adds weight to the rights-based argument and gives states a strong incentive to commit to universal access to quality pre-school.
- 4.9 CLAP as the initiator of the campaign for a statutory right to ECCE contends that the right to life enshrined in the Indian constitution implies not merely the right to existence but also the right of the individual to education as the means to self-development and self-fulfilment. The 2002 Act provisions relating to school education followed important legal cases redefining the scope of the constitutional right to education. CLAP believes that this jurisprudence may be no less relevant to the rights of children in the years before primary school than to the rights of school age children. It may wish to test this position in court.

Counter-Arguments

- 4.10 CLAP has considered counter-arguments to its case. The main one is the argument that gaps or failings in primary school (such as low enrolment or drop-out rates or low attainment) should be remedied by changes within primary education, rather than by creating a whole new tier of education at the pre-primary stage. It may also be argued, with some force, that the introduction of pre-school education will bring little long-lasting benefit unless there are changes to the early years of primary and particularly to the curriculum followed there. (There is research evidence that, unless primary schools are ready for children - rather than the other way around - and take seriously the need for a smooth transition from play-based learning to more formal methods, many of the developmental gains from pre-school education evaporate quickly.)
- 4.11 There is certainly a strong case for making changes to the early years of primary education; but that does not undermine the fundamental argument for pre-school. These are not alternatives: government should pursue both. Our view is that early years education needs to be planned and delivered as a continuum - stretching from 3 (or even earlier) until 7 or 8. Reforms to the early years of primary are undoubtedly desirable so that the benefits of pre-school are retained and built upon. This means designing a curriculum for the early years that overlaps the early years of primary school and ensures that schools caters for the diversity of children's needs. This also means providing additional training for primary teachers to ensure they are fully attuned to early years pedagogy. We return to this point below.



Defining the Right to Pre-School Education

- 4.12 Our first objective is to secure, for all children aged 3-6, at least three years of early education in the period before they start primary school; and to ensure a smooth transition between pre-school and primary provision. Those years of pre-primary provision should not of course be full-time: there is ample evidence that well-crafted learning experiences, designed to support the development of the whole child, should occupy no more than half the day (around 3 hours). Most countries that have entrenched a right to pre-school education quantify the right in terms of a certain number of hours of provision over the year.
- 4.13. We recognize that many countries which have committed to universal pre-school education have started by securing one year of provision (the year immediately preceding the start of primary school). Then, with the benefit of evaluation to identify opportunities for improved practice and to strengthen the workforce, they have extended entitlements so that all children can access two full years of nursery education before they start primary school. There is evidence that the second year particularly benefits children from disadvantaged backgrounds. There is good sense in adopting a phased approach to the development of pre-school education - and government also can use phasing to help deal with the resource challenge of this new service.

Universal Entitlement

- 4.14. Universal means without exceptions. CLAP's position is that all children in the three years before they start primary school should have access to high quality, part-time pre-school education. The rights of all children must be fulfilled in a way appropriate to their needs and capabilities; and in a way that recognizes any particular vulnerability. Children from severely disadvantaged backgrounds like Indigenous tribal children, Dalit children, children with HIV/AIDS, and children whose resilience may be compromised for other reasons - all of them need provision which is attuned to their particular needs.
- 4.15 Children with disabilities - whether physical or mental impairment, psychological or emotional damage - should be no less entitled to a good pre-school experience than children enjoying full capability. Clearly, there are serious questions - to be discussed amongst paediatricians, child psychologists, educationalists and parents - about the delivery of a worthwhile pre-school experience to children with



disabilities, particularly where these are profound. Key questions will include the extent to which such children can benefit from mainstream provision; and the specialist support that may be necessary to enable children with disabilities to enjoy and learn in the pre-school environment.

- 4.16 These are not questions in which CLAP has expertise; but it is clear that, from a rights-based perspective, children with disabilities should not suffer discrimination or exclusion from provision. This should be reflected in the legislation. Government should refer these issues to the relevant professional advisers, and should consult parents on any proposed guidance.

Pre-School Centres

- 4.17 Legislation to confer an entitlement to pre-school education should make clear that it is the characteristics of the service, not its location that will define it as educational provision. Our view is that educational provision can be provided in a wide range of physical settings and by providers in public, voluntary and private sectors, in line with parental preference. What matters is that the provision is educational in character. This means that

- the service is designed to create multiple learning opportunities for young children, consistent with their age and developmental needs and aptitudes;
- the staff delivering the service are trained in early years pedagogy and childcare and their manager is educated to a professional level;
- provision is geared to achieving learning outcomes for children;
- pre-school centres possess the capacity for self-assessment against educational standards; such centres have the physical resources and infrastructure necessary to provide learning opportunities.

- 4.18 None of this entails that early education can only be provided in, or in association with, schools; or that it can only be provided in the public sector. Nor does it rule out the provision of early education in Anganwadi Centres. What is crucial is that the provision, wherever it is, meets the defining characteristics of educational provision; and that achievement of these standards is regularly and independently tested.

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Infrastructure and Workforce Development

Main points

- The challenges of developing the physical infrastructure for pre-school education and of growing the early years workforce should be tackled with the benefit of standards and principles set by Central Government.
- States and local governments, acting within these principles and standards, would have the task of drawing up phased plans for accommodation and staff recruitment & deployment.
- Pre-school education can take place in a variety of settings and across all sectors – providing that standards are met.
- Experience in other countries with well developed strategies for ECCE suggests that staff delivering early education can have a range of qualifications and backgrounds.
- Teachers bring special expertise which can be particularly useful at a senior or managerial level; but staff with other forms of training can also make a valuable contribution to a diverse workforce.

Infrastructure

- 5.1 International research on effective ECCE provision has shown conclusively that effectiveness depends on high standards - in terms of the physical attributes of pre-school centres and the resources available to children, as well as on the skills and training of staff and the quality framework they work within.
- 5.2 The Bill to confer universal child rights to pre-school education should provide that minimum standards for accommodation and resources be set by the Government on advice from its statutory advisers (NCERT). Space and health & safety standards, ventilation and heating, comfort, sanitation, access to clean water, equipment for preparation of food, proximity to population clusters - these are some of the infrastructural aspects that need to be considered. The Bill should provide a timescale within which all centres must comply with standards promulgated by Government.



5.3 There clearly needs to be a high-level strategy for securing, developing and equipping sufficient accommodation for the delivery of pre-school education. In other countries, the physical infrastructure has been spread across many types of buildings and premises, and across all sectors. In some places, it will make sense to co-locate pre-school with the existing primary school. But in others, it may be more practical (and more convenient) to create or adapt other sorts of premises. Once Central Government has given a lead in terms of minimum standards, it should fall to states and to local governments to assess the adequacy of the existing infrastructure, and draw up plans for meeting the shortfall..

Workforce

5.4 Government should also develop and adopt a set of high level principles for developing the early education workforce, in terms of the number, composition and distribution of staff required to deliver the service. These principles should be informed by guidance from the NCERT which assists and advise the Ministry of Education and Social Welfare in the implementation of its policies and major programmes in the field of school education. States should be required by legislation to adopt these principles and develop them as appropriate so that an adequate workforce can over time be recruited, trained and deployed. States should have discretion to reflect local circumstance and to take account of diversity. (We say more about workforce development in the next section.)

5.5 Evidence from around the world shows that the early years workforce needs to be skilled in both early education and childcare; and that, within early education provision, it is helpful for career development and task allocation to have staff with complementary expertise (for example, in social work, childcare, education, community development). It is also clear that -

- staff need structured opportunities for professional & career development; and for training which leads to progressively more advanced qualifications;
- teachers can play a particularly important role in the overall management of centres, contributing pedagogical expertise and high level understanding of curriculum delivery;
- other individuals trained to professional standards - including social workers and community educationalists - may also competently lead pre-school education centres. Research indicates that what matters for the performance of pre-school centres is the level to which managers have been educated, rather than any particular professional training. Where managers are not teachers, it is nonetheless desirable that they undergo in-service training in early years education and care.

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Quality Assurance and Regulation

Main points

- **This section examines the six main components of quality in pre-school education.**
- **These are: curriculum guidelines; minimum input standards; a self-assessment system for pre-school centres, coupled with independent inspection; support for best practice; opportunities for in-service training and professional development; and access to relevant research to illuminate and support policy and practice.**
- **across all of these parameters of quality, there is a need for a strong steer from central Government and robust enforcement of standards through professional management of centres and through independent inspection.**
- **Quality costs money – that is inescapable. Government should start now to assess the cost of expanding pre-school education, recognizing that there are resources being deployed at present through ICDS which are not being fully, or optimally, used.**

Components of Quality

6.1 Quality lies at the heart of effective provision of ECCE and of pre-school education. We see six main components of quality in early education.

There should be -

- national curriculum guidelines for early education;
- clear national minimum standards for critical input factors (e.g. health and safety; improved physical environment; staff/ child ratio; group size; space; proportion of staff with higher education and relevant training & so forth) which every centre offering early education must meet (as discussed in the previous section);
- a national approach towards self-assessment by pre-school centres, together with independent inspection based on outcome indicators developed by the Government's expert advisers;
- materials produced at national level to support best practice in early education, produced by respected experts, which draw on the best of Indian and international experience;



- a coherent programme of in-service training & professional development for early education staff and staff working in the early grades of primary school; this should offer opportunities for staff from different backgrounds to work together on extending and updating their skills;
- a rolling programme of research commissioned by Government to assess the impact of early education as it is expanded across the country; to identify best practice; and to illuminate important operational issues (such as the implementation of curriculum guidelines; development of self-assessment tools and expertise; & transition from pre-school to primary)

Curriculum Guidelines

- 6.2 We welcome the position paper produced in 2006 by the National Focus Group on Early Childhood Education, prepared under the auspices of the National Council of Educational Research and Training (NCERT). There is much in their summary of global thinking on ECCE and their analysis of current Indian policy and practice with which we agree. The Group identified the guiding principles that should inform the development of a curriculum framework and discussed the developmental characteristics of the various sub-groups within the pre-school population. But fully developed curriculum guidelines based on these principles have yet to be developed.
- 6.3 Legislation on pre-school education should commit Government to prepare and publish such guidelines, drawing on expert advice. These guidelines should be applied in every state and to every provider of pre-school education, whether in the public, private or voluntary sector. States should have discretion to decide important operational matters, relating for example to language medium, and how to express the principles in sympathy with local culture. Curriculum guidelines should recognize that learning at the pre-school stage takes place within a caring environment and that learning and caring are intertwined.

National Minimum Standards

- 6.4 Policy should in our view avoid over-reliance on input standards, since they do not by themselves guarantee quality and they may encourage a target culture which is preoccupied with meeting certain fixed standards rather than delivering a learning experience for the child. But certain input standards have a place in any quality framework - for example, standards relating to health and safety. As with curriculum guidelines, there is a need for expert advice on such standards. Legislation should require Government to set them, taking such advice into account; and they should apply to all centres which offer pre-school education. States should have discretion



to add to the minimum standards where they can demonstrate that there are particular issues that need to be addressed in their area.

Self-Assessment and Inspection

- 6.5 We see from international studies that capacity for critical self-reflection is a hallmark of high performing pre-school centres. Such centres examine their own practice; assess their strengths and development areas; take seriously the messages from independent inspection; and are committed to professional development.
- 6.6 Legislation is a blunt instrument to drive self-assessment. In other countries, it falls to national education and care inspectorates to design materials to support self-assessment by service providers. We urge Government to consider a similar approach in this context.
- 6.7 Legislation is however the place to establish the principle of regular independent inspection of all pre-school centres. The inspection capability might draw on the existing system for supervision of Anganwadi centres, suitably strengthened to ensure objective and independent inspection. No doubt there are lessons from school inspection that should also inform the development of pre-school education inspection. It would be desirable to include childcare inspectors amongst those carrying out pre-school inspections given the close interaction between care and education in this field. Issues such as the conduct and frequency of inspections should be determined by central government (with advice from NCERT) in guidelines binding on states. Legislation should empower inspectors to enter pre-school premises, in any sector, for the purposes of assessing the quality of education and associated childcare provided there.
- 6.8 All inspection reports should be published and made accessible in electronic format. We return to this later under 'accountability'.

Best Practice

- 6.9 All countries which have developed their early education services have found it essential to support practice with materials, often prepared at national level, to help practitioners extend or modify their practice, to introduce them to new ideas or the results of research and evaluation; and to encourage information sharing. We see it as part and parcel of the development of an overarching strategy for ECCE that the Government would look to its professional education advisers to design or commission best practice materials.

In-service Training and Professional Development

- 6.10 There needs to be a balance here between national, state and local endeavour. There are various good suppliers of in-service training and professional development



and pre-school education should capitalize on them all - professional associations; umbrella organisations in the voluntary sector; private sector training companies; colleges and universities; & schools. It is important that their contributions be harnessed within a coherent overall programme, designed at state level, and informed by the principles of workforce development.

Research

6.11 A programme of research at national level is essential to inform policy, to help evaluate policy and practice, and to support professional development. Legislation should require Government to commission such research with guidance from its educational advisers. It is important for research to explore issues arising from independent inspection as well as from theoretical matters. It will also be important for researchers in India to draw to the attention of practitioners the lessons learned from research in other countries which are transferable to this country.

Quality and Cost

6.12 Infrastructure and workforce development, quality assurance and inspection - these involve large-scale changes and consistent and substantial investment. But in calculating the net additional cost of fulfilling children's right to early education, Government must take into account the resources that are currently under-used within the ICDS programme.

6.13 That said, early education is expensive - and necessarily so, for nations reap what they sow in this field, as studies on the return of human capital show. We call on Government to make and publish a detailed assessment of the cost of universal pre-school education and to develop proposals for phased investment to ensure that the expansion of services takes place on a firm foundation of quality assurance.

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Entitlement & Delivery

Main points

- Access to pre-school education should be an entitlement, not a duty. Government should support demand by helping parents understand how their children will benefit from it.
- A key preliminary task for Government is to assess the number and distribution of places required for the pre-school population. Accurate birth registration data will be crucial.
- This section explores two different ways of fulfilling the entitlement – by distribution of grant from states to pre-school centres, or by equipping parents with vouchers to a pre-set value redeemable by the centres selected by parents.
- Central government should assess these and other delivery methods; and select the one most likely to support parental choice, quality and accountability whilst minimizing bureaucracy.

Entitlement

7.1 Legislation should entitle every child to a part-time, high quality pre-school education place, without charge, in the three years before the start of primary school. Access to pre-school education should be a right, not a compulsion. It should however be a major part of the Government's strategy to inform parents about the benefits of giving their child access to early education.

Demographic data

7.2 Government should without delay begin an exercise to quantify the number and distribution of places that will need to be funded, drawing on census and birth registration information. It is relevant to mention that the CLAP through its long standing experience relating to civil registration of children immediately after birth, which is recognized as a right of children in Article 7 of the United Nations Convention on Rights of the Child advocates that birth certificate is the most authentic document to monitor transition of children in their early age especially in matters of early



childhood education. In this regard the Public Interest Litigation that CLAP has raised in the Supreme Court of India {WP (C) 37/2009} to enforce timely and accurate collection and publication of birth registration data and certification in all states of India may be of use to establish the case for universal coverage in respect of early childhood education based on birth registration and certification of children.

Delivery Options

- 7.3 Various models of delivery are possible and the choice will rest with Government. A model which has worked in other jurisdictions is as follows. Central government allocates resources to states according to their share of the total population of 4 & 5 year olds. Local governments, operating within guidelines drawn up at state level, are responsible for identifying centres- in private, voluntary and public sectors - where pre-school provision meets quality standards prescribed by central government. Parents have access to information about approved pre-school education centres in their locality. They choose the provider that best meets their needs.
- 7.4 Such a system can work effectively only if states respect and support a mixed economy of provision, and avoid bias towards their own providers in the public sector. Some jurisdictions have decided to adopt a method which puts direct purchasing power in the hands of parents, by equipping all parents of eligible children with vouchers to the value of an annual place and enabling them to choose their preferred provider (from amongst those meeting prescribed quality standards). The state is required to reimburse the provider on presentation of the voucher.
- 7.5 Detailed consideration needs to be given to these and other options for delivery. Such an exercise needs to consider the risks attached to each model (including the risk that parental preferences may be frustrated) and the ability of each option to channel resources in line with parental preferences, and to distribute places efficiently, transparently, impartially and in an auditable form.





Governance, Accountability & Parental Involvement

Main points

- **This section calls for firm and clear governance of pre-school education to ensure that the various tiers of government work effectively together, to promote accountability and transparency, and to enable parents to contribute their views and make complaint.**
- **We propose a distribution of responsibilities amongst central, state and local governments. These should include duties to consult on – and publicize - policies, rules, guidance and progress reports.**
- **Parental involvement in pre-school is vital. We propose to empower parents through Early Education Parent Forums.**
- **Legislation should provide an enforcement mechanism and penalties for those who infringe children’s rights or interfere with the application of quality standards.**
- **We also propose arrangements for handling complaints, based on the Ombudsman system.**
- **We call for the prohibition of physical punishment in all pre-school centres which receive public support of any kind.**

Allocation of Responsibilities and Accountabilities

8.1 Robust governance, coupled with firm accountability, is essential to any expansion of pre-school education. There must be a clear delineation of the responsibilities falling various tiers of government - central, state and local government; and duties should be placed upon each tier to work in a cooperative and coordinated way with the others. Transparency must be secured. Citizens should know who is answerable for what element of the service; and how they can contribute their views and make complaint. .



8.2 We propose that responsibilities and accountabilities should interlock and ensure transparency, as follows:

- " Central Government should determine the formula on which costs of pre-school education will be shared between central and state governments
- " Central Government should develop an overall strategy for securing quality in early education services and should set national quality standards through statutory regulations. These should be published for consultation and then submitted to the Parliament of India in the form of a Bill. The quality strategy would encompass: curriculum guidelines; minimum infrastructure, resource and other input standards; the principles of a system of national inspection; and a strategy for workforce development, in-service training and professional development. States and local governments would be obliged to act in accordance with this strategy and to comply with central government standards.
- " Central Government should publish an annual report on pre-school education, drawing on reports submitted by each state. This all-India report should survey progress made towards the goal of universal provision and should draw out any issues of national importance arising from states' reports.
- " Central Government should draw up and publish annually its programme for national research into early education and its proposals for the dissemination of best practice.
- " Central Government should identify a department of state with lead and coordinating responsibility for pre-school education. We propose that the Ministry of Women & Child Development should take the policy lead within central government for the implementation of the child's right to early education, and that it should work closely and cooperatively with the Ministry of Human Resource Development.
- " State Governments should be responsible for drawing up rules, applying to local governments, on the identification and approval of early education providers. These rules should ensure that selection is made on the basis of quality considerations alone, without sector bias of any kind. State governments should be under a duty to consult widely on, and to publish, those rules.
- " State Governments would also be responsible for creating a pre-school education inspection capability. This should operate at arm's length from the state



government, and conform to the principles & guidelines set by national government. Legislation should require inspectors to publish their forward inspection programme, to report regularly to the state government on their work, and to make publicly available all inspection reports.

- " State Governments should also be required by legislation to draw up guidelines for use by local governments in delivering cross-sector in-service training and continuous professional development. The guidelines should make clear that training providers in all sectors should be enlisted in a multi-agency effort to develop the workforce. The guidelines should be widely consulted on (including with private and voluntary sector provider and trainer interests), and published.
- " State Governments should be under obligation to make an annual report to central government, detailing progress towards universal pre-school education in their territory and the steps they have taken to comply with central government guidelines. Those reports should also address issues brought out in the independent inspections conducted in their area. These reports should also be submitted to, and debated in, the state legislative assembly.
- " Local Governments should be under a duty to secure sufficient quality places to meet demand from families in their areas. They would be bound by national quality standards and would have to observe the national curriculum guidelines. The places should be distributed in accordance with any location criteria drawn up by central government (for example, stipulating how close pre-school centres are to be to neighbourhoods).

In relation to public sector provision (whether in Anganwadi centres or attached to primary schools) local government would be responsible for ensuring sufficient staff of appropriate calibre, for performance appraisal and career development, and for discipline.

- " Local Governments should carry a duty to publicize the value and availability of early education services in their area, making clear to parents that provision is spread across sectors. They should also be under a duty to establish and administer a 'Parent as Educator' programme through which parents can acquire information, skills, and support systems to assist them in their roles as effective primary caregivers and educators to their children. This is key responsibility, given research evidence pointing to the important contribution made by the home environment to educational (and other) outcomes for children.



Parental Involvement

- 8.2 It will also be necessary to empower parents in other ways - in particular, to enable their voice to be heard in relation to the quality and distribution of provision achieved locally, the performance of staff, and the adequacy of resources. For this purpose, the legislation should require local governments to set up an Early Education Parent Forum in every neighbourhood.
- 8.3 The managing committee of each forum should have a majority of parent members, as well as representatives of providers in all sectors, staff and trainers. Every local government should be required to publish the annual reports of the Forums in their area and also to publish its analysis of the issues raised in these reports and the steps they have taken to address these. In carrying out their inspections of centres, the state pre-school inspectors should have access to the relevant forum and to its latest report.
- 8.4 Legislation should also provide for an enforcement mechanism, to provide a procedure for those denied their rights to vindicate them and to punish non-compliance with any duties. Any official shown to have unreasonably prevented a child from participating in early childhood education, or interfered with the fair application of quality standards, or suppressed any information which the legislation requires to be published, should be disciplined and (where the offence is serious) liable to a substantial fine. The legislation should prescribe the sums.

Complaint Handling

- 8.5 Accountability should be further buttressed by the creation of an efficient system for hearing citizen complaints about access to, or the quality of, pre-school education; and for securing redress. We propose that there be a Pre-school Education Ombudsman in each state, empowered to hear complaints and make recommendations for redress and/ or compensation. Those recommendations should be publicized.

Other Provisions

- 8.6 Consistent with the UN Convention on the Rights of the Child, we propose that physical punishment of children be prohibited in any centre receiving support of any kind from government. Training in alternative forms of disciplines should be part of the basic training of all childcare workers.

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Next Steps Outline Implementation Programme

Main points

- **Whilst law is essential to confer enforceable rights, law alone will not create the systems or capacity required to deliver pre-school education on the ground.**
- **Expansion of pre-school will be a major and long-term challenge in India. It will need commitment, planned investment, and firm programme management.**
- **There are a number of initiatives that Government could take now, which would pave the way for the growth of high-quality pre-school education.**
- **These include the development of curriculum guidelines, the definition of occupational competences, a workforce development strategy, and the collection of relevant demographic data.**
- **Leaders in civil society stand ready to assist government in this preparatory work.**

The Implementation Challenge

- 9.1 To effect real change, more than law is required. Law may be a necessary condition of change but it is not a sufficient condition. In the case of a law on early education, successful implementation will depend on many practical (and also attitudinal) factors. Services cannot be developed by challenging every deficit in court, though some challenges may be necessary in the early days after passage of legislation to force the pace on implementation. What is needed, in addition to legislation, is commitment, planned investment, and programme management. Some early investments would greatly increase the prospects of effective implementation
- 9.2 If our Parliamentarians and our Central Government are persuaded in principle to work for a universal right to pre-school education, there are several steps they should take, to help pave the way for a meaningful entitlement. If these actions are postponed until legislation is enacted, it will greatly prolong the period during which children are deprived of their right to education.



First things First - A Change Programme

9.3 To move India from where it is at present to the point where it can fulfil a universal entitlement to quality pre-school education (in the context of a strategic framework of early years services) is a massive undertaking. It will need, first, a strong and enduring commitment to improve the lives of future generations and to invest for future economic growth and social cohesion. If there is political will, the next requirement is for Government to describe the programme of change - setting out the goals, the tasks (and those to whom they will be allocated), the sequencing and timing, the costs, the dependencies, and the milestones.

Setting Priorities for Preliminary Work

9.4 The discipline of programme management will reveal the priorities for action. Chief amongst these are likely to be:

- " the development of national curriculum guidelines for children aged 3 to 6;
- " the development of good practice guidelines in the early years of primary school, to ensure school readiness, continuity in children's learning, and a smooth and gradual transition from play-based to formal learning;
- " the specification of competences required by early years staff, differentiated by role and responsibility, and linked to essential and desirable qualifications;
- " the development of strategy for a major expansion in the recruitment and training (pre- and post-qualification) of early years staff, including main grade, senior and manager grades;
- " engagement with provider representatives in the voluntary and private sectors, to enlist their commitment to the expansion of quality provision;
- " the specification of a pre-school inspection capability and evaluation methods; and the recruitment of key personnel
- " the collection of relevant demographic data
- " work to assess the various cost elements falling to Government and to construct outline budgets for the delivery of the entitlement.

9.5 None of these need wait for legislation. All could be pursued in advance of the presentation of a Bill to assign responsibilities to the various tiers of government - providing only that Government allocates some resource for preliminary work. In the absence of advance planning and preparation, legislation conferring an enforceable right to pre-school education would be inoperable for several years.



Whilst some of these tasks must fall to government (or to government agencies and statutory advisers), others could be assigned to eminent academics, and leaders in civil society and in the private sector - whose expertise we should harness in this major enterprise.

Coordination and Leadership

- 9.6 A programme of this size of density will need mechanisms at national and state level to ensure coordination, cross-sector participation, and to raise awareness. Many agencies will need to be mobilized, including the statutory advisers to Government on education and training. Progress will need to be driven and maintained, in a complex and multi-disciplinary environment. Effective leadership of the change programme will be essential - and will require exceptional talent.

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Conclusion

Main points

- **The case for granting universal rights to pre-school education is compelling. The long-term gains – to individuals, communities and to the wider society and economy – are great.**
- **ambitions can only be realized if it invests heavily in education – starting with the early years.**
- **We call on leaders in all walks of life to join with us in developing the campaign for universal pre-school education and in opening a constructive dialogue with Government.**
- **For the sake of future generations and the well-being of our country, we should act now.**

10.1 This paper seeks to present a coherent set of proposals for the transformation of pre-school education in India. It is not comprehensive and there are no doubt many other issues - of policy and practice - that would need to be considered once the change programme was underway.

10.2 But for now, it seems to us that several key things are clear. There is compelling evidence of the benefits to be gained - to individuals, communities, society and the economy at large - from public sector investment in children's learning before they start school. There is also extensive evidence of the shortcomings in the current provision in India. Governments, which neglect this area and leave initiative to the vagaries of the market risk creating social division and inequality, when they should be promoting social cohesion and equity. While India's scale - in geography as well as demography - is daunting, and the challenge to universalize pre-school education is enormous, the opportunity to release the potential of the people is also vast - and priceless.





Abbreviation

NCER:	National Campaign for ECCE Rights.
ECE:	Early Childhood Education.
ECCE:	Early Childhood Care and Education.
ECCD:	Early Childhood Care and Development.
CLAP:	Committee for Legal Aid to Poor.
NCERT:	National Centre for Education Research and Training.
ICDS:	Integrated Child Development Services.
UNESCO:	United Nations Educational, Scientific and Cultural Organisation
NGO:	Non-Governmental Organisation.
UN:	United Nations.
EFA:	European Finance Association





Provision of Constitution and Law.

Article 21-A has been introduced as a Fundamental Right after Article 21 which says that "The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine."

The Eighty-sixth Constitutional Amendment Act has substituted Article 45 which reads as "The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years."

Section 11 of The Right of Children to Free and Compulsory Education Act, 2009 states, "with a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre -school education for such children.

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General Comments 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) 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, 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).¹

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 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.² 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.)
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 by 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), 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.

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.);
- (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;
- (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.

Notes

- 1 See G. Lansdown, *The Evolving Capacities of the Child* (Florence: UNICEF Innocenti Research Centre, 2005).
- 2 See *Global Strategy for Infant and Young Child Feeding*, World Health Organization, 2003.

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Published by
Committee for Legal Aid to Poor (CLAP)
Odisha, India.



Supported by
Bernard Van Leer Foundation,
The Netherlands

National Campaign for ECCE Rights (NCER)

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