

## **CRC, CRC/C/143 (2004)**

### **VII. DAY OF GENERAL DISCUSSION**

532. In accordance with rule 75 of its provisional rules of procedure, the Committee has decided to devote periodically one day of general discussion to a specific article of the Convention or to a child rights theme in order to enhance understanding of the contents and implications of the Convention.

533. At its thirty-fourth session, the Committee decided to devote its 2004 day of general discussion on “Implementing child rights in early childhood”. At its thirty-fifth session, the Committee adopted an outline for the discussion day (see CRC/C/137, annex II).

534. The discussion day was divided in two working groups as follows:

Working Group 1 - Starting sound practices early:

(a) Guaranteeing the rights to survival and development of young children, including the rights to health, nutrition and education;

(b) Guaranteeing the rights to rest and leisure and to engage in play and recreational activities.

Chairperson: Ghalia Al-Thani

Facilitator: Norberto Liwski (subtheme (a))  
Lothar Krappmann (subtheme (b))

Rapporteur: Lothar Krappmann

Working Group 2 - Young children as full actors in their own development:

(a) Participation in the family, in the school setting and in the community;

(b) The role of day care, early childhood programmes, pre-school, pre-primary and first years of primary education in promoting the child as a right-holder.

Chairperson: Yanghee Lee

Facilitator: Saisuree Chutikul

Rapporteur: Luigi Citarella

## Summary of discussions

### *Working Group I*

535. Mr. Liwski, member of the Committee on the Rights of the Child, introduced sub item (a). He recalled that children in early childhood are entitled to special care and assistance and that the family, as the fundamental nucleus for the growth and well-being of all its members and particularly children, should be given the necessary assistance and protection so that it can fully assume its responsibilities within the community. Mr. Liwski also emphasized that the full realization of human rights presupposes a review of the existing social and political practices and indicated three fundamental tools for effective public policies, namely rights based approach policies, the strengthening of citizenship as an expression of the organization of civil society and the development of community health concepts.

536. During the debate, it was agreed that, in the context of States' policies, a rights based approach that would take into account the inherent rights of children would be more adequate than a problem-oriented approach based only on needs and/or emergencies. Various speakers stressed the fact that policy makers should be more sensitive when it comes to developing early childhood policies. It was agreed that priority should be given to strengthening the family and empowering parents in the implementation of child rights; in this regard, States parties should give more attention to article 5 of the Convention.

537. Participants stressed that the rights of young children, particularly those belonging to more vulnerable groups, such as disabled children, girls, children belonging to minority or indigenous groups, children of migrant workers, children placed in institutions, children living in poverty and children in foster care, were being infringed. Emphasis was put on the importance of a holistic and integrated policy approach taking into account the multifaceted violations of children's rights.

538. Other issues raised by various speakers during the debate included the need for data disaggregated by gender on young children, the importance of prenatal care and sound breastfeeding policies, the allocation of resources to pre-school education, the need for preventive measures in health care and the rights of children having their mothers in detention.

539. In the afternoon, Mr. Krappmann, member of the Committee, introduced sub item (b). He noted that, in the dialogue with States parties, emphasis was usually put on the issues of the survival, health and education of children and that children's play and their cultural and social activities were usually only touched upon. He stressed that play, leisure, recreation and cultural activities are fundamental and indispensable rights of young children. Finally, he emphasized the value for children of self-determined play and goals and self-evaluated performances.

540. The discussion focused mainly on the subject of play in its various forms and nuances; emphasis was put on the definitions of play, the relationship between play, learning and development; and the different concepts of play that exist in different locations, cultures and beliefs. The importance of self-determined and unsupervised play was also stressed, taking into account the possible risks involved in the latter. Many speakers recommended the drafting of a

general comment on the implementation of the Convention of the Rights of the Child in Early Childhood.

### *Working Group 2*

541. The discussions in the Working Group roughly followed its two subthemes.

542. Much of the discussion focused on the challenges to the healthy development of young children. These included the difficulties of sensitizing and training parents, particularly in the context of different cultures and traditions, and certain perceptions of children. In this connection, the subject of corporal punishment was raised and extensively discussed. The subject of birth registration, which is crucial to the child's enjoyment and exercise of rights in general, was also raised. Another significant challenge to the healthy development of children was HIV/AIDS, which threatens the youngest children's right to survival, as well as denying their right to a stable and safe environment.

543. Many participants expressed interest in the subject of childcare. They flagged the need for a holistic policy approach so that government departments could work together, and for such programmes to be adequately supported. The importance of having clear guidelines or laws for quality assurance and accessibility, as well as accurate and disaggregated data on the youngest children, were emphasized. Mention was made of an international framework of core curriculum tools for all professionals working with children which is in the process of being developed.

544. A large part of the discussion was devoted to the issue of participation, including what it means in practice and how it can be implemented for younger children. Experiences were shared about ways to hear children's voices, to listen to grievances (also touching on the subject of complaint filing systems for younger children), and the ways for parents and other adults to talk to them, including on subjects such as sexual abuse.

545. Participants agreed on the importance of the right to play as a natural way for children to learn, make sense of the world, and participate as actors in society. Support from adults who understand their need to play is very important.

## **Recommendations**

### *Introduction*

546. The Committee reaffirms that the Convention on the Rights of the Child reflects a holistic perspective on early childhood development based on the principles of indivisibility and interdependence of all human rights. Consequently, all of the rights recognized in the Convention apply to all persons below 18, including the youngest children (art. 1). Early childhood covers different age groups in different countries and regions; it generally covers children aged below 4 to below 8 years. The Committee does not favour any definition over another. The Committee, in organizing the day of general discussion, wishes to underline the importance of early childhood development, since the early childhood years are critical for

laying a solid foundation for the sound development of the child's personality, talents, and mental and physical abilities.

#### *Birth registration*

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

#### *Comprehensive programme, including vulnerable children*

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

#### *Resource allocation for early childhood (art. 4)*

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

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

#### *Data collection*

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

#### *Best interests of the child (art. 3)*

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

#### *Right to survival and development/health/education (arts. 6, 24, 28 and 29)*

553. Article 6, paragraph 2, of the Convention guarantees the right to survival and development to all children. The Committee reminds States parties and others concerned that this provision can be implemented only in a holistic manner, through the enforcement of all other provisions recognized in the Convention, including the rights to health, adequate nutrition and education (arts. 24, 28 and 29). States parties to the Convention need to ensure that in their first years all children have access to adequate health care and nutrition, as stipulated in article 24, to enable them to have a healthy start in life. In this context, breastfeeding and access to clean drinking water and adequate nutrition are essential and due attention should be paid to the importance of appropriate prenatal and post-natal health care for mothers to ensure healthy development of children in early years and a healthy mother-child relationship. To underline the importance of education as part of early childhood development, the Committee recommends that States parties consider making early childhood education an integral part of basic/primary education as a tool to nurture the child's evolving capacities in a stress-free environment.

### *Right to rest, leisure and play (art. 31)*

554. In view of the insufficient attention given by States parties and others concerned to the implementation of the provisions of article 31 of the Convention, which guarantees “the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts”, the Committee reiterates that these are key rights that enable every young child to fully develop his/her personality, talents and mental and physical abilities to their fullest potential. Recognizing that these rights are often endangered by all manner of external constraints hindering children’s collective play and recreation in a stimulating and secure environment that is child-appropriate, the Committee appeals to all States parties, non-governmental organizations and private actors to identify and remove potential obstacles to the enjoyment of these rights by the youngest children, including through poverty reduction strategies. In this connection, States parties are encouraged to pay greater attention and allocate adequate resources (human and financial) to the implementation of the right to rest, leisure and play.

### *Child participation (art. 12)*

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

### *Community-based approach*

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

### *Training and research*

557. The Committee encourages States parties to invest in systematic training and research in the field of early childhood development from a rights-based perspective. States parties are encouraged to undertake systematic education and training of children and their parents, as well

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

*Assistance to parents, families and childcare institutions (art. 18)*

558. The Convention requires States parties to render appropriate assistance to parents, legal guardians and extended families in the performance of their child-rearing responsibilities, inter alia by providing parenting education. States parties also should ensure the development of institutions, facilities and services for the care of children and 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 ILO Maternity Protection Convention, 2000 (No. 183). Finally, States parties must ensure that parents are given appropriate support to enable them to fully involve their young children in early childhood programmes, including pre-school education.

*Human rights education (art. 29)*

559. In light of article 29 and the Committee's general comment No. 1 on the aims of education, the Committee recommends that States parties include human rights education in pre and primary school programmes. Such education should be participatory, and adapted to the ages and evolving capacities of young children.

*Role of civil society and private actors*

560. 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 to respect the principles and provisions of the Convention and, in this regard, reminds States parties of their primary obligation in ensuring its implementation. Early childhood professionals - in both the State and non-State sectors - should be provided with thorough preparation, ongoing training and adequate compensation. In this context, States parties are reminded of their obligation to provide services for early childhood development and that the role of civil society should be complementary to, not a substitute for, the role of the State.

*International assistance*

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

### *Looking forward*

562. The Committee urges all States parties, intergovernmental organizations, NGOs, academics, professional groups and grass-roots communities to foster continuous high-level policy dialogues and research on the crucial importance of quality in early childhood development, including at the regional and local levels.

### **Participants**

563. Representatives of the following States parties, organizations and bodies participated in the day of general discussion:

#### *Representatives of States parties to the Convention*

Australia, Bahrain, Barbados, Belgium, Belize, Botswana, Canada, Czech Republic, Fiji, Finland, Germany, Georgia, Ghana, Ireland, Japan, Lithuania, Mauritius, Monaco, Poland, Spain, Sweden, Syrian Arab Republic, Turkey.

#### *United Nations bodies and agencies and other intergovernmental organizations*

Organization for Economic Cooperation and Development Centre, Commonwealth Secretariat, Council of Europe, United Nations Children's Fund, World Food Project.

#### *Non-governmental organizations, including the private sector*

Action Aid India, Aga Khan Foundation, Arigatou Foundation-Geneva, *Asociacion trabao di Hubentud na Aruba*, *Associazione Comunità Papa Giovanni XXIII*, Baby Milk Action, Baha'i International Community, Bernard van Leer Foundation, *Bruxelles Accueil et Development pour la jeunesse et l'enfance* (BADJE), Canadian Child Care Foundation, Canadian Coalition for the Rights of Children, CECODAP, Central Union for Child Welfare, Centre on Human Evolution Studies, CEU-IPV, Child and Youth Welfare Association-Germany, Children's Rights Alliance for England, *Coalition des ONG des Droits de l'Enfant*, *Comité contre l'esclavage moderne*, *Consultative Group on ECCD*, *Coordination des ONG pour les droits de l'enfant* (CODE), Defence for Children International - and its national sections from Angola, Belgium, the Czech Republic, the Democratic Republic of the Congo, Japan, the former Yugoslav Republic of Macedonia and Switzerland, *Deutsche Liga für das Kind* (German League for the Child), ECPAT International, Eshet Children and Youth Unity Association-Ethiopia, European Association for Children in Hospital (EACH), the European Children's Network (EURONET), Every Child, Federation for the Protection of Children's Human Rights, Flemish Children's Rights Coalition, Forum for Crèche and Childcare Services (FORCES), Ghana NGO Coalition on the Rights of the Child, Global Initiative to End all Corporal Punishment of Children, Global Wfaucis, *Gruppo di Lavoro per la CRC*, Health Canada, Hopes and Homes for Children, ICCB/BICE, Committee for Legal Aid to Poor, India Alliance for Child Rights, International Alliance of Women, International Baby Food Action Network (IBFAN-GIFA), International Federation Terre des Hommes, International Foster Care Organisation, IPPA-the Early



Childhood Organisation, Italian CRC working group - *ArciRagazzi*, *Kind en Gezin*, Mouvement International Aid, National Coalition for the implementation of the UN Convention on the Rights of the Child in Germany, International Catholic Child Bureau (ICCB), Netherlands Institute for Care and Welfare/International Centre, NGO Group for the CRC, Pakistan International Human Rights Organisation (PIHRO), Plan Finland, Pro Juventute, *Reliasle Fubure Leubh*, Rowen International, Save the Children - Sweden and United Kingdom, Society for the Protection of the Rights of the Child (SPARC), SOS Kinderdorf International, Specialist Children's Services, SRG Welfare Society, University of the West Indies Caribbean Support Initiative, Training and Resources in Early Education (TREE), Women's World Summit Foundation (WWSF), World Movement of Mothers.

*Other organizations and individuals*

Ilaria Barachini, Italian National Childhood and Adolescence Documentation and Analysis Center; Kathien Beeckman, *Das Bikash*, Sector-6, India; Johanna Fleischhauer, University of Duisburg; Masaaki Fukud, Yamanashi-gakuin University, Law School, Japan; *Délégation à la petite enfance*, Ville de Genève; Ansah Samuel Guansa, University of Ghana; Karl Hanson, *Institut universitaire Kurt Bösch*, Sion, Switzerland; Waltrant Kerber-Ganse, Technical University of Berlin; Service de la petite enfance, Commune de Meyrin, Switzerland; Eva Lloyd, Centre for Poverty and Social Justice, University of Bristol; Liga Ozolo, University of Oslo; Aisling Parkes, University College Cork, Ireland; Helen Penn, University of East London; Jerry Ross-Akuetteh, University of Ghana; K. Shanmugavolayurham, Convenor T.V. Forces, India; Iveta Strazdina, Riga Graduate School of Law; Jacques van der Gaag, University of Amsterdam; Teresa Walker, Ombudsman for Children's Bureau, Poland.