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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 of Implementing Child Rights in Early Childhood. This resulted in a set of recommendations (see CRC/C/143) 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 realization of these rights. The Committee's working definition of 'early childhood' includes all young children: at birth and throughout infancy; during the pre-school 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 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 UN 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 wellbeing.
- 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 focussed 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 unless, under the law applicable to the child, majority is attained earlier." (article 1). Consequently, young children are holders of all rights enshrined in the Convention. They are entitled to special protection measures and, according to their evolving capacities they can progressively exercise 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 distinctive phase of their childhood. The Committee reaffirms that the Convention on the Rights of the Child is to be applied holistically to early childhood, taking account of the principles of 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 four years old. In other countries, this transition takes place around seven 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 pre-

school years; as well as during the transition to school. Accordingly, the Committee proposes the period below the age of eight years as an appropriate working definition of early childhood, within which States parties should review their obligations towards young children.

5. **A positive agenda for early childhood.** The Committee encourages States parties to construct a positive agenda for rights in early childhood. A shift is required away from traditional beliefs that regard early childhood mainly as a period for socialization of the immature human being towards mature, adult status. The Convention requires children to be respected as persons in their own right, including the very youngest children. 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 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 appointment of a Children's Rights Commissioner, and through Child Impact Assessment (see General Comment no. 2 (2002) on the role of independent human rights institutions, CRC/GC/2002/2).
6. **Features of early childhood.** The Committee draws attention to early childhood as a critical period for realizing children's rights:
 - a) Young children experience the most rapid period of growth and change during the human life span, in terms of their maturing body and nervous system, increasing mobility, skills and communicative capacities, and rapid shifts in their interests and abilities from infancy through to the transition to school.
 - 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 is 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 co-ordinate shared activities, resolve conflicts, keep to agreements and accept responsibilities for others.
 - d) Young children actively make sense of the world they inhabit, including physical, social and cultural dimensions, learning progressively from their activities and their interactions with others – other children as well as adults.
 - e) Young children's earliest years are foundations 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 individuality, 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.

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

- 7. **Research into early childhood.** The Committee also 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 is dependent on and built around close relationships. These relationships are normally with a small number of key people, most often parents and other members of the extended family, including siblings and peers, as well as care workers and other early childhood professionals. At the same time, research into social and cultural dimensions of early childhood draws attention to diversities in the ways early development is understood and enacted, including varying expectations of the young child and arrangements for their care and education. A feature of modern societies is that increasing numbers of young children are growing-up in multi-cultural 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) nor prejudicial to children's health and well-being (article 24.3), nor against their best interests, (article 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 the potential for prevention and intervention strategies during early childhood to impact positively on 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, CRC/GC/2003/4).

III. GENERAL PRINCIPLES AND RIGHTS IN EARLY CHILDHOOD

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

- 8. **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 peri-natal care for mothers and babies, reduce infant and child mortality and create conditions that promote well-being amongst 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 other provisions recognized in the Convention, including rights to health, adequate nutrition, social security, adequate standard of living, healthy and safe environment, education and play (articles 24, 27, 28, 29 and 31) as well as through respect for the responsibilities of parents and provision of assistance and quality services (articles 5 and 18). From an early age, children should themselves be included in activities promoting good nutrition, and a healthy and disease-preventing lifestyle.

9. **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 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 realize their rights.
 - (iii) Discrimination against children infected or affected by HIV/AIDS deprives them of the help and support they most require. Discrimination may be found within public policies, in provision of and access to services as well as in everyday practices that violate these children's rights (see also para. 23).
 - (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 amongst 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.

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 availability 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 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.

10. **Best interests of the child.** Article 3 sets out the principle that the best interests of the child are a primary consideration. 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). 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 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 somebody who acts for the child's interests, and that children are 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 affects 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).

11. **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 have them taken into account. This right reinforces the status of the young child as an active participant in 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 socialisation. 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' (article 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.

- 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 be consulted in matters that affect

- them is implemented from the earliest stage in ways appropriate to their 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 (and 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 providing training in the necessary skills. The achievement of participation rights 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

12. **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) as well as the obligation on States parties to provide assistance; including quality child care 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 nuclear family, extended family and other traditional and modern community-based arrangements, provided these are consistent with children's rights and best interests.
13. **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) from very soon after birth, and they engage in non-verbal communications, within which they are an active partner. 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 personal identity, and acquire culturally valued skills, knowledge and behaviour. In these ways, parents (and other caregivers) are normally the major conduit through which young children are able to realize their rights.

14. **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 these can best be realized. Respecting young children’s evolving capacities is crucial for realization of 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 endorses the principle that parents (and others) have responsibility to adjust continually the levels of direction, support, scaffolding 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 best interests. While a young child generally requires higher levels of guidance than an older child, it is important to take account of individual variations in the capacities of same age children and in their ways of reacting to situational demands. Evolving capacities should be seen as a positive, enabling principle. It should not be interpreted as an endorsement of authoritarian practices that restrict children’s autonomy and self-expression and which have traditionally been justified by appealing to children’s relative incompetence 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 participation rights (article 12) and their rights to freedom of thought, conscience and religion (article 14). (See also ‘The Evolving Capacities of the Child’, by G.Lansdown, Florence, UNICEF Innocenti Research Centre, 2005).
15. **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 (articles 18.1; 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 in the child’s best interests (article 9). Young children are especially vulnerable to adverse consequences of separations because they are physically dependent on parents/primary caregivers, as well as emotionally attached to them. They are also least 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 parents are able to take primary responsibility for their children; support parents in fulfilling their responsibilities, including reducing harmful deprivations, disruptions and distortions to children's care; and take action where young children's well-being may be at risk. States parties' overall goals should include reducing the numbers 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, 33b).

16. **Social trends and the role of the family.** The Convention emphasizes that 'both parents have common responsibility for the upbringing and development of the child', with fathers and mothers recognized as equal caregivers (article 18.1). The Committee notes in practice that 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, grandparents, siblings and other members of extended families, along with professional caregivers in child care and education. The Committee acknowledges that each of these relationships can make a distinctive contribution in 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 from 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 more 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 for 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.
17. **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 (article 18.2 and 18.3), including assisting parents in providing conditions of living necessary for the child's development (article 27.2) and ensuring children receive necessary protection and care (article 3.2). The Committee is concerned that insufficient account is taken of the resources, skills, and personal commitment required by 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. Recognising 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. peri-natal 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.

Appropriate assistance to parents can best be achieved as part of comprehensive policies for early childhood (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 child care services, maternity protection and facilities for which they are

eligible. In this regard, the Committee recommends States parties to ratify the ILO Convention No.183 on Maternity Protection.

V. COMPREHENSIVE POLICIES AND PROGRAMMES FOR EARLY CHILDHOOD, ESPECIALLY FOR VULNERABLE CHILDREN

18. **Rights-based, multi-sector strategies.** In many countries and regions, early childhood has received low priority for 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 level, 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, co-ordinated, multi-sector strategies, in order to ensure 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 the full age range up to eight 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 with, and involved in, the planning of comprehensive services.

19. **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 recognising the changing developmental priorities for specific age groups (for example, for babies, toddlers, pre-school, 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, as well as in psychosocial quality and in the numbers, suitability and training of staff. Provision of services appropriate to the circumstances, age, and individuality of young children requires that all staff be trained to work with this age range. Work with young children should be socially valued and properly paid, in order to attract a highly qualified workforce, including 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 para. 35); that they adopt appropriate child-centred care practices, curricula and pedagogies; and that they have access to specialist professional resources and support, including a supervision and monitoring system for public and private programmes, institutions and services.

20. **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 wellbeing) are guaranteed access to appropriate and effective services, including programmes of health, care and education specifically designed to promote their wellbeing. Particular attention should be paid to the most vulnerable groups of young children and to those who risk discrimination (article 2). These include 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).

21. **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 they may be denied entitlements to basic health, education and social welfare. As a first step in ensuring rights to survival, development and access to quality services for all children (article 6), the Committee recommends States parties to undertake 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 birth registration should be applied to all children, without discrimination of any kind (article 2). The Committee also reminds States parties of the importance of facilitating late registration of birth, and ensuring that children who have not yet been registered have equal access to health care, protection, education and other social services.

22. **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 (article 27). The Committee notes with concern that even a 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, 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 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...' to children and families (article 27.3), in order to assure 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 (article 26).

23. **Health provision.** States parties should ensure that all children have access to highest attainable health care and nutrition during their early years, in order to reduce infant mortality and enable them to enjoy a healthy start in life (article 24). In particular:
- a) States parties have a responsibility to ensure access to clean drinking water, adequate sanitation, appropriate immunisation, good nutrition and medical services are essential for young children's health, as is a stress free environment. Malnutrition and disease have long term impact on children's physical health and development. They impact on children's mental state, inhibiting learning and social participation and reducing prospects for realizing potential. The same applies to obesity and unhealthy life-styles.
 - b) States parties have a responsibility to implement children's right to health, encouraging education in child health and development, including about the advantages of breastfeeding, nutrition, hygiene and sanitation. (See 'Global Strategy for Infant and Young Child Feeding', World Health Organization, 2003). Priority should also be given to the provision of appropriate prenatal and postnatal health care for mothers and infants in order to foster healthy family-child relationships, especially between a child and his mother (or other primary caregivers), (article 24.2). Young children are themselves able to contribute to ensuring their personal health and encouraging healthy lifestyles amongst 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 anti-retroviral 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, CRC/GC/2003/3).
24. **Early childhood education.** The Convention recognizes the right of the child to education, in particular that primary education should be made compulsory and available free to all (article 28). The Committee recognizes with appreciation that some State parties are planning to make one year of preschool education available and free of cost for all children. The Committee interprets rights to education during early childhood as beginning at birth and closely linked to young children's right to maximum development (article 6.2). Linking education to development is

elaborated in article 29: “States parties agree that the education of the child shall be directed to the development of the child’s personality, talents and mental and physical abilities to their fullest potential” (article 29.1.a). 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 (CRC/GC/2001/1, para. 2). States parties are reminded that children’s rights to education include all children, and that girls should be enabled to participate in education, without discrimination of any kind (article 2).

25. 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 (Section 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 (article 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 (article 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 are complementary to parents’ role and as far as possible developed in partnership with parents, including active cooperation between parents, professionals and others in developing “the child’s personality, talents and mental and physical abilities to their fullest potential” (article 29.1.a).

The Committee calls on States parties to ensure all young children receive education in the broadest sense (as outlined in para. 24 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 impact positively 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 from at least four years old, which in some countries is integrated with care provision 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 employed to signal a shift towards integrated services, and

reinforces the need for a coordinated, holistic, multi-sectoral approach to early childhood.

26. **Community-based programmes.** The Committee recommends that States parties support early childhood development programmes, including home- and community-based pre-school programmes, in which parents' (and other caregivers') empowerment and education are main features. States parties have a key role to play in providing a legislative framework for provision of quality, adequately resourced services, and for ensuring 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, achieved by working with local communities, rather than imposing a standardized approach to early childhood care and education. The Committee also recommends that States parties pay greater attention to, and actively support, a rights-based approach to early childhood programmes, including initiatives surrounding transition to primary school that ensure continuity and progression, in order to build children's confidence, communication skills and enthusiasm for learning, including through their active involvement in planning processes.
27. **The private sector as service provider.** With reference to its recommendations adopted during its 2002 general discussion day on "The private sector as service provider and its role in implementing child rights" (see CRC/C/121, paras. 630-653), the Committee recommends that States parties support the activities of the non-governmental sector as a channel for programme implementation. It further calls on all non-state service providers (including '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 in ensuring its implementation. Early childhood professionals - in both the State and non-state sectors - should be provided with a thorough preparation, ongoing training and adequate remuneration. In this context, States parties are responsible for service provisions 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 children's rights are protected and their best interests served.
28. **Human rights education in early childhood.** In light of article 29 and the Committee's General Comment no. 1, 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 with young children should be anchored in everyday issues with which young children

can identify, at home, in child care centres, early education programmes and other community settings.

29. **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 shortage of opportunities for young children to meet, play and recreate 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, leisure, and play facilities should take account of children’s right to express their views (article 12), through appropriate consultations. In all these respects, States parties are encouraged to pay greater attention and allocate adequate resources (human and financial) to implementation of the right to rest, leisure and play.

30. **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 realization of children’s rights. Early childhood is a specialist market for publishers and media producers, who should be encouraged to disseminate material which 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 in children’s circumstances, culture, and language. Particular attention should be given to the needs of minority groups for access to media that promotes their recognition and social inclusion. Article 17.e also refers to the role of States parties in ensuring 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 supporting parents/caregivers to fulfil their child-rearing responsibilities in this regard (article 18).

VI. YOUNG CHILDREN IN NEED OF SPECIAL PROTECTION

31. **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 to parents and caregivers, or growing up in extreme poverty and deprivation, or 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 the 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, distorted or disturbed development; they are relatively powerless to avoid or resist difficulties; and they 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 is not exhaustive and children may in any case be subject to multiple risks. As a general strategy, the goal of States parties should be to ensure every child, in every circumstance, receives adequate protection in fulfilment of their rights:

- a) Abuse and neglect (article 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 from 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 for long-term repercussions, States parties should take all necessary measures to safeguard young children at risk, 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 (articles 20 and 21): Children's rights to development are at serious risk where they are orphaned, abandoned or deprived of family care or where 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, internal armed conflicts, wars and forced migrations). These adversities will impact on children differently according to 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 three but also for children under five 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” (article 21), and not just “a primary consideration” (article 3), but 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 (article 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 provision of health, care, education and other services. Children 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 “Treatment of unaccompanied and separated children outside their country of origin” (CRC/GC/2005/6).
- d) Children with disabilities (article 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. A priority is to ensure they have equal opportunity to participate fully in education and community life, including removal of disabling barriers that impede the realization of their rights. Young disabled children are entitled to appropriate specialist assistance, including support to 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 Recommendations from The Committee’s 1997 Day of General Discussion on ‘The rights of children with disabilities’ contained in CRC/C/66).

- e) Harmful work (article 32): In some countries and regions, children are socialized into work from an early age, including activities which are potentially hazardous, exploitative and damaging to health, education and long term prospects. For example, young children may be initiated into domestic work or agricultural labour, or assist their parents or siblings engaged in hazardous activities. Even very young babies may be vulnerable to economic exploitation, as when they are used in begging, or hired out for this purpose. Exploitation of young children in the entertainment industry, 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 by ILO Convention no. 182 on the worst forms of child labour (1999).
- f) Substance abuse (article 33): While very young children are only likely to be substance abusers in rare circumstances, 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 (article 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 pornography, as covered by the Optional Protocol to the Convention on the Rights of the Child on the Sale of children, Child Prostitution and Child Pornography, 2002.
- h) Sale, trafficking and abduction of children (article 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) as regards adoption by foreigners. In addition to the Optional Protocol on the Sale of children, Child Prostitution and Child Pornography, 2002, the 1993 Hague Convention on Protection of Children and Cooperation in respect of Inter-country 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 law-breaking (article 40): Under no circumstances should young children (defined as below eight years old within this General Comment, para. 4) be included within 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 (article 18) and that young children have access to quality early childhood education and care, and (where appropriate) specialist guidance/therapies.

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

VII. CAPACITY BUILDING FOR EARLY CHILDHOOD

32. **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 (article 4). The Committee acknowledges that States parties implementing child rights in early childhood do so from very different starting points, in terms of extent of existing infrastructures of early childhood policies, services and professional training, as well in levels of resource 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 is 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.
33. **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 impact assessment 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 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, and urban and rural residence, and other relevant categories. This system should cover all children up to the age of 18 years, with specific emphasis on early childhood, particularly children belonging to vulnerable groups.

34. **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, 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 wellbeing 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.
35. **Training for rights in early childhood.** Knowledge and expertise about early childhood is not static but changes over time. This is variously due 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 child care, curricula and pedagogy as well as the emergence of new research evidence. Implementing child rights in early childhood sets challenges for all responsible for children, as well as for children themselves as they gain an understanding of their role in families, schools and communities. States parties are encouraged to undertake systematic child rights training for children and their parents, as well as all for 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.

36. **International assistance.** Acknowledging the resource constraints affecting many States parties implementing the comprehensive provisions outlined in this General Comment, the Committee recommends that donor institutions, including the World Bank, other United Nations institutions and bi-lateral donors support early childhood development programmes financially and technically, as one of their main targets to assist sustainable development in countries benefiting from international assistance. Effective international cooperation can also strengthen capacity-building for early childhood, in terms of policy development, programme development, research, and professional training.
37. **Looking forward.** The Committee urges all States parties, inter-governmental organizations, NGOs, academics, professional groups and grass-root 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.