

● EARLY CHILDHOOD CARE AND EDUCATION: INTERNATIONAL PERSPECTIVE



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Abstract

The present paper is an attempt to examine the international legal framework for early childhood care and education. The term childcare generally refers to a variety of services providing non-parental care and education for children. Early childhood education is a broad term used to describe any type of educational program that serves children in their preschool years, before they are of legal age to enter kindergarten. It can logically be established that these early childhood years are crucial, critical and important for caring and investing in to provide an enabling environment for each and every child so that a sound foundation be built up on which the fullest development of their personality can be ensured. The paper presents discussion on UN Convention on the Rights of Child, provision of UDHR, initiatives by UNICEF, ICCPR, Health for all Declaration, Maternity Protection Convention, World Declaration on Education for all and Moscow World Conference on Early Childhood Care and Education. The paper argues that the aim of providing quality early childhood care and education is possible only when all the stakeholders put a combine effort in this direction.

Key words

Early Childhood Care, Education, Maternity, Rights of Child and Human Rights.

I. MEANING

Early childhood care and education refers to preschool, prekindergarten and kindergarten, day care, nursery school or nursery education with an objective to prepare young children for their transition into elementary school. The term 'childcare', as one word, generally refers to a variety of services providing non-parental care and education for children below 14 years of age.¹ Early Childhood Education is a term that refers to educational programs and strategies geared towards children from up to the age of eight.² Quality early childhood care and education promotes children's social, emotional,

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¹ "Diversity and Equality Guidelines for Child Care Providers", Minister of Children, Ireland, December 2006.

² According to MS Beth Lewis (An Elementary Education Expert), available at: emergeedu.com/faculty/beth-lewis-ms

physical and cognitive development and helps them to develop their full potential. Children who benefit from early childhood education programs are better prepared for primary school and will reach better education outcomes.³ Early childhood education is a broad term used to describe any type of educational program that serves children in their preschool years, before they are of legal age to enter kindergarten. Early childhood education may consist of any number of activities and experiences designed to aid in the cognitive and social development of preschoolers before they enter elementary school.⁴ Early childhood is defined as the period from birth to eight years old, time of remarkable growth as these years lay the basis for subsequent development. Early Childhood Care and Education (ECCE) is more than a preparatory stage assisting the child's transition to formal-schooling. It places emphasis on developing the whole child attending to his or her social, emotional, cognitive and physical needs to establish a solid and broad foundation of lifelong learning and wellbeing.⁵ Early childhood education is a science which studies the process of education before the school age. Early childhood education is an activity that takes place before the school age. The aim of early childhood education is a versatile development of child's personality. Besides education and teaching, early childhood education also include a basis care. It helps a child to be ready and mature for a smooth transfer to school.⁶ Early Childhood Education consists of activities and/or experiences that are intended to effect developmental changes in children prior to their entry into elementary school. Early child education program includes any type of educational program that serves children in the pre-school years and is designed to improve later school performance.⁷ Early Childhood Development (ECD) and/or Early Childhood Care and Education (ECCE) as understood by Indian professionals working with young children, relating to a holistic and integrated program of nutrition, health and early childhood education which caters to children from prenatal to 6/8 years and which addresses the all round development of the child.⁸ Early childhood refers to the formative stage of first six years of life, with well marked sub-stages (Conception to birth, birth to three years and three years to six years) having stage specific needs, following the life cycle approach. ECCR encompasses the inseparable elements of care, health, nutrition, play and early learning within a protective and enabling environment. It is an indispensable foundation of lifelong development and learning, and has lasting impact on early childhood development.⁹

From birth to age 5, children rapidly develop foundational capabilities on which subsequent development builds. In addition to their remarkable linguistic and cognitive

³ "Global Partnership for Education", available at: www.globalpartnership.org

⁴ Available at: Preschool.Teacher.org/what-is-early-childhood-education

⁵ *Education 2030 Agenda*, UNESCO, available at: en.unesco.org/themes/early-childhood-care-and-education

⁶ Mikko Ojala, "Early Childhood Care as a Science", *The First Early Childhood Education*, Professor in Finland, 1978.

⁷ *Encyclopedia of Children's Health: Infancy to through Adolescence*, available at: www.healthofchildren.com

⁸ Venita Kaul and Deepa Shankar, *Early Childhood Care and Education (Education For All-Mid Decade Assessment)*, National University of Education Planning and Administration (NUEPA), New Delhi, 2009.

⁹ *National Early Childhood Care and Education (ECCE) Policy*, Ministry of Woman and Child Development, Government of India, 2013.



gains, they exhibit dramatic progress in their emotional, social, regulatory and moral capacities. All of these critical dimensions of early development are intertwined, and each requires focused attention.¹⁰ Learning and education do not begin with compulsory schooling they start from birth. The early years from birth to compulsory school age are the most formative in children's lives and set the foundations for children's lifelong development and patterns for their lives. In this context high quality early childhood education and care (ECEC) is an essential foundation for all children's successful lifelong learning, social integration, personal development and later employability. A competent ECEC includes competent individuals; collaboration between individuals and teams in an ECEC setting, and between institution (ECEC settings, nurseries, pre-schools, schools, pre-primary settings, support services for children and families etc.), as well as effective governance arrangements at a policy level.¹¹ The dynamic process approach to early childhood care and education offers more for children's positive development and learning than either the academic (education) or play based (care) approach alone.¹² The integrated approach to ECEC systems stems from a paradigm shift, in which the responsibility for the care and socialization of young child is no longer of the family alone, but of society as a whole, shifting from a deficit model to a model based on human rights. It results that a significant portion of the upbringing process has become a public matter, therefore, falling within the realm of human rights arena, with enormous implications for the development of ECEC policies and programs.¹³ Early education is important for all. Investment in quality child care and early childhood education produce significant returns for children. They also benefit taxpayers and enhance economic vitality.¹⁴ Public policy evolved in the twentieth century in relation to multiple challenges, most notably pauperization, the needs of working mothers, demands for an enriching preschool education for a growing middle class, and for preparing young children for primary schooling.¹⁵ Education at the initial stage is indeed basic to future learning. It is here that the attitudes towards learning that will continue throughout one's life are formed. Scientific evidences point out that the pace of development is very high during the first 6 to 8 years of life when much of the potential for

¹⁰ Jack P. Skonkoff and Deborah A. Philips (eds.), *The Science of Early Childhood Development: From Neurons to Neighborhood*, Board on Children, Youth and Families, National Research Council and Institute of Medicine (Washington D.C.: National Academy Press, 2000), at 5.

¹¹ *Proposal for Key Principles of a Quality Framework for Early Childhood Education and Care*, A Report of the Working Group on Early Childhood Education and Care under the Auspices of the European Commission, October 2014.

¹² Noirin Hayes, "Perspectives on the Relationship between Education and Care in Early Childhood", *The Early Childhood Curriculum Framework*, National Council for Curriculum and Assessment, NCCA, Dublin, 2007.

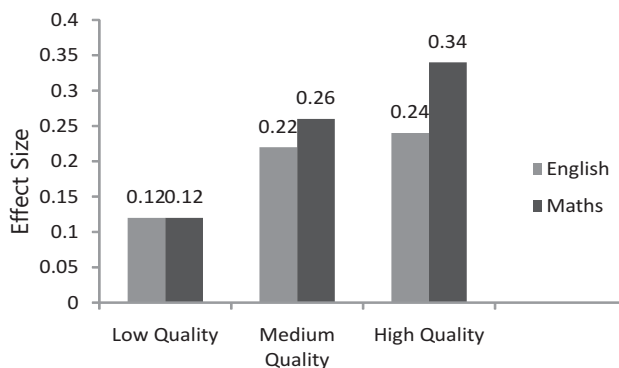
¹³ Lenira Haddad, *Integrated Policies for Early Childhood Education and Care: Challenges, Pitfalls and Possibilities*, Education Centre, Federal University of Alageas.

¹⁴ Leslie J. Calman and Linda Tarr-Whelan, "Early Childhood Education for All: A Wise Statement", in a conference on the Economic Impacts of Child Care and Early Education: Financial Solutions for the Future sponsored by Legal Momentum's Family Initiative and the MIT Work Place Centre, April 2005.

¹⁵ *Right Beginnings: Early Childhood Education and Educators: Global Dialogue Forum on Conditions of Personnel in Early Childhood Education*, International Labour Organization, Geneva, 22-23 February 2012.

adult level intelligence is realized. Therefore, the environment in which children are placed during this period impact the process of development very heavily. Children growing up in a rich and stimulating environment tend to gain a lot. They learn to be creative and inquisitive about the world around them and cultivate a love for learning that stays with them for the lifetime. This early child care and education, serves dual purpose. One is to produce a literate population and the other is to lay a ground for later learning.¹⁶ Early childhood education generally means education before the start of formal school or before the age at which children are required to attend the school. Early childhood education and care (ECEC) is important for individual educational and social progress as well as national economic development. A large body of evidence from social science, psychology and neuroscience demonstrates the importance of early years for later development. It is an important policy for all children and specially for trying to assist children to overcome disadvantage.¹⁷ It is argued that care and education are co-essential and should be conceived as a continuum process.¹⁸ Researches in various fields show that skill begets skill; that learning begets learning. It means that if once a child falls behind, he is likely to remain behind.¹⁹ It may be logically argued that the basis for future learning and social and emotional development is set before children start school and therefore the foundations of ECEC lie in the realization that learning abilities are formed during the first years of childhood.²⁰ Further to this, where children do not get a good start in life, early intervention is essential as schools are generally ill-equipped to remedy a bad start.²¹ Many studies show the impact of quality ECEC on educational

Figure: Impact of pre-school quality on English and Maths at age 11 (Reference group: Home Children) - EPPE Study in England²²



¹⁶ Neelam Sood, *Planning and Management of Early Childhood Education: A Case of Himachal Pradesh*, School and Non-Formal Education Unit, National Institute of Educational Planning and Administration, New Delhi, 2003.

¹⁷ *Early Childhood Education and Care*, Spotlight, Oireachtas Library & Research Service, Ireland, 2012.

¹⁸ L. Menchini, "The Ongoing Transition of Child Care in the Economically Advanced Countries", Proceedings of the Child on Europe Seminar; European Network of National Observatories on Childhood.

¹⁹ James J. Heckman, "The Economics of Investing in Children", UCD Geary Institute, 2006.

²⁰ Andersen G. Esping, "Childhood Investment and Skill Formation, International Tax and Public Finance", 2008, pp. 19-44.

²¹ Gosta Esing Andersen, "Equality Opportunities in an Increasingly Hostile World", 2007 at 22 available at: http://dcpis.upf.edu/~gosta-esping-andersen/materials/equal_opportunities.pdf

²² Start Strong, 2010, at 12.



outcomes. The study on Effective Provisions of Pre-School Education (EPPE) in Britain involving 3000 children finds that high quality pre-school accounted for big improvement in Maths and English test scores over children with no pre-school.

Data presented by this study suggests that the benefit deriving from 18 months of pre-school is similar to that desired from 6 years of primary school.²³ There is clear evidence that participation in high quality ECEC leads to significantly better attainment in international tests on basic skills, such as PISA.²⁴ There are, generally speaking, two approaches to ECEC. One focuses on the acquisition of particular skills and on school-readiness.²⁵ The other takes a more holistic approach²⁶ to child well-being and development, integrating education and care, and is more focused on the 'here and now' than on skills for tomorrow.²⁷

II. NEED AND IMPORTANCE

First 6-8 years of a child's life, known as early childhood stage, are globally recognized to be the most critical years for life-long learning and development because the pace of development during these years is extremely rapid. Researches in the field of neuroscience convincingly suggest that experience-based brain development in the early years sets neurological and biological pathways that affect health, learning and behaviour throughout life. These early years of a child's life are the important critical stages of development of several social, cognitive and psychological competencies which becomes the foundation for the later success of life.²⁸ It is also an established fact that these early childhood years of a child are also important from the perspective of the development of personal, social and ethical values and accordingly for the development of a child's personality. It means that if we are not able to support these critically important years of a child's life by providing a stimulating and enriching physical and psycho-social environment, the chances of the development of child's brain to its fullest extent of potential would certainly be reduced.²⁹ At the same time it is also an important fact in this context that the children belonging to poor sections, indigenous communities, disadvantaged groups and minority sections, particularly in developing countries are at risk in terms of their chances to have avail the opportunities of early childhood care and education. By the time poorer children in many countries reach school age, they are at the significant disadvantage in cognitive and social ability.³⁰

²³ E. Melhuish, "Pre-School Matters", 333 *Science*, 2011.

²⁴ PISA is an international assessment of the reading, science and mathematical literacy of 15-years old students.

²⁵ This approach is common in UK, USA, Italy, and Belgium.

²⁶ This approach is prominent in Denmark, Finland, Sweden and Norway.

²⁷ Hasan, "Public Policy in Early Childhood Education and Care", 1(1) *Internat. J. of Childcare and Education Policy*, 2007.

²⁸ Venita Kaul and Deepa Shankar, *supra* note 8.

²⁹ Researches have indicated that if these early years are not supported by, or embedded in, a stimulating and enriching physical and psychosocial environment, the chances of the child's brain developing to its full potential are considerably, and often irreversibly reduced.

³⁰ The World Bank, 2005 b:132.

Therefore it can logically be established that these early childhood years are crucial, critical and important for caring and investing in to provide an enabling environment for each and every child so that a sound foundation be built up – on which the fullest development of their personality can be ensured. This is not only the right of every child of a country but also important in the sense that it also impacts the quality of human resource capital available to a country. It is logical to state that early childhood care, development and education for children in the age of 0-6 years (or Parental to 6 years) is relevant and important for any country. It is specifically important for the young country like India for the rationale that its main asset at present and in the years to come is its 'youth power'. Early childhood is the most critical period for cognitive and social development, the acquisition of languages and early literacy.

The process of globalization has also made it possible to draw international attention towards the issue of children across the countries. Issues of child labour, child malnutrition and child education are now being addressed transnationally and resources are being put together. South Asian countries also have achieved important milestones in their commitment to children. They started to take initiatives to identify common issues to be addressed in relation to child health, nutrition, education, and protection of children from exploitation, violence, abuse, trafficking and labour. The Status Report in E-9 countries³¹ clearly shows that all are taking steps to promote early childhood care and education as a critical element of EFA, including attempts to introduce holistic curricula, teacher's training and various other indicators.³²

III. LEGAL DEVELOPMENT

Children have a right, as expressed in the Universal Declaration of Human Rights and the UN Convention on the Rights of Child, to receive education. Early childhood education must be considered as the part of this right. Education International strongly believes that early childhood education is of great importance and value to all children and should be available to all. This commitment is evident in the 1998 Resolution passed by the EI World Congress in Washington D.C., which resolved to lobby for the provisions of free of charge quality ECE to every child.³³

In twentieth century children came to be viewed as holders of rights. Child education was started to be recognized as part of the broader concept of the right of childhood

³¹ The nine most populous countries – India, China, Pakistan, Bangladesh, Brazil, Egypt, Indonesia, Mexico and Nigeria.

³² The UNESCO, 2003.

³³ *Early Childhood Education: A Global Scenario*, A Report on A Study Conducted by the Education International ECE Task Force, June 2010.

³⁴ By the present declaration of the rights of child, men and women of all nations, recognising that mankind owes to the child the best that it has to give, declare and accept it as their duty that, beyond and above all considerations of race, nationality or creed:

- (i) the child must be given the means requisite for its normal development, both materially and spiritually.
- (ii) the child that is hungry must be fed; the child that is sick must be nursed; the child that is backward must be helped; the delinquent child must be reclaimed; and the orphan and the waif must be sheltered and succored;



when League of Nations adopted Geneva Declaration³⁴ on the Rights of Child on 26 September 1924. The Geneva Declaration was a historic document that recognized and affirmed for the first time the existence of rights specific to children and the responsibility of adults towards children.³⁵ The United Nations replaced League of Nations after World War II. It took over the Geneva Convention in 1946. In 1948, the General Assembly of United Nations adopted the Universal Declaration of Human Rights (UDHR) which represents the first global asseveration of universally protected fundamental human rights. The UDHR enunciated the special rights of child for the first time by providing that motherhood and childhood are entitled to special care and assistance. All children whether, born in or out of wedlock, should enjoy the same social protection.³⁶ However, following the adoption of the Universal Declaration of Human Rights in 1948, the advancement of rights revealed the shortcomings of Geneva Declaration and therefore it required to be expanded but it could not become possible as the proposal could not be adopted and therefore, a specialized agency of the UN-UNICEF was established to promote care for the world's children.³⁷ Member States of U.N., then thought to draft another declaration of the rights of child which could address the notion that 'mankind owes to the child the best that it has to give'. On 20 November 1959 the *Declaration of Rights of Child* was adopted unanimously by all then 78 member states of U.N. General Assembly.³⁸ 1959 Declaration recognized, universally, the child as a human being who must be able to develop physically, mentally, socially, morally, and spiritually, with freedom and dignity. The Preamble of the Declaration highlights children's need for special care and protection including appropriate legal protection, before as well as after birth and accordingly the Declaration of the Rights of Child, 1959 lays down various principles to fulfill these objectives.³⁹ Although the Declaration reflected the best intentions, it did not have any binding force on the Member States,

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- (iii) the child must be first to receive relief in times of distress;
 - (iv) the child must be put in a position to earn a livelihood, and must be protected against every form of exploitation;
 - (v) the child must be brought up in the consciousness that its talents must be devoted to the service of fellow men.

³⁵ Available at: <http://www.humanium.org/en/childrens-rights-history/references-on-child-rights/declaration-rights-child>

³⁶ The Universal Declaration of Human Rights, 1948, Article 25(2).

³⁷ Present nomenclature is United Nations children Fund.

³⁸ The U.N. General Assembly Resolution No. 1386 (XIV).

³⁹ Following ten principles were laid down by the Declaration –

- (i) the right to equality, without distinction on account of race, religion or national origin;
- (ii) the right to special protection of child's physical, mental and social development;
- (iii) the right to a name and nationality;
- (iv) the right to adequate nutrition, housing and medical services;
- (v) the right to special education and treatment when a child is physically or mentally handicapped;
- (vi) the right to understanding and love by parents and society;

who were not very active and effective in putting the principles into practice and operation. The biggest drawback of both the Geneva Declaration (1924) and the Declaration of the Rights of Child (1959) was that they failed to define 'child', which left uncertainty as to when childhood began and ended.⁴⁰ Recognizing the relevance, importance and significance of child welfare and development, the year 1979 was designated and celebrated as the International Year of the Child.

International Covenant on Civil and Political Rights (ICCPR) adopted by U.N. General Assembly in 1966 was an earliest international instrument recognizing the child's right to protection.⁴¹ It is relevant to refer that the responsibility of ensuring protection to the child was assigned to the family, society and the State.⁴² India ratified this Convention in 1979. Health for All Declaration, 1978⁴³ enunciated the need for urgent action by all governments, health and development workers and the World Community to protect and promote health for all people. It was the first International Declaration focused on the importance of primary health care. The Declaration expressed the need to address improvements in nutrition of both the mother and the child, to impart knowledge about nutrition, and proper feeding of children and nutrition of mothers during pregnancy and lactation.⁴⁴ The important goal set out by the Declaration for its member countries was to provide plentiful supplies of clean water and help to decrease mortality and morbidity, in particular among infants and children.⁴⁵

Maternity Protection Convention 2000⁴⁶ is aimed to promote equality of all women in the workforce and the health and safety of mother and child. The Convention imposes the obligation on States to adopt appropriate measures to ensure that the pregnant and breastfeeding women are not obliged to perform work for it may be prejudicial for the health and safety of mother and child. The Convention recognizes the shared

(vii) the right to recreational activities and free education;

(viii) the right to be among the first to receive relief in all circumstances;

(ix) the right to protection against all forms of neglects cruelty and exploitation; and

(x) the right to be brought up in a spirit of understanding, tolerance, friendship among people, and universal brotherhood.

⁴⁰ *Early Childhood Development and Legal Entitlements*, Report No.259, Law Commission of India, Govt. of India, August 2015.

⁴¹ The ICCPR, 1966, available at: [http://www.ahchr.org/EN/Professional Interest/Pages/CCPR.aspx](http://www.ahchr.org/EN/Professional%20Interest/Pages/CCPR.aspx)

⁴² *Id.*, Art.24(1) states that every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

⁴³ Almaty, and Kazakhstan adopted in WHO International Conference on Primary Health Care (PHC), held on September 6-12, 1978.

⁴⁴ *Primary Health Care*, Report of the International Conference on Primary Health Care, Alma-Ata, USSR, 6-12 September 1978.

⁴⁵ *Ibid.*

⁴⁶ The Convention concerning the Revision of the Maternity Protection Convention (Revised) 1952 was adopted by the General Conference of the International Labour Organization held on 30 May 2000 at Geneva.



responsibility of State and society towards pregnant and breastfeeding mothers by taking into consideration the circumstances of women workers and realizing the need to ensure the protection for pregnancy and the nurturing and care of the child. It is the significant feature of the Convention that in matters of dismissal of pregnant women, the burden of proof lies on employers to establish that the reasons of dismissal were unrelated to pregnancy or childbirth and its consequences or to nursing.

In 1989, the United Nations adopted the legally binding Convention on the Rights of Child (CRC), which is known as most widely ratified human rights treaty in the world. The Convention emphasizes the right of all children to protection, care and education.⁴⁷ The CRC requires the governments of member states to provide assistance to parents and legal guardians in their child rearing responsibilities and to make child-care services and facilities available to them and especially to working parents.⁴⁸ It seems that the CRC helped to formalize and to shape early childhood education policies and provisions around the world. This Convention came into force on 2 September 1990 after it was ratified by required number of member states. Presently 196 countries are party to it.⁴⁹ Two Optional Protocols were adopted on 25 May 2000⁵⁰ and both the protocols have been ratified by more than 150 countries.⁵¹ A third Protocol relating to communication of complaints was adopted in December 2011 and came into force on April 14, 2014.

The World Declaration on Education for All (EFA) at Jomtein (1990) introduced the idea that learning begins at birth and affirms early childhood care and education as an integral part of basic education and an educational level in its own right.⁵² Ultimate objective of EFA is sustainable development by achieving certain goals.⁵³ In the year

⁴⁷ The UN Convention on the Rights of Child, 1989, Articles 2, 3, 13, 14, 17, 18, 24, 28, and 29.

⁴⁸ *Id.*, Art. 9, 18, and 27.

⁴⁹ United Nations Treaty Collection, Convention on the Rights of the Child, Retrieved 2 Oct. 2015.

⁵⁰ First Protocol restricts the involvement of children in military conflicts, and second optional protocol prohibits the sale of children, child prostitution and child pornography.

⁵¹ United Nations Treaty Collection: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, Retrieved on 20 Oct. 2010 and United Nations Treaty Collection: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography Retrieved on 20 Oct. 2010.

⁵² The UNESCO World Declaration on Education for All, Art. I states that child, youth, and adult shall be able to benefit from educational opportunities designed to meet their basic learning needs.

⁵³ EFA Goals:

- (i) to expand early childhood care and education;
- (ii) to provide free and compulsory primary education for all;
- (iii) to promote learning and life skills for young people and adults;
- (iv) to increase adult literacy;
- (v) to achieve gender parity; and
- (vi) to improve the quality education.

⁵⁴ The Millennium Development Goals: These goals are the world's time bound and quantified targets for achieving the objective of addressing issues responsible for poverty like income poverty, hunger, disease,

2000, several countries adopted these EFA goals and 8 Millennium Development Goals,⁵⁴ the two important frameworks in the field of education. The education priorities of UNESCO⁵⁵ are also shaped by the same objectives. These two sets of goals offering long-term vision of reducing poverty and hunger, better health and education, sustainable development, strong partnerships and shared action may be availed as ambitious roadmap for the global community to ensure the early childhood care and education. It is also relevant to state that EFA goals and Millennium Development goals are complementary as the Director General of UNESCO, Mr. Irina Bokova states that when you fund education, you are securing progress towards all the Millennium Development Goals. In the year 2000 after a decade from the declaration of EFA Declaration 1990, the international community met again at the World Education Forum and expressed their agreement on Dakar Framework for Action- Education for All: Meeting. The Framework, in addition to reaffirming the commitment to achieve Education for All by year 2015, also identified six education goals⁵⁶ to fulfill learning needs of children, youth and adults by 2015.

Moscow World Conference on Early Childhood Care and Education: Building the Wealth of Nations convened by Director General of UNESCO was held in Moscow, Russian Federation from 27 to 29 September 2010.⁵⁷ The Conference was aimed to heighten global awareness of ECCE as the right of all children, encourage a dynamic and far reaching reflection on the transformative powers of ECCE and reinforce its role as a basis for development, take stock of progress, identify challenges and establish more effective benchmark towards achieving education for all, engage governments policy-makers, researchers and range of institutions in reorienting national systems and programmes to

gender disparity, education and environmental sustainability etc. The MD goals were determined by the adoption of U.N. Millennium Declaration at the Millennium Summit in Sept. 2000, the largest gathering of world's leaders in the History. Following and the finally adopted goals-

- (i) to eradicate extreme poverty and hunger;
- (ii) to achieve universal primary education;
- (iii) to promote gender equality and empower women;
- (iv) to reduce child mortality;
- (v) to improve maternal health;
- (vi) to combat HIV/AIDS, malaria and other diseases;
- (vii) to ensure environmental sustainability; and
- (viii) to develop a global partnership for development.

⁵⁵ The United Nations Educational, Scientific and Cultural Organization.

⁵⁶ Some of these goals affecting children are –

- (i) to expand and improve comprehensive early childhood care and education;
- (ii) to provide access to complete, free and compulsory primary education for all;
- (iii) to improve all aspects of quality of education; and
- (iv) to eliminate gender disparities in primary and secondary education and to achieve gender equality in education.

⁵⁷ The Conference was held as a joint collaboration between UNESCO and Russian Federation in accordance with the 35C/Resolution 15 adopted by General Conference at its 35th Session



take into account the early childhood years as human right and an integral part of development, and to promote global exchange of good practices.

The U.N. Convention on the Rights of Child provided for the Constitution of monitoring body, the United Nations Committee on the rights of child. The Committee consists of independent experts elected by the ratifying member countries.⁵⁸ Experts are to be elected from various fields including human rights, international law, juvenile justice, social work, health care and journalism. The committee is to take the responsibility to determine whether children enjoy the rights recognized by the Convention on the Rights of Child. With this objective the committee regularly reviews the progress achieved by countries in the performance of their obligations under the Convention regarding the promotion and protection of these rights. The committee performs this function by examining relevant information available through U.N. agencies and other diligent sources. The committee also employs a type of monitoring system that is common to all human rights bodies. The system relies on periodic reports transmitted through the Secretary-General of United Nations by national governments on child-welfare legislations and other meaningful measures countries have adopted that give effect to convention rights within their territories.⁵⁹

The Committee holds a Day of General Discussion in Geneva every two years in September about a specific article of the Convention on the Rights of Child or a related subject. This initiative provides an opportunity to develop a deeper understanding of contents and implications of CRC. The topic is selected by the Committee and announced at least one year in advance. Since 1992, the Committee has held 20 Days of General Discussion. The Day of General Discussion in 2004 was devoted on the topic 'Implementing Child Rights in Early Childhood'. The Committee reaffirms that the Convention on the Rights of Child reflects on holistic perspective on early childhood development. All the rights recognized in the Convention apply to all persons below eighteen, including the youngest children. Early childhood covers different age groups in different countries and regions, generally covering children aged below four to ones below eight years, and the committee does not favour the one over the other. The committee in organizing the Day Discussion wishes to underline the importance of early childhood development, since the early childhood years are critical for laying a solid foundation for the sound development of the child's personality, talents, mental and physical abilities.⁶⁰ In the light of the importance of early childhood development services and programs for the short and long term cognitive and social development of children, the State parties are urged to adopt comprehensive and strategic plans on early childhood development within the rights-based framework, and accordingly, increase

⁵⁸ The U.N. Convention on the Rights of Child, Article 43 and 45 of the Convention provides the procedure and responsibilities related to the composition and the functions of the committee.

⁵⁹ "Implementing Child Rights in Early Childhood", A Guide to General Comment, United Nations Committee on the Rights of the Child, United Nations Children Fund and Bernard Van Leer Foundation, the Hague, 2004.

⁶⁰ *Id.*, Recommendation 1, Day Discussion: Implementing Child Rights in Early Childhood, United Nations Committee on the Rights of Child, 17 September, 2004.

their human and financial resource allocations for early childhood development services and programs. In this connection, State parties are encouraged to develop strong and equitable partnership between the government, public services, families and the private sector to finance early childhood care and education.⁶¹ In pursuing these actions, it is necessary that State 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 (Art. 2); the best interest of child (Art. 3); right to life, survival and development (Art. 6); and the respect for the views of child (Art. 12).⁶² In the light of Art.3 of the Convention States parties must guarantee that in all activities and programs concerning children, whether undertaken in public or private early childhood institutions, the best interest of the child shall be primary consideration. State 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 area of safety, health, in the number and suitability of the staff, as well as competent supervision.⁶³

Art. 6.2 of the Convention guarantees the right to survival to all children. The Committee reminds States parties and others concerned that this provision can be implemented only in holistic manner, through the enforcement of all other provisions recognized in the Convention, including the rights to health, adequate nutrition and education. State 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 Art.24, to enable them a healthy start in life. In this context, breastfeeding, access to clean drinking water and adequate nutrition are essential and due attention should be paid to the importance of prenatal and postnatal health care for mothers to ensure healthy development of children in early years and a healthy mother-child relationship. To underline the importance of education as a part of early childhood development, the Committee recommends that State parties consider making early childhood education an integral part of primary/basic education as a tool to nurture the child's evolving capacities in stress-free environment.⁶⁴

In view of the sufficient attention given by States parties and other concerned to the implementation of the provisions of Art. 31 of the Convention, which guarantees right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of 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 manners of external constraints hindering children to meet, play and recreate in stimulating and secure environment that are child appropriate, the committee appeals all States parties, non-

⁶¹ *Id.*, Recommendation 4 on Resource Allocation for Early Childhood (Art. 4 of the Convention), Day Discussion: Implementing Child Rights in Early Childhood, United Nations Committee on the Rights of Child, 17 September, 2004.

⁶² *Id.*, Recommendation 5.

⁶³ *Id.*, Recommendation 7.

⁶⁴ *Id.*, Recommendation 8.



governmental organizations and private actors to identify and remove potential obstacles to the enjoyment of these rights by the young children, including through poverty reduction strategies. In this connection States parties are encouraged to play greater role and allocate adequate resources (human and financial) for the implementation of the right to rest, leisure and play.⁶⁵

The Convention on the Rights of Child principally enshrines children's participation in all matters affecting children (Art. 12). Therefore States parties must take all appropriate measures to ensure that the concept of the child as right holders is anchored in the child's daily life from the earliest stage: at home (and including, when applicable, the extended family); in school; in day care facilities and in his or her community. States parties should take all appropriate measures to promote the active involvement of parents (and extended families), schools and communities at large, in the promotion and creation of opportunities for young children to actively and progressively exercise their rights in the everyday activities. In this regard, special attention must be given to the freedom of expression, thought, conscience and religion and the right to privacy of the young children, according to their evolving capacity.⁶⁶

The Committee recommended that States parties support early childhood development programs, including home and community based pre-school education programs, in which parents' empowerment and education are main features. They are urged to construct high quality, developmentally appropriate and culturally relevant programs by working with local communities rather than imposing a top-down approach to early childhood development practices. The Committee also recommended 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 enthusiasms for learning.⁶⁷

The Committee encouraged States parties to invest in systematic training and research in the field of early childhood development from a right based perspectives. 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 urged States parties to conduct awareness raising campaign for the public at large.⁶⁸

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

⁶⁵ *Id.*, Recommendation 9.

⁶⁶ *Id.*, Recommendation 10.

⁶⁷ *Id.*, Recommendation 11.

⁶⁸ *Id.*, Recommendation 12.

⁶⁹ *Id.*, Recommendation 13.

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 recommended States parties to ratify the ILO Convention No. 183 on Maternity Protection. Finally, States parties must ensure that parents are given appropriate support to enable them to fully involve their young children in early childhood programs, including pre-school education.⁶⁹ In the light of Art. 29 and the Committee's General Comment No. 1 on the aims of education,⁷¹ the Committee recommended that States parties include human rights education in pre and primary school programs. Such education should be participatory, and adapted to the ages and evolving capacities of young children.⁷¹

The Committee recommended that donor institutions, including the World Bank, other United Nations institutions and bi-lateral donors support early childhood development programs financially and technically, as one of their main targets to assist sustainable development in countries benefiting from international assistance.⁷² The Committee urged all States parties, inter-governmental organizations, NGOs, academics, professional groups and grass-root 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.⁷³

The 5th World Congress of Educational International⁷⁴ decided that the Executive Board should establish a Task Force on Early Childhood Education. The aim of the Task Force⁷⁵ was to advise Educational International on various aspects of early childhood education, including strategies for the effective implementation of the Washington Resolution,⁷⁶ on early childhood education policy, practice, programs and activities. The findings of the report on the study of early childhood education conducted by EI Task Force reveal that there is a wide range of positive developments and experiences in several countries which include increasing participation rates, provisions of comprehensive ECE services, as well as the training and professional developments of educators engaged in ECE. However, progress remains slow and uneven, both within and between the countries. Therefore public authorities should be encouraged in early

⁷⁰ CRC/GC/2001/1.

⁷¹ *Supra* note 59, Recommendation 14.

⁷² *Id.*, Recommendation 16.

⁷³ *Id.*, Recommendation 17.

⁷⁴ Held in Berlin in 2007.

⁷⁵ Which was established by the Executive Board of Education International in 2008.

⁷⁶ Which was passed by Education International World Congress held in Washington D.C. in 1998.

⁷⁷ Foreword by Fred Van Leeuwen, General Secretary, Education International to the Report on Study conducted by the Education International ECE Task Force on "Early Childhood Education: A Global Scenario", June 2010.



childhood education and it is also equally relevant and important to encourage teachers unions, parents associations, and civil society organizations to ensure that this neglected Education for All (EFA) goal is achieved.⁷⁷

IV. CONCLUSION

Early childhood care and education is the right of children in the internationally recognized human rights regime as it is the foundation for all future development of a child. Various efforts have been made by the international community especially by League of Nations and United Nations. Several Agreements, Treaties and International Conventions were agreed to and adopted by national governments for caring about the rights of children and particularly for ensuring early childhood care and education. But, it seems that because of nonbinding nature of International commitments, the development of law ensuring and regulating early childhood care and education could not find its proper place in national regimes. It is also not out of context to state that legal frameworks on this subject could not become uniform because of the diverse social, economic, cultural, political considerations and resources available in individual countries. The economic viability has also been an important factor which affected prejudicially the initiatives towards development of effective legal framework to guarantee the most fundamental, human, and natural right of children to early childhood care and education. It is also relevant to note that the development of legal framework at international level is found scattered and initiatives could not be taken to consolidate international laws at one place and accordingly to inspire the countries to adopt complete code of conduct for promoting the early childhood care and education. Consistent effort of all the stakeholders and evolution of an international model law on the issue is desired to fulfill obligations of state and parents towards children.