**Children’s Rights in Early Childhood Provision:**

**A Comparative Study**

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**Introduction**

This paper presents a comparative MA study that took place in 2012. The study explored how children’s rights were engaged with in two early childhood settings in England, a Family Centre and a Nursery School, and two equivalent settings in Sweden. I argue that since public provision for young children has become a permanent structure of European society, there needs to be a critical reflection on what kind of experiences we provided for our youngest members of society. Furthermore, I suggest that public provision must be seen as a political and ethical enterprise (Moss and Petrie, 2002). This necessitates looking at provision as a site for democracy, as the core values of the European Union are: liberty, democracy, respect for human rights, fundamental freedoms and the rule of law (EC 2015). A rights based approach to education and care should therefore be considered an important aspect of democratic practices, especially since all European countries have ratified the *Convention on the Rights of the Child* (hereafter the CRC).

On the surface, the situation in England seems positive as the CRC is firmly embedded in the *Children Act 2004* and implicit in the English early years curriculum (EYFS 2008), however, according to the *Children’s Rights Alliance for England* (CRAE), children’s rights are not systematically engaged with at Local Authority level (CRAE 2009) and few professionals in early childhood settings use the CRC as a frame of reference to guide practice (Barnombudsmannen 2014; Reynaert et al. 2012).

The rationale for the study was that children, parents and professionals need to know what rights children have, and what those rights entail, otherwise the CRC is an ‘invisible’ treaty, despite being the most ratified treaty in the history of the United Nations (OHCHR 1989). The overall aim of the research was to advance an understanding of factors relevant to promoting a children’s rights discourse, from a national legislative level through to practical implementation. What knowledge professionals working with young children have of the CRC and how they engage with it in everyday practice was therefore of central interest. However, because the CRC is embedded in Acts and policies in England and Sweden, the research also questioned whether an explicit children’s rights discourse and active engagement with rights is necessary for young children in early childhood provision to benefit from their rights? A comparison of how England and Sweden – two countries with very different political traditions – were implementing the CRC in early childhood provision was expected to be illuminating.

**Methodology**

An interpretivist philosophy and inductive approach was applied using a case study research design. The research design was summarized using’s Yin’s (2009) five case study components:

The question of how children’s rights are implemented in early childhood provision contains within it the proposition that rights may be addressed explicitly or implicitly. The units for analysis, four early years settings, provided opportunity to use both qualitative and quantitative tools to collect and link data to the proposition. Pattern-matching logic in line with explanation building was used for interpreting the findings, thereby adding to the body of knowledge as to how very young children’s rights are negotiated in early childhood provision (Cole-Albaeck, 2012: 41).

The initial desk-based phase involved an extensive review of research and policy literature in England and Sweden followed by the data collection stage using tools specifically developed for the study. The data was analysed and synthesised in phase three. Although the research was inherently a qualitative study, a mixed method approach was chosen as it allowed for a range of perspectives and a more comprehensive picture to emerge than a purely qualitative or quantitative study would have done.

**Finings**

Seventeen professionals took part in the study and the findings showed that the general knowledge base was higher in the two Swedish settings compared to the English ones. Data also revealed that knowledge was higher amongst Family Centre staff compared to Preschool and Nursery School staff in both countries. All Nursery School participants in England found it difficult to articulate a coherent children’s rights discourse although there was some general awareness:

I know they have them [rights] but I don’t know what they are.

I know there is a UN Convention on children’s rights and that there are certain rights that are set out, including the right to play, the right to rest, the right to feel safe, I think, but that’s about all I know.

Data further revealed that the CRC was addressed at a basic level in various courses in both countries but at county or municipal level, the training on offer tended to focus on Protection rights and the promotion of Participation rights. Although the three main types of rights – often referred to as the 3 P’s, Provision, Protection and Participation rights – are supposed to be of equal importance one participant commented:

Coming from a social work side I would always say protection [is most important] … I think protection has to come first. Protecting them [children] as they can’t protect themselves.

Data suggested that the professionals in the field had a general bias towards Protection and Provision rights. Supporting mainly children’s Protection and Provision rights leaves children’s Participation rights and the right to know about their rights in the shadows. This may not only reflect how children and childhood are viewed by a particular professional, setting or organization but also the predominant discourse in a given society.

Data further revealed that children’s rights were being engaged with to varying degrees in all the four settings. The implementation of the CRC in the English Family Centre was on a par with the two Swedish settings whereas there was a distinct gap between the implementation in the Nursery School in England and the other three settings studied. An interesting fact to emerge from the interviews was that although the senior members of the teams held the view that it was important to have knowledge about and openly talk about children’s rights, in reality, they were rarely discussed in the teams or explicitly translated into practice on the ground. It was argued that children’s rights need not necessarily be explicit or included in the planning process as long as provision was of high quality, children’s safety was of primary importance and children were included in some decision making processes in an age appropriate way. There was also a fear that an explicit children’s rights discourse may alienate parents, a major reason for not making a children’s rights agenda, that can be viewed as contentious, explicit. In fact one participant said she would never consider talking about children’s rights in isolation. She could only envisage an explicit children’s rights dialogue if in combination with parental rights: “*I would never want to be explicit about a child’s right with a parent, without exploring their rights as well”*. It could be argued that there is some legitimacy to an implicit approach: however, the duty to make the CRC known to adults and children alike as per Article 42 is then not realised.

At the initial analysis stage, the proposition put forward was that *an explicit children’s rights discourse is necessary in early childhood provision for children to benefit from their rights.* The evidence from the four settings studied seemed to corroborate this and a concluding proposition was put forward that:

Strong leadership guidance, an open dialogue about rights and a rights based evaluative framework are needed for professionals to be able to, with parents, effectively negotiate rights in early childhood provision (Cole-Albaeck 2012, 70).

Strong leadership is needed from government level all the way down to setting level. However, even though the UK’s coalition government at the time of the study asserted that they were committed to the CRC, some claim, *‘the coalition’s commitment to children's rights has proved an empty promise’* (ROCK, 2015). The Coalition Government, among other things, did not follow recommendations by the *Committee on the Rights of the Child* (OHCHR, 2008) to place the CRC openly at the core of policy and practice (CRAE, 2011a; 2011b), nor put structures and mechanisms in place to make sure that professionals working with children are systematically trained on children’s human rights. Similar recommendations were presented to the Swedish government in their latest report, urging the Swedish government to further strengthen its effort to ensure all children are aware of the CRC and can use it to defend their rights (OHCHR 2009).

I believe that a rights based approach to learning and development must begin in early childhood *‘as values, attitudes, behaviours and skills acquired in this period may have long-lasting impact in later life’* (Pramling Samuelsson and Kaga, 2008, 9; Mac Naughton, 2006). In a Northern Irish study called *Too young to notice?* Connolly, *et al*. (2002) revealed that a small but significant number of catholic and protestant children begun to show cultural and political awareness from the age of three, and that preferences or cultural and political prejudice increased significantly by the age of six. Researchers in Australia have also reported that some children begin to display positive and negative attitudes towards racial diversity as early as the age of three (Mac Naughton, 2006). In other words, values and attitudes begin forming at a very early age. Early childhood provision therefore plays an important role in laying the foundation for understanding and experiencing rights, respect and democratic values, fundamental to European society (Lindahl, 2005). One of the Swedish participants expressed the importance of ‘growing into’ your rights from an early age. Furthermore, recent research shows that respecting children’s rights in settings and school can greatly contribute not only to children’s personal development and wellbeing but also to narrowing the gap between disadvantaged children and their more advantaged peers (Covell and Howe, 2011; Lovat, *et al.* 2011).

**Recommendations and concluding thoughts**

Based on the synthesis of the case study data and the literature review the following recommendations were made:

1. Systematic and ongoing training on the CRC is needed for all professionals working with or for children.
2. A rights based framework such as UNICEF UK’s Rights Respecting Schools/Setting Award (2011) or Hampshire’s Rights Respect Responsibility framework (HCC 2012) is needed at local authority as well as setting level to make the CRC a relevant document in early childhood provision.
3. Professionals should be encouraged to use tools for independently evaluating provision such as for instance Child Impact Assessments.

In line with findings by Save the Children Sweden (2007), the study identified that a lack of awareness of the CRC, not enough resources allocated to children, poor intersectoral collaboration and a lack of systematic independent CRC monitoring mechanisms are still major barriers to making children’s rights a reality. It is therefore time to reiterate the United Nations’ (2002) call on all members of society to build a world fit for children by protecting and promoting children’s rights and allowing for children’s meaningful participation in making the vision of the CRC a reality.

**Current research**

The study presented here was the catalyst for a new project in the form of a transnational Ph.D. study currently in its early stages. The purpose of the new research is to explore the meaning and application of *rights based pedagogy* in early childhood education and care with children under the age of three. The aim of this research is to develop the CRC from whatmay be considered an ideological tool to an instrument that can be used as a *‘social political frame of reference’* (Reynaert, *et al.* 2012: 166) in early childhood and consequently make children’s rights more visible and relevant to children, parents and professionals working with young children.

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