



INTERNATIONAL INSTRUMENTS

Right to Education and Early Childhood Care and Education

This document provides an overview of the provisions of the international human rights framework which reference early childhood care and education (ECCE), or similar terms, explicitly. It includes instruments which are binding on the states which have ratified them, as marked with an asterisk below. It also includes non-binding instruments which are significant for various reasons, for example a non-binding instrument may constitute authoritative interpretation which provides guidance to states regarding implementation of a binding instrument; indicate evolving practices or emerging consensus on particular issues; and/or they be subject to structured follow up and review processes which provide space for dialogue about rights in practice. When building strategic advocacy and litigation strategies to facilitate the enjoyment of human rights-based ECCE, it is important to consider all relevant sources of international and comparative material, in order to understand current developments and to present persuasive arguments concerning the effective implementation of human rights within specific contexts around the world.

International Frameworks

- [Convention on the Rights of the Child, 1989*](#)
(Articles 18 and 31, General Comment Nos. [7](#), [8](#), [10](#), [14](#), [17](#), [23](#) and [24](#))
- [Convention on the Elimination of All Forms of Discrimination against Women, 1979*](#)
(Preamble, Articles 5(b), 10 and 11(2)(c) and General Recommendation No. 36)
- [Convention on the Rights of Persons with Disabilities, 2006*](#)
(General Comment No. 4)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*](#)
(Article 30 and General Comment No. 4)

Regional Frameworks

- [African Charter on the Rights and Welfare of the Child, 1990*](#)
(Articles 12 and 20(2))
- [European Charter for Regional or Minority Languages, 1992*](#)
(Article 8)
- [European Pillar of Social Rights, 2017](#)
(Article 11)

- **Council of Europe**
(Recommendation Nos. [81\(3\)](#), [R\(2000\)4](#), [CM/Rec\(2007\)13](#), [CM/Rec\(2009\)4](#), [CM/Rec\(2012\)13](#) and [Recommendation on High-Quality Early Childhood Education and Care Systems \(2019\)](#))

Global Agreements, Declarations and Frameworks for Action

- [Sustainable Development Goals, 2015](#)
(Goal 4.2, Global Indicators 4.2.1 and 4.2.2)
- [Education 2030 Incheon Declaration and Framework for Action, 2015](#)
(Article 6 and Framework for Action)
- [Moscow Framework for Action and Cooperation: Harnessing the Wealth of Nations, 2010](#)
- [Dakar Framework for Action, Education for All: Meeting Our Collective Commitments, 2000](#)
- [The World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs \(Jomtien Declaration\), 1990](#)
(Article 5 and Framework for Action)

Additional Supporting Materials:

Whilst not explicitly referencing ECCE, the following provisions may also be useful in understanding and building effective advocacy and litigation strategies towards human rights-based enjoyment of ECCE.

(1) On the purpose of education:

- [International Covenant on Economic, Social and Cultural Rights, 1966*](#)
(Article 13(1) and [General Comment No 21](#))
- [Convention on the Rights of the Child, 1989*](#)
(Article 29)
- [UNESCO Convention against Discrimination in Education, 1960*](#)
(Article 5(1)(a))
- [African Charter on the Rights and Welfare of the Child, 1990*](#)
(Article 11)
- [European Social Charter \(Revised\), 1996*](#)
(Article 17)

(2) On non-discrimination and equality in education:

- [International Covenant on Economic, Social and Cultural Rights, 1966*](#)
(Article 2(2) and [General Comment No. 7](#))
- [Convention on the Rights of the Child, 1989*](#)
(Articles 2 and 28)

- **Convention on the Elimination of All Forms of Discrimination against Women, 1979*** (Article 3 and General Recommendation Nos. 23 and 29)
- **Convention on the Rights of Persons with Disabilities, 2006*** (Article 24)
- **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*** (Article 45)
- **International Convention on the Elimination of All Forms of Racial Discrimination, 1965*** (Article 5(e)(v))
- **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003*** (Articles 12(1) and 13(e) and (l))

See also the Right to Education Initiative's pages on [Marginalised Groups](#).

International Frameworks

Convention on the Rights of the Child, 1989

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 31

1. States Parties recognize 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.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

CRC General Comment No. 7 on implementing child rights in early education, UN Doc. CRC/C/GC/7/Rev.1 (20 September 2006)

4. **Definition of early childhood.** Definitions of early childhood vary in different countries and regions, according to local traditions and the organization of primary school

systems. In some countries, the transition from preschool to school occurs soon after 4 years old. In other countries, this transition takes place at around 7 years old. In its consideration of rights in early childhood, the Committee wishes to include all young children: at birth and throughout infancy; during the preschool years; as well as during the transition to school.

Accordingly, the Committee proposes as an appropriate working definition of early childhood the period below the age of 8 years; States parties should review their obligations towards young children in the context of this definition.

6. **Features of early childhood.** Early childhood is a critical period for realizing children's rights. During this period:
 - (a) Young children experience the most rapid period of growth and change during the human lifespan, in terms of their maturing bodies and nervous systems, increasing mobility, communication skills and intellectual capacities, and rapid shifts in their interests and abilities;
 - (b) Young children form strong emotional attachments to their parents or other caregivers, from whom they seek and require nurturance, care, guidance and protection, in ways that are respectful of their individuality and growing capacities;
 - (c) Young children establish their own important relationships with children of the same age, as well as with younger and older children. Through these relationships they learn to negotiate and coordinate shared activities, resolve conflicts, keep agreements and accept responsibility for others;
 - (d) Young children actively make sense of the physical, social and cultural dimensions of the world they inhabit, learning progressively from their activities and their interactions with others, children as well as adults;
 - (e) Young children's earliest years are the foundation for their physical and mental health, emotional security, cultural and personal identity, and developing competencies;
 - (f) Young children's experiences of growth and development vary according to their individual nature, as well as their gender, living conditions, family organization, care arrangements and education systems;
 - (g) Young children's experiences of growth and development are powerfully shaped by cultural beliefs about their needs and proper treatment, and about their active role in family and community.

8. **Research into early childhood.** The Committee notes the growing body of theory and research which confirms that young children are best understood as social actors whose survival, well-being and development are dependent on and built around close relationships. These relationships are normally with a small number of key people, most often parents, members of the extended family and peers, as well as caregivers and other early childhood professionals. At the same time, research into the social and cultural dimensions of early childhood draws attention to the diverse ways in which early development is understood and enacted, including varying expectations of the young child and arrangements for his or her care and education. A feature of modern societies is that increasing numbers of young children are growing up in multicultural communities and in contexts marked by rapid social change, where beliefs and expectations about young children are also changing, including through greater

recognition of their rights. States parties are encouraged to draw on beliefs and knowledge about early childhood in ways that are appropriate to local circumstances and changing practices, and respect traditional values, provided these are not discriminatory, (article 2 of the Convention) nor prejudicial to children's health and well-being (art. 24.3), nor against their best interests (art. 3).

Finally, research has highlighted the particular risks to young children from malnutrition, disease, poverty, neglect, social exclusion and a range of other adversities. It shows that proper prevention and intervention strategies during early childhood have the potential to impact positively on young children's current well-being and future prospects.

Implementing child rights in early childhood is thus an effective way to help prevent personal, social and educational difficulties during middle childhood and adolescence (see general comment No. 4 (2003) on adolescent health and development).

11. **Right to non-discrimination.** Article 2 ensures rights to every child, without discrimination of any kind. The Committee urges States parties to identify the implications of this principle for realizing rights in early childhood:
 - (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;
12. Young children may also suffer the consequences of discrimination against their parents, for example if children have been born out of wedlock or in other circumstances that deviate from traditional values, or if their parents are refugees or asylum-seekers. States parties have a responsibility to monitor and combat discrimination in whatever forms it takes and wherever it occurs - within families, communities, schools or other institutions. Potential discrimination in access to quality services for young children is a particular concern, especially where health, education, welfare and other services are not universally available and are provided through a combination of State, private and charitable organizations. As a first step, the Committee encourages States parties to monitor the availability of and access to quality services that contribute to young children's survival and development, including through systematic data collection, disaggregated in terms of major variables related to children's and families' background and circumstances. As a second step, actions may be required that guarantee that all children have an equal opportunity to benefit from available services. More generally, States parties should raise awareness about discrimination against young children in general, and against vulnerable groups in particular.

14. **Respect for the views and feelings of the young child.**

- (b) The right to express views and feelings should be anchored in the child's daily life at home (including, when applicable, the extended family) and in his or her community; within the full range of early childhood health, care and education facilities, as well as in legal proceedings; and in the development of policies and services, including through research and consultations;

15. **A crucial role for parents and other primary caregivers.** Under normal circumstances, a young child's parents play a crucial role in the achievement of their rights, along with other members of family, extended family or community, including legal guardians, as appropriate. This is fully recognized within the Convention (especially article 5), along with the obligation on States parties to provide assistance, including quality childcare services (especially article 18). The preamble to the Convention refers to the family as "the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children". The Committee recognizes that "family" here refers to a variety of arrangements that can provide for young children's care, nurturance and development, including the nuclear family, the extended family, and other traditional and modern community-based arrangements, provided these are consistent with children's rights and best interests.

17. **Evolving capacities as an enabling principle.** Article 5 draws on the concept of "evolving capacities" to refer to processes of maturation and learning whereby children progressively acquire knowledge, competencies and understanding, including acquiring understanding about their rights and about how they can best be realized. Respecting young children's evolving capacities is crucial for the realization of their rights, and especially significant during early childhood, because of the rapid transformations in children's physical, cognitive, social and emotional functioning, from earliest infancy to the beginnings of schooling. Article 5 contains the principle that parents (and others) have the responsibility to continually adjust the levels of support and guidance they offer to a child. These adjustments take account of a child's interests and wishes as well as the child's capacities for autonomous decision-making and comprehension of his or her best interests. While a young child generally requires more guidance than an older child, it is important to take account of individual variations in the capacities of children of the same age and of their ways of reacting to situations. Evolving capacities should be seen as a positive and enabling process, not an excuse for authoritarian practices that restrict children's autonomy and self-expression and which have traditionally been justified by pointing to children's relative immaturity and their need for socialization. Parents (and others) should be encouraged to offer "direction and guidance" in a child-centred way, through dialogue and example, in ways that enhance young children's capacities to exercise their rights, including their right to participation (art. 12) and their right to freedom of thought, conscience and religion (art. 14).

21. Appropriate assistance to parents can best be achieved as part of comprehensive policies for early childhood (see section V below), including provision for health, care and education during the early years. States parties should ensure that parents are given appropriate support to enable them to involve young children fully in such programmes, especially the most disadvantaged and vulnerable groups.

In particular, article 18.3 acknowledges that many parents are economically active, often in poorly paid occupations which they combine with their parental responsibilities. Article 18.3 requires States parties to take all appropriate measures to ensure that children of working parents have the right to benefit from childcare services, maternity protection and facilities for which they are eligible. In this regard, the Committee recommends that States parties ratify the Maternity Protection Convention, 2000 (No. 183) of the International Labour Organization.

23. **Programme standards and professional training appropriate to the age range.** The Committee emphasizes that a comprehensive strategy for early childhood must also take account of individual children's maturity and individuality, in particular recognizing the changing developmental priorities for specific age groups (for example, babies, toddlers, preschool and early primary school groups), and the implications for programme standards and quality criteria. States parties must ensure that the institutions, services and facilities responsible for early childhood conform to quality standards, particularly in the areas of health and safety, and that staff possess the appropriate psychosocial qualities and are suitable, sufficiently numerous and well-trained. Provision of services appropriate to the circumstances, age and individuality of young children requires that all staff be trained to work with this age group. Work with young children should be socially valued and properly paid, in order to attract a highly qualified workforce, men as well as women. It is essential that they have sound, up-to-date theoretical and practical understanding about children's rights and development (see also paragraph 41); that they adopt appropriate child-centred care practices, curricula and pedagogies; and that they have access to specialist professional resources and support, including a supervisory and monitoring system for public and private programmes, institutions and services.
24. **Access to services, especially for the most vulnerable.** The Committee calls on States parties to ensure that all young children (and those with primary responsibility for their well-being) are guaranteed access to appropriate and effective services, including programmes of health, care and education specifically designed to promote their well-being. Particular attention should be paid to the most vulnerable groups of young children and to those who are at risk of discrimination (art. 2). This includes girls, children living in poverty, children with disabilities, children belonging to indigenous or minority groups, children from migrant families, children who are orphaned or lack parental care for other reasons, children living in institutions, children living with mothers in prison, refugee and asylum-seeking children, children infected with or affected by HIV/AIDS, and children of alcohol- or drug-addicted parents (see also section VI).
28. **Early childhood education.** The Convention recognizes the right of the child to education, and primary education should be made compulsory and available free to all (art. 28). The Committee recognizes with appreciation that some States parties are planning to make one year of preschool education available and free of cost for all children. The Committee interprets the right to education during early childhood as beginning at birth and closely linked to young children's right to maximum development (art. 6.2).

Linking education to development is elaborated in article 29.1: “States parties agree that the education of the child shall be directed to: (a) the development of the child’s personality, talents and mental and physical abilities to their fullest potential”. General comment No. 1 on the aims of education explains that the goal is to “empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence” and that this must be achieved in ways that are child-centred, child-friendly and reflect the rights and inherent dignity of the child (para. 2). States parties are reminded that children’s right to education include all children, and that girls should be enabled to participate in education, without discrimination of any kind (art. 2).

29. **Parental and public responsibilities for early childhood education.** The principle that parents (and other primary caregivers) are children’s first educators is well established and endorsed within the Convention’s emphasis on respect for the responsibilities of parents (sect. IV above). They are expected to provide appropriate direction and guidance to young children in the exercise of their rights, and provide an environment of reliable and affectionate relationships based on respect and understanding (art. 5). The Committee invites States parties to make this principle a starting point for planning early education, in two respects:

- (a) In providing appropriate assistance to parents in the performance of their child-rearing responsibilities (art. 18.2), States parties should take all appropriate measures to enhance parents’ understanding of their role in their children’s early education, encourage child-rearing practices which are child-centred, encourage respect for the child’s dignity and provide opportunities for developing understanding, self-esteem and self-confidence;
- (b) In planning for early childhood, States parties should at all times aim to provide programmes that complement the parents’ role and are developed as far as possible in partnership with parents, including through active cooperation between parents, professionals and others in developing “the child’s personality, talents and mental and physical abilities to their fullest potential” (art. 29.1 (a)).

30. The Committee calls on States parties to ensure that all young children receive education in the broadest sense (as outlined in paragraph 28 above), which acknowledges a key role for parents, wider family and community, as well as the contribution of organized programmes of early childhood education provided by the State, the community or civil society institutions. Research evidence demonstrates the potential for quality education programmes to have a positive impact on young children’s successful transition to primary school, their educational progress and their long-term social adjustment. Many countries and regions now provide comprehensive early education starting at 4 years old, which in some countries is integrated with childcare for working parents. Acknowledging that traditional divisions between “care” and “education” services have not always been in children’s best interests, the concept of “Educare” is sometimes used to signal a shift towards integrated services, and reinforces the recognition of the need for a coordinated, holistic, multisectoral approach to early childhood.

31. **Community-based programmes.** The Committee recommends that States parties support early childhood development programmes, including home- and community-based preschool programmes, in which the empowerment and education of parents (and other caregivers) are main features. States parties have a key role to play in providing a legislative framework for the provision of quality, adequately resourced services, and for ensuring that standards are tailored to the circumstances of particular groups and individuals and to the developmental priorities of particular age groups, from infancy through to transition into school. They are encouraged to construct high-quality, developmentally appropriate and culturally relevant programmes and to achieve this by working with local communities rather than by imposing a standardized approach to early childhood care and education. The Committee also recommends that States parties pay greater attention to, and actively support, a rights-based approach to early childhood programmes, including initiatives surrounding transition to primary school that ensure continuity and progression, in order to build children's confidence, communication skills and enthusiasm for learning through their active involvement in, among others, planning activities.
33. **Human rights education in early childhood.** In light of article 29 and the Committee's general comment No. 1 (2001), the Committee also recommends that States parties include human rights education within early childhood education. Such education should be participatory and empowering to children, providing them with practical opportunities to exercise their rights and responsibilities in ways adapted to their interests, concerns and evolving capacities. Human rights education of young children should be anchored in everyday issues at home, in childcare centres, in early education programmes and other community settings with which young children can identify.
34. **Right to rest, leisure and play.** The Committee notes that insufficient attention has been given by States parties and others to the implementation of the provisions of article 31 of the Convention, which guarantees "the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts". Play is one of the most distinctive features of early childhood. Through play, children both enjoy and challenge their current capacities, whether they are playing alone or with others. The value of creative play and exploratory learning is widely recognized in early childhood education. Yet realizing the right to rest, leisure and play is often hindered by a shortage of opportunities for young children to meet, play and interact in child-centred, secure, supportive, stimulating and stress-free environments. Children's right-to-play space is especially at risk in many urban environments, where the design and density of housing, commercial centres and transport systems combine with noise, pollution and all manner of dangers to create a hazardous environment for young children. Children's right to play can also be frustrated by excessive domestic chores (especially affecting girls) or by competitive schooling. Accordingly, the Committee appeals to States parties, non-governmental organizations and private actors to identify and remove potential obstacles to the enjoyment of these rights by the youngest children, including as part of poverty reduction strategies. Planning for towns, and leisure and play facilities should take account of children's right to express their views (art. 12), through appropriate consultations.

In all these respects, States parties are encouraged to pay greater attention and allocate adequate resources (human and financial) to the implementation of the right to rest, leisure and play.

36. Young children's vulnerability to risks.

- (d) *Children with disabilities (art. 23)*. Early childhood is the period during which disabilities are usually identified and the impact on children's well-being and development recognized. Young children should never be institutionalized solely on the grounds of disability. It is a priority to ensure that they have equal opportunities to participate fully in education and community life, including by the removal of barriers that impede the realization of their rights. Young disabled children are entitled to appropriate specialist assistance, including support for their parents (or other caregivers). Disabled children should at all times be treated with dignity and in ways that encourage their self-reliance. (See also the recommendations from the Committee's 1997 day of general discussion on "The rights of children with disabilities" contained in document CRC/C/66.);
- (i) *Deviant behaviour and lawbreaking (art. 40)*. Under no circumstances should young children (defined as under 8 years old; see paragraph 4) be included in legal definitions of minimum age of criminal responsibility. Young children who misbehave or violate laws require sympathetic help and understanding, with the goal of increasing their capacities for personal control, social empathy and conflict resolution. States parties should ensure that parents/caregivers are provided adequate support and training to fulfil their responsibilities (art. 18) and that young children have access to quality early childhood education and care, and (where appropriate) specialist guidance/therapies.

41. Training for rights in early childhood. Knowledge and expertise about early childhood are not static but change over time. This is due variously to social trends impacting on the lives of young children, their parents and other caregivers, changing policies and priorities for their care and education, innovations in childcare, curricula and pedagogy, as well as the emergence of new research. Implementing child rights in early childhood sets challenges for all those responsible for children, as well as for children themselves as they gain an understanding of their role in their families, schools and communities. States parties are encouraged to undertake systematic child rights training for children and their parents, as well as for all professionals working for and with children, in particular parliamentarians, judges, magistrates, lawyers, law enforcement officials, civil servants, personnel in institutions and places of detention for children, teachers, health personnel, social workers and local leaders. Furthermore, the Committee urges States parties to conduct awareness-raising campaigns for the public at large.

CRC General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19, 28, para. 2, and 37, inter alia), UN Doc. CRC/C/GC/8 (2 March 2007)

48. The Committee notes that there are now many examples of materials and programmes promoting positive, non-violent forms of parenting and education, addressed to parents, other carers and teachers and developed by Governments, United Nations agencies, NGOs and others. These can be appropriately adapted for use in different States and situations. The media can play a very valuable role in awareness-raising and public education. Challenging traditional dependence on corporal punishment and other cruel or degrading forms of discipline requires sustained action. The promotion of non-violent forms of parenting and education should be built into all the points of contact between the State and parents and children, in health, welfare and educational services, including early childhood institutions, day-care centres and schools. It should also be integrated into the initial and in-service training of teachers and all those working with children in care and justice systems.

CRC General Comment No. 10 on children's rights in juvenile justice, UN Doc. CRC/C/GC/10 (25 April 2007)

19. Articles 18 and 27 of CRC confirm the importance of the responsibility of parents for the upbringing of their children, but at the same time CRC requires States parties to provide the necessary assistance to parents (or other caretakers), in the performance of their parental responsibilities. The measures of assistance should not only focus on the prevention of negative situations, but also and even more on the promotion of the social potential of parents. There is a wealth of information on home- and family-based prevention programmes, such as parent training, programmes to enhance parent-child interaction and home visitation programmes, which can start at a very young age of the child. In addition, early childhood education has shown to be correlated with a lower rate of future violence and crime. At the community level, positive results have been achieved with programmes such as Communities that Care (CTC), a risk-focused prevention strategy.

CRC General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), UN Doc. CRC/C/GC/14 (29 May 2013)

(g) The child's right to education

79. It is in the best interests of the child to have access to quality education, including early childhood education, non-formal or informal education and related activities, free of charge. All decisions on measures and actions concerning a specific child or a group of children must respect the best interests of the child or children, with regard to education. In order to promote education, or better quality education, for more children, States parties need to have well-trained teachers and other professionals working in different education-related settings, as well as a child-friendly environment and appropriate teaching and learning methods, taking into consideration that education is not only an investment in the future, but also an opportunity for joyful activities, respect, participation and fulfilment of ambitions.

Responding to this requirement and enhancing children's responsibilities to overcome the limitations of their vulnerability of any kind, will be in their best interests.

CRC General Comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31), UN Doc. CRC/C/GC/17 (17 April 2013)

27. Articles 28 and 29: Education must be directed to the development of the child's personality, talents and mental and physical abilities to the fullest potential. Implementation of the rights under article 31 is essential to achieving compliance with the right provided for in article 29. For children to optimize their potential, they require opportunities for cultural and artistic development as well as participation in sports and games. The Committee also emphasizes that the rights under article 31 are of positive benefit to children's educational development; inclusive education and inclusive play are mutually reinforcing and should be facilitated during the course of every day throughout early childhood education and care (preschool) as well as primary and secondary school. While relevant and necessary for children of all ages, play is particularly significant in the early years of schooling. Research has shown that play is an important means through which children learn.

41. Pressure for educational achievement: Many children in many parts of the world are being denied their rights under article 31 as a consequence of an emphasis on formal academic success. For example:

- Early childhood education is increasingly focused on academic targets and formal learning at the expense of participation in play and attainment of broader development outcomes;
- Extracurricular tuition and homework are intruding on children's time for freely chosen activities;
- The curriculum and daily schedule often lack recognition of the necessity of or provision for play, recreation and rest;
- The use of formal or didactic educational methods in the classroom do not take advantage of opportunities for active playful learning;
- Contact with nature is decreasing in many schools with children having to spend more time indoors;
- Opportunities for cultural and artistic activities and the provision of specialist arts educators in school are, in some countries, being eroded in favour of more academic subjects.
- Restrictions on the type of play in which children can engage in school serve to inhibit their opportunities for creativity, exploration and social development.

43. Neglect of article 31 in development programmes: Early childhood care and development work in many countries focuses exclusively on issues of child survival with no attention paid to the conditions that enable children to thrive. Programmes often only deal with nutrition, immunization and preschool education with little or no emphasis on play, recreation, culture and the arts.

The personnel running the programmes are not appropriately trained to support these aspects of the child's development needs.

Joint CRC General Comment No. 23/CMW General Comment No. 4 in the context of international migration: States parties' obligations in particular with respect to countries of transit and destination, UN Doc. CMW/C/GC/4-CRC/C/GC/23 (16 November 2017)

59. All children in the context of international migration, irrespective of status, shall have full access to all levels and all aspects of education, including early childhood education and vocational training, on the basis of equality with nationals of the country where those children are living. This obligation implies that States should ensure equal access to quality and inclusive education for all migrant children, irrespective of their migration status. Migrant children should have access to alternative learning programmes where necessary and participate fully in examinations and receive certification of their studies.
62. The principle of equality of treatment requires States to eliminate any discrimination against migrant children and to adopt appropriate and gender-sensitive provisions to overcome educational barriers. This means that, where necessary, targeted measures are needed, including additional language education,³³ [33 See article 45 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.] additional staff and other intercultural support, without discrimination of any kind. States are encouraged to dedicate staff to facilitating access to education for migrant children and to promoting the integration of migrant children into schools. In addition, States should take measures aimed at prohibiting and preventing any kind of educational segregation, to ensure that migrant children learn the new language as a means for effective integration. State efforts should include the provision of early childhood education as well as psychosocial support. States should also provide formal and non-formal learning opportunities, teacher training and life skills classes.

CRC General Comment No. 24 on children's rights in the child justice system, UN Doc. CRC/C/GC/24 (18 September 2019)

10. Articles 18 and 27 of the Convention confirm the importance of the responsibility of parents for the upbringing of their children, but at the same time the Convention requires States parties to provide the assistance to parents (or other caregivers) necessary to carry out their child-rearing responsibilities. Investment in early childhood care and education correlates with lower rates of future violence and crime. This can commence when the child is very young, for example with home visitation programmes to enhance parenting capacity. Measures of assistance should draw on the wealth of information on community and family-based prevention programmes, such as programmes to improve parent-child interaction, partnerships with schools, positive peer association and cultural and leisure activities.

Preamble

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Article 5(b)

States Parties shall take all appropriate measures:

...

- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

- (d) The same opportunities to benefit from scholarships and other study grants;
- ...
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same opportunities to participate actively in sports and physical education;

Article 11(2)(c)

- 2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
 - ...
 - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

CEDAW General Recommendation No. 36 on the right of girls and women to education, UN Doc. CEDAW/C/GC/36 (27 November 2017)

- 31. The Committee recommends that States parties take the following measures to ensure the availability of physical facilities for the education of girls and women:
 - (d) Monitor the implementation of the right of girls and women to education by regularly collecting data disaggregated by sex, location, age, school type and ethnic group on access at all levels of education, including the following indicators: number of female and male students enrolled, and as a proportion of the overall school-age population, at each level of education; retention, dropout, attendance and repetition rates; average years of schooling for female and male students; rate of successful transition between school levels, including for early childhood to primary, primary to secondary and secondary to tertiary or vocational; number of male and female teachers, as an indication of the level of parity among teachers; and female and male literacy rates at different age levels; and by using the information to inform decision-making, policy formulation and periodic reports to the Committee on barriers to girls' and women's access to education;

Convention on the Rights of Persons with Disabilities, 2006

CRPD General Comment No. 4 on the right to inclusive education, UN Doc. CRPD/C/GC/4 (25 November 2016)

67. Early childhood interventions can be particularly valuable for children with disabilities, serving to strengthen their capacity to benefit from education and promoting their enrolment and attendance. All such interventions must guarantee respect for the dignity and autonomy of the child. In line with the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 4, States parties are urged to ensure access to quality early childhood development, care and pre-primary education, together with the provision of support and training to parents and caregivers of young children with disabilities. If identified and supported early, young children with disabilities are more likely to transition smoothly into pre-primary and primary inclusive education settings. States parties must ensure coordination between all relevant ministries, authorities and bodies as well as organizations of persons with disabilities and other non-governmental partners.

International Convention on the Protection of the Rights of All Migrant Workers and Their Families, 1990

Article 30

Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment.

Joint CMW General Comment No. 4/CRC General Comment No. 23 in the context of international migration: States parties' obligations in particular with respect to countries of transit and destination, UN Doc. CMW/C/GC/4-CRC/C/GC/23 (16 November 2017)

See above under the Convention on the Rights of the Child.

Regional Frameworks

African Charter on the Rights and Welfare of the Child, 1990

Article 12

1. State Parties shall recognize 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.

Article 20(2)

2. State Parties to the present Charter shall in accordance with their means and national conditions take all appropriate measures:
 - (a) to assist parents and other persons responsible for the child and in case of need, provide material assistance and support programmes particularly with regard to nutrition, health, education, clothing and housing;
 - (b) to assist parents and others responsible for the child in the performance of child-rearing and ensure the development of institutions responsible for providing care of children; and
 - (c) to ensure that the children of working parents are provided with care services and facilities.

European Charter for Regional or Minority Languages, 1992

Article 8 – Education (1)(a)

1. With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:
 - a (i) to make available pre-school education in the relevant regional or minority languages; or
 - (ii) to make available a substantial part of pre-school education in the relevant regional or minority languages;
 - (iii) to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or
 - (iv) if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;

Article 11 – Childcare and support to children

Children have the right to affordable early childhood education and care of good quality. Children have the right to protection from poverty. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities.

Council of Europe Recommendation 81(3) concerning the case and education of children from birth to the age of eight, (1981)

I. Principles concerning the care and education of the child from birth to eight

A. The rights of the child

The child must enjoy the fundamental rights as set out in the United Nations Declaration on the Rights of the Child, as well as the right to develop his physical, emotional, intellectual, social and spiritual potential to the full and to be respected as an individual in his own right.

The child will normally depend primarily on his family to recognise and secure these rights. The family operates within a wider social framework from which it should be able to obtain the support it needs to fulfil its obligations. In providing such support, care should be taken not to undermine parental responsibilities towards the child.

All services with a contribution to make to the development of young children-especially health, education and social services-should work with, and through, the family to provide continuity of experience for the child.

B. The care and education of young children

The care and education of pre-school children should fulfil the following criteria. They should:

- meet the child's need for security and affection and social life, including leisure activities, with other children and adults;
- provide the conditions for good physical and mental health;
- stimulate the child's creative and intellectual development and his capacity for expression;
- help the child to become integrated into his environment and to cope with life, and encourage the child's independence, initiative and free play;
- respect the child's cultural and psychological identity and recognise his uniqueness and individuality;
- open up both family and pre-school circles to the wider society to enable the child to meet other people of all ages.

Educational provision should be made available for all children whose parents wish them to have it during at least two years preceding the start of primary school. The lack of financial means should not be a barrier to children who need such educational provision.

Support services - including health, social services and education-have an important role to play in the development of all children, but the form of provision should take account of their particular needs, which differ according to their stage of development, their personal capacities and their cultural backgrounds:

- i. children who live in urban areas have great need of care and education owing to living conditions in towns: lack of space, pollution of various kinds, dangers in the streets, parents' absence (time spent at work plus travelling time);
- ii. children who live in rural and sparsely populated areas are more difficult to cater for. It is therefore necessary to find untraditional and flexible solutions to bring pre-school education to these children;
- iii. children who live in circumstances of extreme socio-economic deprivation have special needs;
- iv. children of cultural minorities, whether native or immigrant, should receive an education which promotes their integration into the regional or national community, as a basis for mutual enrichment;
- v. handicapped children should, whenever necessary, have available to them establishments which meet their special needs. In association with the child care and child psychological services, health services should operate within pre-school care and education provision to detect, assess and treat handicapping conditions.

C. People and agencies participating in the care and education of young children

All those contributing to the care and education of young children (including the family in the widest sense, the community and self-help groups, volunteers, teachers) should be able to benefit from the findings of up-to-date research and knowledge of developments in the concept of early education and, whenever appropriate, to participate in such research.

Professionals need initial training supplemented by in-service training. Both should be of the highest possible quality.

II. Role of member states

Taking into account the importance of care and education of children from birth to eight in the European society of 1980s, member states should:

1. organise the care and education of young children, in close co-operation with parents, as a means of complementing family up-bringing and as a first stage in life-long learning. This should be done by: - providing adequate funds, - improving family, social and labour legislation, - planning education systems in such a way as

to maintain continuity and to educate children to become creative and innovatory adults;

2. prepare parents and future parents for the responsibilities inherent in the education of young children;
3. assume responsibility or provide support for organisations and institutions caring for young children, especially for those children whose need is most obvious;
4. promote and encourage research and the training of staff in order to provide children with care and education, under the best possible conditions, supervised by highly qualified staff, who, as far as possible, should operate in multidisciplinary teams;
5. ensure that the various national, regional and local administrations co-ordinate family and child care services to guarantee continuity of experience for the child.

Council of Europe Recommendation No R (2000) 4 on the education of Roma/Gypsy children in Europe, 2000

I. Structures

1. Educational policies for Roma/Gypsy children should be accompanied by adequate resources and the flexible structures necessary to meet the diversity of the Roma/Gypsy population in Europe and which take into account the existence of Roma/Gypsy groups which lead an itinerant or semi-itinerant lifestyle. In this respect, it might be envisaged having recourse to distance education, based on new communication technologies.
2. Emphasis should be put on the need to better co-ordinate the international, national, regional and local levels in order to avoid dispersion of efforts and to promote synergies.
3. To this end member states should make the Ministries of Education sensitive to the question of education of Roma/Gypsy children.
4. In order to secure access to school for Roma/Gypsy children, pre-school education schemes should be widely developed and made accessible to them.

Council of Europe Recommendation CM/Rec(2007)13 on gender mainstreaming in education, 2007

Initial and in-service education and training for teachers and trainers

23. improving the teaching profession's public image and, when necessary, increasing teachers' salaries, for the purpose of encouraging both men and women to opt for careers in teaching, particularly at pre-school, primary and secondary level;

Council of Europe Recommendation CM/Rec(2009)4 on the education of Roma and Travellers in Europe, 2009

II. Structures and provision for access to education

10. Attendance of preschool education for Roma and Traveller children should be encouraged, under equal conditions as for other children, and enrolment in preschool education should be promoted if necessary by providing specific support measures.
11. Access of Roma and Traveller children to compulsory education should be facilitated and subject to the same criteria as the majority population, with particular emphasis on the transition from preschool to primary education, and from primary to secondary education. Special provisions for preventing school drop out and stimulating the return to school of those who did not finish compulsory education should be made available.

Council of Europe Recommendation CM/Rec(2012)13 on ensuring quality education, 2012

Non-compulsory preschool education

14. Where all or part of preschool education is not compulsory, public authorities should to the full extent possible provide parents or legal guardians of children in the relevant age group with the possibility to enrol them in preschool programmes. Where this offer cannot be extended to all children, access to preschool programmes should be provided on a non-discriminatory basis and as extensively as possible.
15. Preschool education should generally provide non-differentiated education programmes and seek to provide all pupils with skills and competences adapted to their age and level.

Council of Europe Recommendation on High-Quality Early Childhood Education and Care Systems (22 May 2019)

The objectives of the recommendation are to: develop a common understanding across the EU of what constitutes good quality service provision with regard to ECCE; and support EU Member States in their efforts to improve access to and the quality of their ECCE systems. It outlines a set of recommendations to EU Member States and the EU Quality Framework for Early Childhood Education and Care, comprising ten quality statements structured along five broader areas of quality: access, staff, curriculum, monitoring and evaluation, and governance and finance. See the full text [here](#).

Global Agreements, Declarations and Frameworks for Action

Sustainable Developments Goals, 2015

Goals

- 4.2 By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education

Global Indicators

- 4.2.1 Proportion of children under 5 years of age who are developmentally on track in health, learning and psychosocial well-being, by sex
- 4.2.2 Participation rate in organized learning (one year before the official primary entry age), by sex

2030 Incheon Declaration and Framework for Action, 2015

Article 6

6. Motivated by our significant achievements in expanding access to education over the last 15 years, we will ensure the provision of 12 years of free, publicly funded, equitable quality primary and secondary education, of which at least nine years are compulsory, leading to relevant learning outcomes. We also encourage the provision of at least one year of free and compulsory quality pre-primary education and that all children have access to quality early childhood development, care and education. We also commit to providing meaningful education and training opportunities for the large population of out-of-school children and adolescents, who require immediate, targeted and sustained action ensuring that all children are in school and are learning.

Framework for Action

The Framework for Action is the companion to the 2030 Incheon Declaration and is intended as a guide for its implementation at national level, regional and global levels. It aims to mobilise all countries and partners around the Sustainable Development Goal on education and its targets, and proposes ways of implementing, coordinating, financing and monitoring Education 2030 to ensure inclusive and equitable quality and education and lifelong learning opportunities for all. It proposes indicative strategies which countries may wish to draw upon in developing contextualised plans and strategies, taking into account different national realities, capacities and levels of development and respecting national policies and priorities. See the full text [here](#).

Dakar Framework for Action, Education for All: Meeting Our Collective Commitments, 2000

The adoption of the Dakar Framework for Action, Education for All: Meeting our Collective Commitments marked a reaffirmation by the participants of the World Education Forum of the vision of the World Declaration on Education for All (Jomtien Declaration), adopted ten years earlier. The Dakar Framework for Action was based on an extensive evaluation of education, the Education for All (EFA) 2000 Assessment, called for by the World Conference of Education for All. The Assessment produced a detailed analysis of the state of basic education around the world. Each country assessed its progress towards the goals of Jomtien and reported its findings at six regional conferences in 1999 and 2000. The six regional EFA frameworks adopted at these conferences represent an integral part of the Framework for Action. See the full text [here](#).

Moscow Framework for Action and Cooperation: Harnessing the Wealth of Nations, 2010

The Moscow Framework for Action and Cooperation was based on a review of challenges and progress made towards the Education for All (EFA) Goal 1 of expanding early childhood care and education (ECCE). Participants reaffirmed a commitment to ECCE as expressed in Jomtien (1990) and Dakar (2000) but concluded that EFA Goal 1 was at great risk of not being achieved by 2015 unless urgent and resolute action was taken. It noted the need to address relevant challenges by taking advantage of the existing knowledge base and good practices and taking steps to universalise the latter. The Moscow Framework sets out a call for action focused on: mobilising stronger commitments to ECCE; reinforcing effective ECCE programme delivery; harnessing resources for ECCE; cooperation; as well as targeted calls for action to donors and UNESCO. See the full text [here](#).

The World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs (Jomtien Declaration), 1990

Article 5 – Broadening the means and scope of basic education

The diversity, complexity, and changing nature of basic learning needs of children, youth and adults necessitates broadening and constantly redefining the scope of basic education to include the following components:

- Learning begins at birth. This calls for early childhood care and initial education. These can be provided through arrangements involving families, communities, or institutional programmes, as appropriate.

...

Framework for Action

The Framework for Action is the companion to the World Declaration on Education for All and is intended as a reference and guide for national governments, international organisations, educators and development professionals as to the formulation of their own plans for action for implementing the World Declaration. See the full text [here](#).