



Right to Education

# Monitoring Early Childhood Care and Education

From a Human Rights  
Perspective



This guide is part of a series of thematic guidance notes providing practical advice on monitoring various aspects of the right to education from a human rights perspective. These guides are based on, and supplement, the Right to Education Initiative's (RTE) right-to-education monitoring guide, which provides a human rights framework for monitoring education and education-related issues, as well as our experiences across various monitoring initiatives that we have undertaken with partners from all over the world.

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This guide was written by Rajakumari Michaelsamy, with the guidance of Delphine Dorsi.

Special thanks to Mercedes Mayol Lassalle, Rolla Mounne, Yoshie Kaga, Juliana Lima, Gina Pancorbo, Agathe Charles-Bray, Maya Cléré and Isidora Vitorovic for their generosity of time, comments and suggestions on previous versions of this guide. Many thanks to Eleanor Rosenbach for her valuable input and copy editing of the final version.

Special thanks also to OMEP Cyprus who provided several drawings of children from the OMEP World Artistic Project 'Colour Your Rights'. As expressed by Maria Vassiliadou, OMEP Cyprus President, this is an artistic project running for all the countries of the World Organisation for Early Childhood Education (OMEP) aiming to 'give children the opportunity to express their thoughts feelings and ideas regarding their Rights through the visual process since the painting is the "common" language of children worldwide'. The artwork on the cover page is drawn by a child from KB' Public Kindergarten Limassol, and the ones on pages 22 and 64 are drawn by children from B' Pallouriotissa Kindergarten Nicosia, both in Cyprus, on the theme 'Colour Your Rights with the Rainbow of Peace'. The artworks on pages 12 and 20 were drawn by children from Jantasirittaya and Anuban Chiangmal schools, in Thailand, and are excerpts from the book COLOUR YOUR RIGHTS published by OMEP Cyprus in 2022. All of these artworks were exhibited at the ART Exhibition of the 76th OMEP World Assembly and International Conference held in Thailand in 2024.

Other drawings in the guide are from children from France and Japan.

Note that some artworks published in this guide are fragments of the original artworks.

Our sincere gratitude to all children for their great artwork.

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Design by Aurélia Mazoyer

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This guide is published thanks to the support of the French Ministry of Europe and Foreign Affairs.

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## **ABOUT THE RIGHT TO EDUCATION INITIATIVE**

The Right to Education Initiative (RTE) is an international human rights organisation focusing on the right to education. We promote education as a human right, striving for a world where everyone, without discrimination of any kind, can fully enjoy the right to education in all its dimensions. We link global, national and local research and evidence-based policy dialogue to campaigning and advocacy intending to accelerate progress towards the realisation of the right to education for all through positive and concrete changes on the ground.

# Monitoring Early Childhood Care and Education

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From a Human Rights  
Perspective

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# INTRODUCTION

Early childhood, defined as the period below the age of eight years old,<sup>1</sup> is a significant stage for children’s physical, cognitive, social, and emotional growth. These formative early years are crucial for the holistic development of children and require a mixture of care and education, with close support from parents, families, other caregivers, and broader communities. Therefore, access to quality early childhood care and education (ECCE) is vital in laying the foundations for children’s long-term development, well-being, learning, and health.

Additionally, ECCE is an essential element for the realisation of a wide range of educational, social, and economic rights, and it is increasingly recognised as:

- ▶ a human right that has an immense impact on the realisation of other human rights throughout a person’s lifetime
- ▶ a powerful equaliser<sup>2</sup> that has the potential to expand opportunities for disadvantaged children,<sup>3</sup> enabling them to start school on an equal footing with their peers and improve overall educational achievement
- ▶ vital to making education systems effective and efficient<sup>4</sup>
- ▶ a crucial component for the promotion of gender equality and economic growth.<sup>5</sup>

Despite its fundamental role, there are insufficient political, social, financial, and legal commitments to implement ECCE at global, regional, and in many cases, national levels. Significant inequalities persist within and across nations<sup>6</sup> in terms of physical and financial access to and quality of ECCE. The [UNESCO GEM report 21/22](#) finds that at the global level, 75% of children were enrolled in pre-primary education one year before the official primary entry age in 2019, but in sub-Saharan Africa, northern Africa, and western Asia, the rate was about 50%.<sup>7</sup> While access to quality pre-primary education is inadequate globally, the opportunities for pre-primary education are drastically restricted for children belonging to economically vulnerable groups; migrants and other traditionally marginalised communities; and families facing situations of conflicts, economic crises, health emergencies, etc. In a 2022 report, the UN Special Rapporteur on the right to education noted, ‘only 31 per cent of an estimated 82 million children of pre-primary age living in emergency-affected countries are receiving pre-primary education.’<sup>8</sup>

According to UNICEF, the richest children are seven times more likely to attend ECCE programmes than the poorest.<sup>9</sup> For instance, [UNESCO’s policy paper](#) on inclusive early childhood education entitled ‘Right from the Start’, noted that the second European Union Minorities and Discrimination Survey (EUMIDIS II), conducted across nine EU countries, indicates a disparity in the early childhood participation rate between minorities and migrants and the general population. In Greece, for example, only 28 per cent of Roma children are enrolled in pre-primary education, compared with an overall enrolment rate of 84 per cent.<sup>10</sup>

These inequalities have been further exacerbated by the new challenges caused by the COVID-19 pandemic and their devastating impacts on education. In 2020, over 180 countries shut down schools,<sup>11</sup> including ECCE services. While the magnitude of the long-term damage of COVID-19 on the early childhood care and education (ECCE) sector is unknown, in the UN Special Rapporteur’s report ‘some estimates suggest that COVID-19-related ECCE disruptions

1 UN Committee on the Rights of the Child, ‘General comment No. 7’ [2005] UN Doc CRC/C/GC/7/Rev.1 para.5.  
 2 Michel Vandebroek, ‘Ethnic Diversity and Social Inclusion in ECCE in Europe’, in P. T. M. Marope and Y. Kaga (eds) *Investing against evidence: The Global State Early Childhood Care and Education* (UNESCO 2015) p.106.  
 3 UNESCO, ‘Right from the start: build inclusive societies through inclusive early childhood education’ (UNESCO 2021) p.1.  
 4 UNICEF, ‘A world ready to learn: Global report on pre-primary education’ (UNICEF 2019) p.12.  
 5 Ibid.  
 6 According to UNICEF in 2017, 8 out of every 10 pre-primary-age children in high-income countries were enrolled in pre-primary education. But, in the case of low-income countries, only 2 out of every 10 pre-primary age children were enrolled. Source: Ibid.  
 7 UNESCO, ‘Global education monitoring report: Non-state actors in education: Who chooses? Who loses?’ (UNESCO 2022) p.241.  
 8 UNGA, ‘Report of the Special Rapporteur on the right to education’ [2022] UN Doc A/77/324 para.12.  
 9 UNICEF, ‘A world ready to learn: Global report on pre-primary education’ (UNICEF 2019 ) p.40.  
 10 Ibid. p.45.  
 11 Oxfam International, ‘The inequality virus’ (Oxfam International 2021) p.36.

resulted in 19.01 billion person-days of ECCE instruction lost and in 10.75 million additional children falling “off track” in their early development’.<sup>12</sup> This is corroborated by UNESCO’s global report on ECCE which indicates that the enrolment rate for one year of organised learning before the start of primary school fell from 75% in 2020 to 72% in 2022.<sup>13</sup>

International human rights law recognises certain rights in the early ages of life, including education, health, nutrition, care and protection. ECCE rights, specifically the right to pre-primary education, are implicitly included in the aims of the universal right to education in various international human rights treaties. Additionally, the interpretation of the law through UN Treaty Bodies’ general comments and Concluding Observations recognises the right to pre-primary education and corresponding state obligations<sup>14</sup> although free and compulsory pre-primary education has not yet been explicitly recognised as a right under international human rights law. Furthermore, as per the UNESCO study, at the national level, only 63 countries have adopted free pre-primary education, and just 51 have adopted compulsory pre-primary education.<sup>15</sup>

Worldwide, investment in pre-primary education is meagre; in the 98 countries on whom UNESCO/UNICEF holds data, the global median spending on pre-primary education<sup>16</sup> is only 0.4% of GDP, far below the 1% recommended.<sup>17</sup> In terms of international aid, only 1.7% of the total direct aid to education was allotted to pre-primary in 2022, although it has been increased.<sup>18</sup> Thus, in many countries, pre-primary education centres do not have basic infrastructure and adequate human resources. For example, according to UNESCO’s [global report](#) on early childhood care and education, only 57% of pre-primary teachers in low-income countries are trained.<sup>19</sup>

Because there is low public investment in ECCE, there is a dependency on fee-charging private provision, often with a profit motive. For instance, according to the [UNESCO GEM report 21/22](#) on non-state actors, the share of private institutions in total pre-primary education enrolment has increased from 28.5% in 2000 to 37% in 2019. In 2018, private institutions accounted for 57% of high-income and 46% of middle-income countries’ pre-primary education institutions. Some countries in Oceania have nearly 100% of preschool students enrolled in non-state institutions.<sup>20</sup> This trend threatens to undermine State obligations to provide free and quality ECCE, creating inequalities and discrimination in education before children start school.

Recognising the urgency of addressing these concerns in ECCE, the Education 2030 Framework for Action and the Sustainable Development Goals (SDGs) target 4.2 calls upon States, to ‘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’ by 2030. The inclusion of ECCE in the SDGs has also opened up avenues for evolving monitoring mechanisms to assess a state’s commitment to ensuring universal access to ECCE. UNESCO and UNICEF monitor the development and progress of ECCE based on SDG indicators. Various international mechanisms, including the UN treaty bodies and regional monitoring mechanisms, have included the agenda of ECCE as part of human rights monitoring. Yet monitoring the right to ECCE is not focused and comprehensive enough to address the existing inequalities and discrimination in access to free and quality ECCE and other gaps in the programmes and services. The monitoring process must be further strengthened by monitoring ECCE through a human rights lens and involving civil society actors.

The [Tashkent Declaration and Commitments to Action for Transforming Early Childhood Care and Education](#), adopted in 2022, encourages civil society to continue the monitoring role to ensure the effective implementation of ECCE.



**‘Support national ECCE systems to ensure the quality, timely, and reliable reporting and monitoring of the guiding principles and strategies of this Declaration, developing capacities, tools and guidelines for countries in need of support, and providing advice and support for data-informed and evidence-based policy formulation and implementation.’<sup>21</sup>**

12 UNGA, ‘Report of the Special Rapporteur on the right to education’ (2022) UN Doc A/77/324 para.16.

13 UNESCO, UNICEF, ‘Global report on early childhood care and education: the right to a strong foundation’(UNESCO & UNICEF 2024) p.15.

14 Sandra Fredman, Georgina Donati et al, ‘Recognizing Early Childhood Education as a Human Right in International Law’ (2022) *Human Rights Law Review* 22(4) <<https://doi.org/10.1093/hrlr/ngac024>> accessed 11 May 2023.

15 UNESCO, ‘Right to pre-primary education: A global study’ (UNESCO 2021) p.22.

16 for children aged from 3 years until the start of primary education.

17 UNESCO/UNICEF, ‘Global report on early childhood care and education: the right to a strong foundation’ (UNESCO & UNICEF 2024) p.17.

18 Ibid.

19 Ibid p.16.

20 UNESCO, ‘Global education monitoring report: Non-state actors in education: Who chooses? Who loses?’ (UNESCO 2022) p.135.

21 UNESCO, ‘Tashkent Declaration and Commitment to Action for Transforming Early Childhood Care and Education’ (UNESCO 2022) para.2(iv).



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**Comprehensive monitoring of ECCE through collecting, analysing, and disseminating disaggregated data based on a human rights approach is crucial in advocating for policy formulation, addressing gaps in programmes and services, improving national ECCE systems at all levels, and strengthening the international legal framework.**

In this context, this monitoring guide on ECCE is developed to support civil society actors and others in monitoring the right to early childhood care and education. This guide aims to provide an implementable tool to strengthen the monitoring process on ECCE from a human rights perspective.

### **What is the purpose of the ECCE monitoring guide?**

‘Monitoring Early Childhood Care and Education: From a Human Rights Perspective’ aims to provide human rights indicators and guidance for those advocating to ensure young children’s right to ECCE are guaranteed, respected and implemented. This guide is designed to explain and simplify the ECCE monitoring process. It includes a set of human rights indicators based on the international human rights law framework which will assist in gathering data, and in the subsequent generation of evidence on the violation of the rights of young children to have free and quality access to ECCE. This guide also encourages a democratic and participatory ECCE monitoring process.

### **Who can use this monitoring guide on ECCE?**

This guide is aimed primarily at civil society organisations (CSOs), including national and international non-governmental organisations, trade unions, Indigenous People’s movements, and other groups engaged in ECCE work.

Beyond CSOs, it may be of use to other actors, including academics, governments, international organisations, and donor agencies.



## Definitions

**Early Childhood:** The UN Committee on the Rights of the Child refers to early childhood as a period below eight years of age. It includes young children: at birth and throughout infancy; during the preschool years; as well as during the transition to school. However, the definitions of early childhood vary in different countries and regions. For monitoring purposes, it may be useful to consider the age definition of early childhood in national laws, or the period below the age of eight years

Source: UN Committee on the Rights of the Child, 'General comment No. 7' (2005) [UN.Doc. CRC/C/GC/7/Rev.1 para.4](#).

**Early Childhood Care and Education (ECCE)** refers to a range of processes and mechanisms that sustain, support and aid in the holistic development of children from zero to eight years of age, across all developmental domains including cognitive, language, social, emotional and physical development. ECCE is often referred to in different terms across the world. These include early childhood care and development (ECCD), early childhood development (ECD), early childhood education (ECE), early childhood education, care, and development (ECECD) and early childhood education and development (ECED). According to the **International Standard Classification of Education 2011 (ISCED)**, early childhood education (ECE) is usually school-based or otherwise institutionalised care and learning for a group of children. It can be centre-based, community-based, or home-based. ISCED further classifies ECE into two sub categories by age group:

- **Early childhood educational development (ECED)** for children aged 0-2 years. It is a child care unit that includes creches and child care services in an organised setup.
- **Pre-primary education**, or preschool education is defined as the initial stage of organised instruction, designed primarily to introduce young children, between the ages of three and the start of primary school, to a school-type environment that provides a bridge between home and school.

For the purpose of the monitoring tool,

- **Early Childhood Care and Education (ECCE)** refers to all programmes for children between ages zero to the start of primary education. This includes both early childhood educational development (ECED) and pre-primary education.
- **Early Childhood Educational Development (ECED)** mainly refers to childcare services meant for children between the ages of zero to two or three.
- **Pre-primary education** refers to children who are in pre-school between the ages of three to the start of primary education.

Source: 1) UNESCO, '[International Standard Classification of Education](#)' (UNESCO 2011), p.26

2) Right to Education Initiative, '[Early Childhood Care and Education: Definitions](#)' (RTE 2022)

**Private ECCE centres / Private pre-primary schools** refer to educational institutions that are not operated by a public authority but controlled and/or managed, whether for profit or not, by a private body such as a non-governmental organisation, religious body, special interest group, foundation, or business enterprise.

Source: Right to Education Initiative, '[Early Childhood Care and Education: Definitions](#)' (RTE 2022)

**ECCE Personnel** refers to ECCE practitioners in ECCE settings, directly engaged by the ECCE system or institutional employers, including all teachers and education support personnel.

For details refer to, ILO, '[ILO Policy Guidelines on the promotion of decent work for early childhood education personnel](#)' (ILO 2013) p.4

**ECCE Teachers** refer to ECCE educators with pedagogical qualifications, as set by the relevant education authority for their particular job category, and who are responsible for young children's learning, education and care activities.

**Education Support Personnel** refers to a wide range of professional, administrative, technical, and general staff other than teachers working within the education sector such as teaching assistants, caretakers, school nurses, psychologists, bursars and bus drivers among others.

Source: Education International, '[Education Support Personnel](#)' (Education International 2018)

A child's drawing on a white background. The drawing consists of several large, expressive brushstrokes. There are several vertical strokes of various shades of blue and teal, some of which are thick and layered. There are also several red strokes, including a large, somewhat circular shape at the bottom right, and a few smaller, more delicate strokes. The overall impression is that of a young child's artwork, characterized by bold colors and simple, energetic forms.

1.

**WHY SHOULD WE  
MONITOR EARLY  
CHILDHOOD CARE  
AND EDUCATION FROM  
A HUMAN RIGHTS  
PERSPECTIVE?**

The right to education begins at birth.<sup>22</sup> International human rights law recognises specific rights in the early ages of life including education, health, child care, nutrition, and protection, and offers a legal framework for fully realising these rights during early childhood. Monitoring ECCE is fundamental to advancing the realisation of these rights and strengthening ECCE systems by making them more responsive, efficient and effective.<sup>23</sup> Monitoring ECCE from a human rights perspective contributes to realising the right to early childhood care and education in multiple ways.

**Monitoring ECCE reaffirms young children as rights holders:** The [Committee on the Rights of the Child](#) reaffirms young children as right holders and reiterates that ‘the Convention on the Rights of the Child is to be applied holistically in early childhood, taking account of the principle of the universality, indivisibility and interdependence of all human rights’.<sup>24</sup> Yet, ECCE is often considered a privilege rather than a right. State parties have not given adequate attention to young children as rights holders, and their rights are not sufficiently legally guaranteed. For instance, according to [UNESCO’s study on the right to pre-primary education](#), the legal provisions for free and compulsory pre-primary education are lacking in two-thirds of the world’s countries.<sup>25</sup> In this context, monitoring helps advocate for the adoption and/or amendment of new laws and policies required to recognise ECCE as a right.

**Monitoring shows whether States comply with their obligations in making ECCE free, accessible, of good quality and non-discriminatory:** Under international human rights law, States have a legally binding obligation to protect, respect, and fulfil the right to education for all at all times. States’ obligation to ensure ECCE have been highlighted in various [human rights treaties, general comments, regional human rights instruments, and other international declarations](#), including the sustainable development goals (refer to Chapter 3 for details). Studies show that if ECCE is not recognised as part of the right to education, States are less inclined to allocate adequate funding for ECCE. Monitoring helps to reinstate the State obligations and reinforce State accountability.

**Monitoring helps identify problems and gaps in the domestic implementation of ECCE rights in law (de jure) and in fact (de facto):** Monitoring helps to determine whether the problem is related to legal and policy issues or linked to other issues like governance, financial investment, recruitment of ECCE personnel, parental education etc. For example, in some countries, ECCE might be legally guaranteed, yet the enrolment rate may be low among marginalised communities. Monitoring and systematic analysis help identify the reasons for low enrolment and provide solutions to rectify it.

**Monitoring ECCE allows for the identification and documentation of educational inequalities and possible violations** linked to systemic issues and discrimination. Systematic documentation of these violations will help generate evidence of disparities and discrimination faced by individual children or children belonging to specific groups or communities. These data are essential to advocate to policymakers for particular actions and special measures to address these violations.

**Monitoring provides evidence to support the strengthening of an international legal framework related to ECCE rights:** Besides pushing for changes at the national level, systematic tracking of the implementation of ECCE across countries can lead to the development of the human rights framework at international level. For instance, international human rights law recognises certain rights in the early ages of life, including education, health, care and nutrition. Yet, as observed by the UN Special Rapporteur, the right to ECCE, on the whole, lacks explicit reference in international human rights law and is ‘captured piecemeal in multiple instruments’.<sup>26</sup> In addition, emerging challenges like climate change, the digitalisation of education, and the increasing trend of privatisation affect the right to education in new ways, including ECCE. This implies the need to strengthen the international human rights framework further to better recognise ECCE rights and address evolving concerns. The key challenges identified through monitoring can help to strengthen the human rights standards that a normative framework should encompass.

22 UNESCO, ‘World Declaration on Education for All’ (UNESCO 1990). Article.5.

23 UNESCO, Right to Education Initiative, ‘Right to Education handbook’ (UNESCO & Right to Education Initiative 2019).

24 UN Committee on the Rights of the Child ‘General comment No. 7’ [2005] UN Doc CRC/C/GC/7/Rev.1 para.3.

25 UNESCO, ‘Right to pre-primary education: A global study’ (UNESCO 2021) p.24.

26 UNGA, ‘Report of the Special Rapporteur on the right to education’ [2022] UN Doc A/77/324 para.27.





2.

HOW TO MONITOR  
EARLY CHILDHOOD  
CARE AND EDUCATION  
FROM A HUMAN  
RIGHTS PERSPECTIVE?

Human rights monitoring is a distinctive activity, separate from research, project monitoring, and evaluation.<sup>27</sup> Human rights monitoring refers to collecting information about a particular human rights situation in a specific country or region through readily available methods, in order to engage in advocacy with duty bearers.<sup>28</sup> Monitoring the right to early childhood care and education from a human rights perspective involves measuring ‘both the enjoyment of the right to education by rights-holders (young children) and collective level (groups) and the efforts made by the State (duty bearers) to implement this rights, including the development of law and policies as well as financial effort.’<sup>29</sup> Thus, it provides the grounds to identify how States can address challenges of rights enjoyment – and whether they made adequate efforts to address it.<sup>30</sup>

This requires a comprehensive planning and systematic approach to collect, verify, document, analyse, and present information. The following steps enumerate the critical process involved in monitoring ECCE.

## 2.1. Define the plan and focus of monitoring

Define your plan and focus by establishing the purpose and scope of your monitoring. A clear and well thought out focus is crucial to ensure that you can carry out your monitoring with adequate rigour and incisiveness, and increase the effectiveness of your advocacy efforts.

### 2.1.1. Purpose of monitoring

The most common general purpose of ECCE monitoring is to gather information about the situation of ECCE in a country or region and to engage in advocacy to address gaps and rights violations. However, it can be general or specific, depending on your aims. For example, it could include any of the following:

- ▶ Advocating with duty bearers to formulate a legal framework for one year of free and compulsory pre-primary education
- ▶ Supporting a particular community/group, such as migrants, to get equal access to and participation in ECCE
- ▶ Supporting an advocacy effort and campaign for increased public investment in ECCE
- ▶ Writing a shadow report on ECCE to a treaty body

➔ For more details on the criteria and deciding your focus refer to step 1 of the RTE’s online monitoring guide

27 UN Women, ‘What is Human Rights Monitoring?’ (2011) <[Link](#)> accessed 11 May 2023.

28 Ibid.

29 Frank Adamson, Sylvain Aubry, et al. ‘Human rights to evaluate evidence on non-state involvement in education’ (UNESCO 2021) <[Link](#)> accessed 15 May 2023 p.19.

30 Ibid.



## 2.1.2. Scope of monitoring

The scope of ECCE monitoring can be broad or narrow, depending on the purpose of monitoring and your organisation's capacity. The following components should be looked into while determining the scope of your project.

Scope	Focus	Categories / Groups / Subtopics
<b>Category of ECCE</b>	<p>Monitoring can focus on the overall situation of:</p> <ul style="list-style-type: none"> <li>▶ Early childhood care education, including children from zero to eight years (or the official start of primary education)</li> </ul> <p>Otherwise, it can be done separately for the two categories within the ECCE segment:</p> <ul style="list-style-type: none"> <li>▶ Pre-primary education, including children from three to the official start of primary education</li> <li>▶ Early childhood educational development, including children from zero to two years</li> </ul>	<ul style="list-style-type: none"> <li>▶ Early childhood care and education</li> <li>▶ Pre-primary education</li> <li>▶ Early childhood educational development</li> </ul>
<b>Thematic Focus</b>	<p>Monitoring can be comprehensive, covering all issues related to ECCE, or can focus exclusively on one or more topics.</p>	<ul style="list-style-type: none"> <li>▶ Laws and policies on ECCE</li> <li>▶ Equal access and inclusion</li> <li>▶ ECCE systems and services</li> <li>▶ Financing ECCE</li> <li>▶ Quality in ECCE</li> <li>▶ ECCE personnel</li> <li>▶ ECCE learning environment</li> <li>▶ ECCE learning process and content</li> <li>▶ Privatisation of ECCE</li> </ul>
<b>Target Group</b>	<p>Monitoring can cover the whole population or be focused on children from a specific group or a community.</p>	<ul style="list-style-type: none"> <li>▶ Gender – Girls</li> <li>▶ Ethnic, religious, or linguistic minorities &amp; Indigenous communities</li> <li>▶ Refugees, asylum seekers, migrants, or internally displaced persons</li> <li>▶ Birth status (caste, descent, nationality)</li> <li>▶ Children from rural or remote areas.</li> <li>▶ Children from poor socio-economic status</li> <li>▶ Children of LGBTI parents</li> <li>▶ Children with all forms of disabilities</li> <li>▶ Street children/Homeless persons</li> <li>▶ Children of parents in detention</li> <li>▶ Children in institutional care</li> <li>▶ Children with HIV/AIDs</li> <li>▶ Other marginalised or vulnerable groups (depending on the local context)</li> </ul>
<b>Target Area</b>	<p>Monitoring can be done either country or region-wide. Localised monitoring can be planned within a particular geographical location either at the sub-national or local levels.</p>	<ul style="list-style-type: none"> <li>▶ Local community</li> <li>▶ District (school, local authority, or county)</li> <li>▶ Sub-national (province or federal)</li> <li>▶ National</li> <li>▶ Regional</li> </ul>
<b>Context</b>	<p>Monitoring can occur regularly or after a specific situation or context adversely affecting children's right to education.</p>	<ul style="list-style-type: none"> <li>▶ Conflict (including periods of social unrest or post-conflict recovery)</li> <li>▶ Natural disasters</li> <li>▶ Health emergencies/crises</li> <li>▶ Economic crises</li> </ul>

The scope of the monitoring can be further narrowed down by concentrating on a category within a category. For example, monitoring unequal access to pre-primary education for children from a migrant community during natural disasters would target a particular community in a specific context.

Importantly, you should also assess capacity in terms of time, expertise, availability of financial resources, infrastructure, and strength before defining the scope of the project and the methodology.

### Address intersectional discrimination

Intersectionality refers to the way in which multiple forms of discrimination – based on gender, caste, ethnicity, religion, sexuality, disability, class, caste, etc. – overlap and interact with one another to shape how different individuals and groups experience discrimination. Children from disadvantaged or marginalised communities may face intersecting disadvantages stemming from more than one factor. Children and communities facing multiple and intersecting disadvantages are more vulnerable to setbacks from shocks, and many also face discrimination, entrenched inequalities, and/or political or social exclusion. The dimension of intersectional discrimination should be carefully addressed while undertaking monitoring. It is important to keep in mind that the particular experience of intersecting discrimination of an individual or community is unique; it is not simply the sum of different discriminations.

Source: Gender Development Network, 'Intersectionality Reflections from the Gender & Development Network' (2017). UNDP, 'What does it mean to leave no one behind?' (UNDP 2018).

## 2.2. Identify and assess human rights standards

Monitoring from a human rights perspective means, above all, verifying whether duty bearers are upholding the normative framework that determines human rights obligations and standards. Assessing these legal standards provides the basis for advocating with States, who are the primary duty bearers responsible for respecting and safeguarding every person's right to access and enjoyment of quality education, including ECCE.

Therefore, as part of your monitoring exercise, you must identify the international, regional and national laws that protect the right to education, particularly ECCE rights. You should:

- ▶ Identify and assess relevant constitutional provisions, existing education laws and policies, and other national laws or policies protecting specific groups (such as Indigenous, migrants, persons with disabilities, etc.) and related case laws, and verify if they have any provisions regarding the right to education and specifically early childhood care and education. In the absence of specific legal and/or policy frameworks on ECCE, look for legal provisions related to child care, nutrition, health, and protection.
- ▶ Identify all [international and regional treaties and the corresponding general comments, declarations, and statements](#) relevant to the right to education and specific to ECCE (refer to [Chapter 3](#) for more details).
- ▶ [Check](#) if the State(s) considered in your monitoring project have/have ratified the [international treaties](#) protecting the right to education. If yes:
  - Review whether the international human rights standards or norms are integrated into [national legislation and are implemented](#). When States have ratified or acceded to international treaties that recognise the right to education, they must guarantee and implement this right at the national level. Therefore, once you have identified the international human rights law protecting the right to early childhood care and education, you need to check how it has been incorporated into national laws and identify the legal provisions that ensure its national implementation.
  - Review the [different recommendations](#) of the respective treaty bodies provided during the previous country reviews in their concluding observations on the right to education, particularly on ECCE.

Assessing the legal framework will help you identify critical legal challenges concerning the implementation of ECCE, particularly if there is a discrepancy between a State's obligations under international human rights standards and the provisions guaranteed in national laws and policies. Understanding what is and isn't applicable under international law and identifying relevant national policies will sharpen the focus, the information to be gathered, and the gaps and rights violations to be highlighted.

When doing so, take the time to familiarise yourself with the institutional design of the ECCE system: is it centralised/ decentralised? Are there any laws regulating private institutions? Which ministries are responsible for implementing policies designed to widen access and participation?

Note that this analysis only assesses formal (*de jure*) discrimination and, as mentioned, inequalities that may exist in practice (*de facto*), despite legal and constitutional guarantees.

To assess *de facto* inequalities, you will need to check existing information on realising the right to education in your country. This information may be available through national and international databases, as presented in the [next section \(2.5\)](#).

### Discrimination may occur in different forms

**Direct discrimination** is when a person, on account of one or more of the prohibited grounds, is treated less favourably than someone else in comparable circumstances.

**Indirect discrimination** is when a practice, rule, policy, or requirement is outwardly neutral but has a disproportionate impact upon a particular group.

**Formal (de jure) discrimination** is discrimination that exists in States' legal and policy frameworks.

**De facto (substantive) discrimination** is discrimination experienced in practice, usually by groups who have suffered from historical or persistent prejudice.

### Integrating gender in human rights monitoring (gender-sensitive monitoring)

Gender-sensitive monitoring refers to the systematic integration of gender perspectives into the design, planning, implementation, and results of monitoring from a gender perspective. It takes into account the information and data collected and collated as well as other knowledge and sources. This involves:

- a) The person responsible for monitoring should have gender expertise
- b) The criteria for monitoring, methods, and reports should integrate gender equality considerations
- c) Importantly, a gender-sensitive monitoring set of indicators should be built up, meaning all data should be disaggregated by sex along with other parameters for disaggregation

Source: [European Institute for Gender Equality, Gender Mainstreaming Methods and Tools](#)



For more information on Integrating gender in human rights monitoring, refer to:

- OHCHR, 'Chapter 15. Integrating gender into human rights monitoring' in *Manual on human rights monitoring* (OHCHR 2011).
- International Labour Organisation, 'Guidance Note 3.1: [Integrating Gender Equality in Monitoring & Evaluation of Projects](#)' (ILO 2020),

## 2.3. Choosing human rights indicators

[Human rights indicators](#) are central in monitoring the right to education. Qualitative and quantitative human rights indicators are essential to measure the realisation of the right to education. Unlike other social or demographic indicators, human rights indicators are grounded in international human rights standards provisions.<sup>31</sup> These indicators link the normative level of international legal obligation with the practical level of empirical data.<sup>32</sup>

The use of human rights indicators in monitoring ECCE:

- ▶ provides a concrete situational analysis of ECCE in the country/region
- ▶ helps identify and pinpoint issues that need to be addressed and gaps to be bridged
- ▶ measures State accountability in terms of norms, standards, or policies
- ▶ helps monitor progress and assess the impact
- ▶ makes advocacy more effective
- ▶ empowers rights holders and defenders to claim their rights

31 OHCHR, 'Human Rights Indicators: A Guide to Measurement and Implementation' (OHCHR 2012) p.16.

32 Siobhán McInerney-Lankford & Hans-Otto Sano, 'Human Rights Indicators in Development: An Introduction' (World Bank 2010).

## What are human rights indicators?

A human rights indicator is specific information on the status or condition of an object, event, activity or outcome that can be related to human rights norms and standards; that addresses and reflects human rights principles and concerns; and that can be used to assess and monitor the promotion and implementation of human rights.

Indicators can be quantitative or qualitative. The former are narrowly viewed as equivalent to 'statistics', while the latter cover any information articulated as a narrative or in a 'categorical' form.

Source: OHCHR, 'Human Rights Indicators: A Guide to Measurement and Implementation' (OHCHR 2012) p. 16.

Consequently, it is important to choose indicators related to the purpose and scope of ECCE monitoring. You may select indicators based on the necessary information for advocacy, according to your agenda. A set of indicators is provided in [Chapter 4](#) of this guide, and those relevant can be selected to suit the purpose of your monitoring project. The indicators are categorised under various thematic sub-sections, including access, inclusion, quality, financing, governance, ECCE personnel, and privatisation. Each subsection is presented with some research questions and the corresponding State obligations. Some indicators will be cross-cutting under two or more sub-sections. By clicking on the indicator, you will be provided with a definition and comments, the general international human rights legal framework that applies to it and the level of disaggregation of data.

Remember that indicators can be further developed or contextualised depending on the needs of your project and the reality on the ground. Given the complexity of assessing compliance with human rights standards, it is important to choose both qualitative and quantitative indicators. While quantitative indicators provide detail on the magnitude of the problem, qualitative indicators are essential to analyse the underlying causes. The number of indicators chosen for monitoring depends on the organisation's context, objective, and capacity.



For general information on selecting indicators, refer to [RTE's monitoring guide \(Steps 2 to 5\)](#) and our [Indicators Selection Tool](#).

## Type of indicators

**Structural indicators** refer to the legal commitments made by States in order to meet their obligations regarding the right to education, specifically regarding early childhood care and education (ECCE).

**Process indicators** measure the various types of State efforts, such as education policies, education inputs, [budget](#) allocation, and programmes and measures to address specific education issues undertaken in order to realise and implement the right to education, specifically regarding ECCE.

**Outcome indicators** measure the extent to which a population enjoys the right to education, specifically ECCE rights.

## 2.4. Define your approach and methodology

Once you have a clear idea of the purpose and scope of monitoring, choose your methodology. Determine the monitoring methodology based on the purpose and scope. It can be the quantitative and qualitative methods that include analysis of existing data, conducting interviews, on-site inspections, surveys, focus group discussions, media monitoring, process observation, audio-visual documentation, etc.

## Community participation in monitoring, or community-led monitoring

The participation of parents and the community in ECCE monitoring should be afforded the utmost importance. Participation is central to a human rights-based approach to monitoring, as it is grounded in the principles of empowerment, human rights, inclusion, social justice, self-determination, and collective action. The Committee on the Rights of the Child emphasises the involvement of parents and the community in all the decision-making processes related to ECCE. The participation of parents, community and other relevant stakeholders in all the monitoring processes including planning, data collection, dissemination, analysis of data and interpretation is crucial for sustained change. In particular, the participation of the most marginalised groups should be ensured and they should be empowered to lead monitoring of ECCE at the local level.



For more information on community participation in monitoring, refer to the [International Network for Economic, Social and Cultural Rights \(ESCR-Net\) web resources on community participation in monitoring or community-led research, and their research tools, and research methodologies](#).

## 2.5. Gather data

Data is essential for monitoring the realisation of human rights. It is necessary to assess the prevailing situation of ECCE rights to inform policy decisions and to verify their effectiveness. Consequently, you need to gather quantitative and qualitative data on the right to early childhood care and education as per your plan. The data-gathering process involves a) sourcing available data, and b) collecting new data through fieldwork and right-to-information systems.

### Principles of a human rights-based approach to data on economic, social and cultural rights

- 1. Equality and non-discrimination:** Data must be produced and used to eliminate discrimination and bring about substantive equality.
- 2. High-quality data:** Data needs to be relevant, timely, accurate, complete, and consistent as well as addressing all aspects of, including qualitative data on people's experience.
- 3. Participation:** Data should meaningfully enable the participation of everyone, particularly marginalised groups, in shaping decisions that affect their rights.
- 4. Transparency and accessibility of information:** Data must be publicly available and accessible. Those seeking access must be able to do so without facing threats or harm.
- 5. Privacy:** Human rights data must be produced and used in such ways as to protect the rights to privacy and security of a person.

**For details refer to:** International Network for Economic, Social and Cultural Rights (ESCR-Net), [Collective Position on Data for Economic, Social and Cultural Rights](#), (ESCR-Net 2022)

### 2.5.1. Sourcing available data

- ▶ **Quantitative data from national databases:** Since monitoring the right to education is the primary duty of States, they have an obligation to maintain national data and provide a comprehensive analysis. Therefore, the first step is to check if the National Ministry of Education and National Statistical Offices have published any data relevant to your project. You can also refer to the Ministry of Finance and any parliamentary committees that oversee education policies and the state budget. In the case of ECCE, other ministries might be involved and so it is important to review data from corresponding bodies with coordination responsibilities, which could include the Ministry of Women and/or Child Development, Human Development, Social Welfare, Health Affairs, Family and Community Development, etc.
- ▶ **Quantitative data from international databases:** Once you have exhausted the sources at a national level, it might be helpful to look at [international databases](#) maintained by international organisations such as UNICEF, UNESCO, the World Bank, UNDP, OECD, etc. Some of these intergovernmental agencies exclusively collect data on various aspects of ECCE, including policies, child development, human resources, and financing. Additionally, some academic institutions and civil society organisations regularly collect and publish educational statistics. The [Global SDG Indicators Data Platform](#) gives access to data on more than 210 SDG indicators, including on education for countries across the globe, classified by indicator, country, region or period. Besides this, UNESCO-UIS, UNICEF, and the World Bank have created the [Inter-Agency Group of Education Inequality indicators](#) to promote and coordinate the use of household survey data for education monitoring at the national, regional, and global levels.
- ▶ **Qualitative data through available research:** Source existing research projects and qualitative analysis on ECCE conducted by the State; intergovernmental agencies like UNESCO, UNICEF, World Bank, ILO, etc.; civil society organisations; and academic researchers. International agencies like [UNICEF](#) and [UNESCO](#) have dedicated early childhood care and education webpages. Further, UNESCO's website collates all [key resources](#) on the ECCE portal and provides a link to various [organisations, regional and global networks, and inter-governmental agencies](#) working on ECCE. Research reports/articles published by civil society organisations and academics are some of the critical resources to find information on the implementation of the right to education, particularly on the gaps in laws, policies, or practice and on violations of ECCE rights.



## Important data sources on ECCE

- **National Statistical Offices:** The United Nations Statistical Division has developed a central repository of country [profiles](#), including a brief history of each country's statistical system, the legal basis of the statistical systems, and links to the national statistical offices.
- **UNESCO Institute for Statistics (UNESCO -UIS):** The UNESCO Institute for Statistics (UIS) is the official statistical agency of UNESCO that provides internationally comparable educational data. This covers education indicators related to SDG 4 and other policy-relevant indicators on education.
- **UNICEF Data and Analytics:** UNICEF's Data and Analytics (D&A) is a leading source of data and provides statistics and comparable data on the situation of children and women. It covers various topics, including children's health, malnutrition, child protection, early childhood development, pre-primary education, etc.
- **UNICEF's Multiple Indicator Cluster surveys. (MICS):** The Multiple Indicator Cluster Surveys Programme, MICS, initiated by UNICEF, provides data on children and women in 118 countries. Data is collected through a) household surveys and b) direct measurement and observation methods.
- **The World Bank EdStats:** The World Bank EdStats (Education Statistics) portal provides comprehensive data and analysis on various topics in education, such as access, completion, learning, expenditures, policy, and equity. It covers different levels of education, including early childhood care and education.
- **The World Bank's Systems Approach for Better Education Results (SABER):** The Systems Approach for Better Education Results (SABER) provides comparative data and knowledge on education policies and institutions. Further, the SABER-Early Childhood Development tool allows policymakers to take stock and analyse existing ECD policies and programs, identifying gaps and areas needing policy attention.
- **Eurydice:** Eurydice provides information on national education systems, comparative reports, indicators, statistics, news, and articles related to education in 37 countries in Europe. It shows how countries tackle challenges at all education levels, including early childhood care and education.
- **Organisation for Economic Co-operation and Development (OECD):** The OECD analyses and develops new data in early childhood education and care (ECEC) to provide valid, timely, and comparable international information on ECEC policies, services, and systems.
- **International Labour Organisation (ILO):** [ILOSTAT](#) and [ILO Legal Database](#) provides data and resources on labour, social security, and human rights legislation from 180 countries, and includes aspects related to ECCE.
- **World Policy Analysis Centre:** The World Policy Analysis Centre provides data on country policies relevant to education, family, labour, poverty, social security systems, discrimination and equal rights, disabilities, and constitutional rights, including on ECCE.
- **Our World in Data:** Our world in data produces research reports and data on various social issues, including education overall. It covers a few indicators of pre-primary education, including enrolment, gender differences, and age criteria.

- **Reports and recommendations from UN monitoring bodies:** Qualitative information related to ECCE can be obtained in State reports submitted to [UN treaty bodies](#). These reports provide information on education laws, policies, and other measures taken by States to implement the right to education. You might want to refer specifically to the UN treaty bodies' concluding observations – those likely to be most relevant are the [Committee on Economic, Social and Cultural Rights \(CESCR\)](#), [Committee on the Rights of the Child \(CRC\)](#), [Committee on the Elimination of All forms Discrimination against Women \(CEDAW\)](#), the [Committee on the Protection of the Rights of All Migrant Workers and Members of their Families \(CMW\)](#), and the [Committee on the Rights of Persons with Disabilities \(CRPD\)](#). Reports from country visits of the [UN Special Rapporteur on the right to education](#) may also be relevant. Consider also referring to reports from UN Special Rapporteurs working on relevant cross-cutting themes ([persons with disabilities](#), [human rights and environment](#), [extreme poverty and human rights](#), [migrants](#), etc.). Recommendations of [Universal Periodic Review \(UPR\)](#) and [Shadow reports](#) by civil society organisations and academics should also be referred to.



To access reports and recommendations of all UN bodies, including the State reports, Concluding observations of treaty bodies, UPR review reports, Statements, Reports of UN Special Rapporteurs and Shadow Reports, refer OHCDR website [country section](#).



To find out more about the key principles and standards in data collection processes, refer to OHCHR, '[Human Rights-Based Approach to Data](#)' (OHCHR 2018)



RTE's website is a key resource portal for accessing all relevant information on monitoring the right to education. It has a dedicated multilingual page on [ECCE](#) which provides an overview and brief on [ECCE International instruments](#), a list of [resources](#) in three languages, and connections with various [regional and global civil society organisations](#) and International agencies working on ECCE. It also offers links to resource portals on the right to education, including international databases providing [statistics](#) and [case law](#).



### Disaggregation of data

Disaggregation of data is critical to monitoring discrimination and inequality, whether in the realisation of economic, social and cultural rights or of civil and political rights. Quantitative data such as socio-economic statistics that are not disaggregated offer an overview of the situation, but may also at times mask inequality between different sectors of the population or between different regions or locations within a country. Human rights monitoring to identify discrimination also requires an analysis of the gaps between the obligations of the State and the actual situation of specific individuals or groups of individuals depending on several criteria: age, sex, ethnic or religious background, disability, socio-economic, marital status, sexual orientation etc. Identifying these gaps sheds light on the limitations of an existing policy or law, or helps identify what particular actions – including temporary special measures – are needed to address the needs of specific marginalised groups and subgroups, and the obligations of the duty bearer. Lack of access to disaggregated information and statistics may render marginalised communities and sectors of the population even more vulnerable as their actual situation may not appear in reports and aggregated charts, and hence cannot inform policy-making processes. Disaggregated information can also reveal the de facto-discriminatory nature of some policies and laws that would otherwise appear neutral.

Source: OHCHR, 'Chapter 20: Monitoring Social and Economic Cultural Rights' in *Manual on human rights monitoring* (OHCHR 2011).

## 2.5.2. Collecting new data through fieldwork and right to information systems

While various agencies publish education data, accessing ECCE data might be very challenging. The Committee on the Rights of the Child notes<sup>33</sup> that adequate national data collection systems on ECCE are lacking: specific and disaggregated information on children in the early years is not readily available. It might be difficult to find statistical data, especially when looking for disaggregated data at the sub-national level or data of a particular group. States may not disaggregate data by region or district. The Committee on Economic, Social and Cultural Rights asserts that States parties must closely monitor education, and collect disaggregated data according to prohibited grounds of discrimination. However, marginalised groups often remain invisible in statistics both at national and global levels. We thus encourage you to remind duty-bearers of their obligations to collect and publish data that are disaggregated by age, sex, ethnic or religious background, disability, socio-economic, and children of parents of different sexual orientations, nationalities, regions, or any other status.

For the purpose of monitoring, it can be useful to collect new disaggregated data and compare it with the national average to show discrepancies. You may also want to include qualitative analysis based on the experiences and opinions of relevant communities. This requires collecting data through field research – surveys, interviews, on-site inspections, focus group discussions, media monitoring, process observations, and audio-visual documentation. On the other hand, depending on the indicators, you may collect all data through **right-to-information systems**, especially when the required data is unavailable in the public domain.



**'Information is a basic human right and fundamental foundation for the formation of democratic institutions.'**

Nelson Mandela

<sup>33</sup> UN Committee on the Rights of the Child 'General comment No. 7' [20 September 2006] UN Doc CRC/C/GC/7/Rev.1 para.39.

## What is the Right to Information?

The right to information (RTI) is a human right that gives citizens the right to access government information. It has been increasingly accepted as a right at both the national and international levels. Internationally, the existence of a right to access to information is frequently articulated in [international human rights law](#), within the scope of the right to freedom of expression.<sup>34</sup> The UN recognises [freedom of information](#) as an integral part of the fundamental right of freedom of expression, which encompasses the freedom 'to seek, receive and impart information and ideas through any media and regardless of frontiers.'<sup>35</sup> SDG goal 16.10 seeks countries to 'ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.'<sup>36</sup> The right to information is not a stand-alone right, rather it is intrinsically related with other fundamental rights. RTI empowers citizens with information that is essential for the realisation and full enjoyment of other rights including civil, political, social, economic and cultural rights. It is a powerful tool to promote transparency and hold duty-bearers accountable, thereby strengthening good governance. Recognising its importance, many [countries have adopted right-to-information laws](#). A survey conducted by UNESCO as part of monitoring SDG indicator 16.10.2 found that [125 countries](#) have enacted right-to-information laws or similar provisions.<sup>37</sup>

In countries that have adopted laws on RTI, civil society has effectively used the RTI system to seek information and claim their rights. For example, [the Right to Information Act 2005 in India](#), which was enacted due to the [long struggle of the grassroots movement](#) for the right to access to information, has been effectively used for [the realisation of all human rights including the right to education](#). There are [several incidences](#) where an RTI tool has been effectively used to monitor the right to education in relation to different population groups in India, including children. For example, an RTI response received from the government by a [media house revealed the disparities existing in access to ECCE](#) among the urban poor and rural poor. In [another incident](#), an RTI query by a citizen revealed the lack of purchase of registers by the federal government to maintain data and records in ECCE centres.



For more information on the principles of human rights monitoring, refer to OHCHR, 'Chapter 2, Basic Principles of Human Rights Monitoring' in *Manual on human rights monitoring* (OHCHR 2011)

## Key principles in ECCE monitoring

Several basic principles are central to the monitoring of any human rights issue, and must be adhered to. These include doing no harm, maintaining credibility, respecting confidentiality, privacy and security standards, ensuring informed consent, transparency, accountability, and participation. In addition, the [general principles](#) in articles 2, 3, 6 and 12 of Convention on the Rights of the Child (CRC) are relevant to ECCE monitoring, as they govern all other rights in the Convention.<sup>38</sup> These principles, as briefed in text below, should be integrated into the monitoring process.

- **Non-discrimination and equality:** Article 2 of the Convention on the Rights of the Child guarantees rights to every child without discrimination. In the context of monitoring, this emphasises the need to identify inequalities and discrimination through the generation of evidence and data collection, with disaggregation that goes beyond gender, geography, and age to include all grounds of discrimination prohibited under international law.
- **Best interest of the child:** Article 3 of the CRC states that the child's best interest<sup>39</sup> should be taken into primary consideration in all actions concerning children. In ECCE monitoring, this implies assessing whether the child's best interest is considered at the core of all decisions concerning ECCE, including the legislation, policies, financial investment, governance, curriculum etc. Furthermore, the plan, design and execution of the monitoring process should consider the child's best interest at the core.
- **A holistic approach to development:** Article 6 refers to the child's inherent right to life, and States parties' obligation to ensure children's survival and development. In ECCE monitoring, adopting a holistic approach is crucial, and the right to education cannot be viewed in isolation without considering other provisions in the Convention including the right to health, adequate nutrition, social security, protection, an adequate standard of living, a healthy and safe environment, and play.
- **Participation:** Article 12 states that children have a right to express their views freely in all matters affecting them. While monitoring ECCE, this dimension should be integrated, and a creative approach should be adopted to listen, understand and respond to children's views, expressions, likes or dislikes, etc.

34 Commonwealth Human Rights Initiative, 'Right to Information: International' <Link> accessed 17 May 2023.

35 United Nations and the Rule of Law, 'Freedom of Information' <Link> accessed 17 May 2023.

36 UNGA, 'Transforming our world: the 2030 Agenda for Sustainable Development' (2015) UN Doc A/RES/70/1 p.26.

37 UNESCO, 'Powering sustainable development with access to information: highlights from the 2019 UNESCO monitoring and reporting of SDG indicator 16.10.2' (UNESCO 2019) p.4.

38 The UN Committee on the Rights of the Child identified articles 2, 3, 6 and 12 of CRC as guiding principles that govern other rights in the Convention. Refer, Committee on the Rights of the Child, 'General comment No. 5' (2003) UN Doc CRC/GC/2003/5.

39 The principle of best interests also appears in articles 9, 18, 20 and 21 of the CRC. Refer: Committee on the Rights of the Child, 'General comment No. 14' (2013) UN Doc CRC/GC/14.



# 3.

## EARLY CHILDHOOD CARE AND EDUCATION IN INTERNATIONAL HUMAN RIGHTS LAW



The right to education begins at birth.<sup>40</sup> It is recognised in the [Universal Declaration of Human Rights \(UDHR\)](#), and enshrined in various international treaties, notably in important conventions like the [Convention on the Rights of the Child \(CRC\)](#), the [International Covenant on Economic, Social, and Cultural Rights \(ICESCR\)](#), the [UNESCO Convention against Discrimination in Education](#), and other conventions that address discrimination based on gender, race, disability, and migration status.

Concerning early childhood care and education, international human rights law recognises certain rights in the early ages of life, including education, health, care and nutrition. The right to pre-primary education is concretely referred to in two treaties: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) in the context of equality for girls in “pre-school” and prohibiting discrimination to pre-school for migrants, respectively.<sup>41</sup> The International Covenant on Economic, Social and Cultural Rights (ICESCR) and the UNESCO Convention against Discrimination in Education (CADE), despite strongly emphasising ‘the right to education for all,’ do not explicitly refer to ECCE. Furthermore, the CRC and ICESCR, which specifically reference other levels of education like primary and secondary education, do not explicitly refer to early childhood care and education. At the same time, as Sandra Fredman has noted, the CRC implicitly implies the importance of early learning in the aims of the right to education. For example, article 6 (2) of the CRC stipulates that ‘States Parties shall ensure to the maximum extent possible the survival and development of the child.’ Since ECCE is vital for a child’s long-term development and well-being, and article 29 (1) of the CRC asserts, ‘States Parties agree that the child’s education shall be directed to the development of the child’s personality, talents and mental and physical abilities to their fullest potential; this strongly suggests that early learning is included in the broad right to education.’<sup>42</sup> In addition, article 13 of ICESCR recognises the right of everyone to education without discrimination. This applies to all persons from birth to death, including young children. Similarly, CADE does not refer to ECCE explicitly. But states that the term ‘education’ is to be understood as referring ‘to all types and levels of education’ (therefore including ECCE). This includes access to education, the standard and quality of education, and the conditions under which it is given. (Article 1.2).

Furthermore, the interpretation of international law affirms the rights of young children and recognises the right to early childhood care and education. For instance, the [Committee on the Rights of the Child](#) in its [General comment No. 7](#) reaffirms young children as rights holders. It reiterates that ‘the Convention on the Rights of the Child is to be applied holistically in early childhood’ and reaffirms early childhood education as ‘an essential component for children’s right to maximum development.’<sup>43</sup> ECCE has been further recognised in various regional frameworks, other international agreements, declarations, and frameworks of action, including the [Moscow Framework of Action and Cooperation: Harnessing the Wealth of Nations](#), the [Tashkent Declaration and Commitments to Action for Transforming Early Childhood Care and Education](#) and [2030 Agenda for Sustainable Development](#) which explicitly calls upon States to guarantee to focus on ECCE and pre-primary education. This section provides an overview of the various international instruments that mention ECCE or pre-primary education.



For more comprehensive information on the international human rights law on ECCE, refer to RTE’s research compilation titled [International Instruments: Right to Education and Early Childhood Care and Education](#)

40 UNESCO. ‘[World Declaration on Education for All](#)’ (UNESCO 1990). Article.5.

41 UNGA, ‘Report of the Special Rapporteur on the right to education’ (2022) UN Doc A/77/324 para.27.

42 Sandra Fredman, in CIES Conference 2021 panel discussion on ‘[Early Childhood Education from human rights perspective: overview and challenges as regards the international legal framework, national implementation, and monitoring](#)’ (Right to Education Initiative 2021) <Link> accessed 20 May 2023.

43 UN Committee on the Rights of the Child ‘General comment No. 7’ (20 September 2006) UN Doc CRC/C/GC/7/Rev.1, para.3 & 28.



## 3.1. Children’s rights in early childhood

The [Convention on the Rights of the Child](#), a widely accepted international instrument, guarantees children’s rights in the early childhood period. As reiterated by the Committee on the Rights of the Child, while the ‘Convention is applied holistically in early childhood’, some articles are particular and directly linked with ECCE. For instance, as discussed previously, Articles 6(2) and 29(1) imply the importance of early learning and the State’s obligation to have focused policies and programs on children’s survival and development. Articles 18 and 31 focus on ECCE services and facilities. Article 18 categorically specifies the State’s role in assisting parents in child-rearing responsibilities and ensuring ECCE facilities and institutions for childcare services. Article 31 recognises children’s right to play and calls upon States to have age-appropriate provisions and ‘opportunities for cultural, artistic, recreational and leisure activity’. Articles 3(2, 3), 24, and 28 focus on the important components of ECCE, like care and protection, nutrition and health, and education, respectively. Furthermore, the interpretation of the Convention through general comments recognises the importance of ECCE more explicitly.

The table below highlights the list of general comments in which the States’ obligations related to ECCE are highlighted.

General comment	ECCE Provision
<p>General comment No. 7 (2005) on ‘Implementing Rights in Early Childhood.’</p> <p>⇒ UN Doc <a href="#">CRC/C/GC 7 / Rev.1</a></p>	<p>General comment No. 7 on <a href="#">‘Implementing Rights in early childhood’</a> provides a detailed interpretation of ‘the broader implications of the Convention on the Rights of the Child for young children.’ This General comment which aims to strengthen the understanding of young children’s rights, reaffirms ‘young children as holders of all rights enshrined in the Convention,’ endorses ‘early childhood as a critical period for the realisation of these rights’, and enumerates in detail State obligations towards young children. Further, it provides a working definition of early childhood. It interprets the rights of young children under different thematic areas: a) Human rights and young children; b) General principles and rights in early childhood; c) Parental responsibilities and assistance from States; d) Comprehensive policies and programs for early childhood, especially for vulnerable children; e) young children in need of special protection; and finally, f) Capacity building for early childhood. Some of the critical recommendations to State parties include a legislative framework for provisions of ECCE; a holistic, multi-sectoral, and rights-based approach to ECCE; good governance and monitoring systems; an increase in human and financial resource allocation; access to services for the most vulnerable; involvement of parents in the decision-making process; community-based pre-schools; data collection and management and training and capacity building for professionals working with or for young children. The Committee further recognises and appreciates States making one year of pre-school education available and free of cost for all children, although it didn’t specify it as an obligation. The critical discussion points on ECCE can be assessed <a href="#">here</a>.</p>
<p>General comment No. 8 (2006) on ‘the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.’</p> <p>⇒ Articles 19, 28, para. 2 and 37, inter alia.’ UN Doc <a href="#">CRC/C/GC 8</a></p>	<p>The General comment on <a href="#">protecting children from corporal punishment</a> recommends promoting non-violent parenting and education in ‘health, welfare, and educational services, including early childhood institutions, daycare centres, and schools. It should be integrated into the initial and in-service training of teachers and all those working with children in care and justice systems.’ (para. 48)</p>
<p>General comment No. 10 (2007) on ‘children’s rights in juvenile justice.’</p> <p>⇒ UN Doc <a href="#">CRC/C/GC/10</a></p>	<p>This General comment on <a href="#">children’s rights in juvenile justice</a> expresses the view that ‘early childhood education has shown to be correlated with a lower rate of future violence and crime.’ Therefore, it recommends community-based ECCE as one of the preventive strategies for juvenile delinquency. (para. 19)</p>
<p>General comment No.13 (2011) on ‘the right of the child to freedom from all forms of violence’</p> <p>⇒ UN Doc <a href="#">CRC/C/GC/13</a></p>	<p>This General comment recommends States protect children from all forms of violence including in the ECCE settings and ‘support parents and caregivers to understand, embrace and implement good child-rearing’ practices. (para.33, 34 and 47(c))</p>
<p>General comment No. 14 (2013) on ‘the right of the child to have his or her best interests taken as a primary consideration. Article 3, para. 1.’</p> <p>⇒ UN Doc <a href="#">CRC/C/GC/14</a></p>	<p>This <a href="#">General comment</a> recommends that children’s best interests should be a primary consideration in access to quality education, including early childhood education. It endorses that education should not be seen as an investment but as an opportunity for joyful activities, respect, participation, and fulfilment of ambitions. It recommends a child-friendly environment, appropriate teaching-learning methods, and well-trained teachers and other professionals. (para.79)</p>

General comment	ECCE Provision
<p>General comment No. 17 (2013) on 'the right of the child to rest, leisure, play, recreational activities, cultural life, and the arts (article31).'</p> <p>⇒ UN Doc <a href="#">CRC/C/GC/17</a></p>	<p>In this General comment, the Committee highlights the following aspects:</p> <ul style="list-style-type: none"> <li>▶ Play and leisure are essential for the development of physical, social, cognitive, and emotional strength and brain development, especially in the early years (para. 9)</li> <li>▶ '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 every day throughout early childhood education and care (preschool) as well as primary and secondary school.' (para. 27)</li> <li>▶ '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.' (para. 41)</li> <li>▶ 'Programmes often only deal with nutrition, immunization and pre-school education with little or no emphasis on play, recreation, culture and the arts.' (para. 43)</li> <li>▶ Recommends that education pedagogy, especially in the early years, should be active and participatory and offer playful activities and forms of engagement. (para. 58g)</li> <li>▶ Recommends training and capacity building for all professionals working with or for children on children's human rights, including the right to play. (para. 58h)</li> </ul>
<p>General comment No. 19 (2016) on 'public budgeting for the realisation of children's rights (Article 4).'</p> <p>⇒ UN.Doc. <a href="#">CRC/C/GC/19</a></p>	<p>In this General comment, 'the Committee acknowledges that investment in early childhood development positively impacts children's ability to exercise their rights, breaks poverty cycles, and brings high economic returns. Underinvestment in children in their early years can harm cognitive development and reinforce existing deprivations, inequalities, and intergenerational poverty. It further clarifies budgeting for different groups of children is critical in ensuring 'the right to life, survival, and development.' (paras. 50 and 51)</p>
<p>Joint General comment No. 4 of CMW and No. 23 of CRC (2017) on 'State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return.'</p> <p>⇒ UN Doc. <a href="#">CMW/C/GC/4-CRC/C/GC/23</a></p>	<p>Refer to the sub-section on <a href="#">Rights of Migrants and ECCE</a></p>
<p>General comment 24 (2019) on 'Children's rights in the child justice system.'</p> <p>⇒ UN Doc. <a href="#">CRC/C/GC/24</a></p>	<p>In this General comment, the Committee reinforces that 'Investment in early childhood care and education correlates with lower rates of future violence and crime.' Therefore, it encourages assistance to parents in child-rearing responsibilities through community and family-based programmes and culture and leisure activities for children. (para. 10)</p>

## 3.2. Women's rights and ECCE

The [Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#), which establishes an international bill of rights for women, recognises early childhood care and education both in terms of a) realising girl's right to education and b) promoting gender equality in all aspects, including in the upbringing of children. Regarding girl children's rights, Article 10 of the Convention calls upon State parties to eliminate gender discrimination in education. It ensures equal access to education at all levels, including pre-school:

*The same conditions of career and vocational guidance for access to studies and 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;* (Article 10 (a))

In terms of gender equality, the preamble of the Convention recognises childcare and maternity protection as essential rights as they are the prerequisites for achieving women's right to work and rights at work.<sup>44</sup> Article 5(b) of the Convention provides "a proper understanding of maternity as a social function" and demands fully shared responsibility for child-rearing by men and women. Article 11(2)(c) seeks to provide childcare services to allow individuals to combine family responsibilities with work and participation in public life.<sup>45</sup>

<sup>44</sup> ILO, WIEGO Policy Brief No.2, 'Labour and human rights framework' (ILO & WIEGO 2019) <[Link](#)> accessed 19 May 2023 p.3 & 4.

<sup>45</sup> Ibid.

*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:*

*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 childcare facilities. (Article 11(2)(c))*

The table below highlights the list of general comments in which States obligations related to ECCE are highlighted.

General comment	ECCE Provisions
<p>General comment 36 (2017) on 'the right of girls and women to education.'</p> <p>⇒ UN.Doc. <a href="#">CEDAW/C/GC/36</a></p>	<p>In this General comment, the Committee recommends States 'to 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 rate of successful transition between school levels, including for early childhood to primary, primary to secondary and secondary to tertiary or vocational;' (para. 31d)</p> <p>This General comment also recommends that:</p> <p>a) 'Education must be affordable for all, without discrimination based on sex or any other prohibited ground, and should be free and compulsory from pre-school through secondary school and progressively made free through the tertiary level.' (para. 36)</p> <p>b) 'Universal, free and compulsory education from pre-school to secondary school, regardless of socio-economic status, for citizens of the State party, as well as for girls and women with migrant or refugee status.' (para. 39a)</p>
<p>General comment 35 (2017) on 'Gender-based violence against women, updating general recommendation No 19.'</p> <p>⇒ UN.Doc. <a href="#">CEDAW/C/GC/35</a></p>	<p>This General comment recommends 'integrating content on gender equality into curricula at all levels of education, public and private, from early childhood onwards and into education programmes with a human rights approach.' (para. 30 (b)(i))</p> <p>This General comment also recommends, 'childcare facilities, training and employment opportunities for women who are victims/survivors and their family members.' (para. 31a(III))</p>
<p>General comment 34 (2016) on 'the rights of rural women'</p> <p>⇒ UN.Doc. <a href="#">CEDAW/C/GC/34</a></p>	<p>This General comment recognises the lack of childcare facilities as one of the reasons for the curtailment of school attendance and political participation of rural women and recommends States:</p> <p>a) To adopt gender-responsive social protection floors to ensure that all rural women can access essential services, including childcare facilities. (para. 41b)</p> <p>b) Pregnant girls in rural areas are not expelled from school, and following childbirth, they are provided with childcare facilities and breastfeeding rooms. (para. 43g)</p> <p>c) Providing childcare and other care services in rural areas facilities to alleviate rural women's burden of unpaid care work, facilitating their engagement in paid work, and allowing them to breastfeed during working hours. (para. 52.h)</p>
<p>General comment 32(2014) on 'the gender-related dimensions of refugee status, asylum, nationality, and statelessness of women.'</p> <p>⇒ UN.Doc. <a href="#">CEDAW/C/GC/32</a></p>	<p>This General comment reflects the difficulties faced by migrant women to have access to child care and economic survival without family and community support and recommends the provision of child care services. (para. 28 and 50(f)).</p>
<p>General comment 31 (2014) on 'harmful practices.'</p> <p>⇒ UN.Doc. <a href="#">CEDAW/C/GC/31-CRC/C/GC/18</a></p>	<p>In situations where harmful practices are prevalent among immigrant communities, this General comment recommends States to sensitise and train various service providers, including teachers and childcare professionals, to identify girls who have been at risk of being subjected to harmful practices and which steps can and should be taken to protect them. (para. 72 and 73 (d))</p>
<p>General comment 30 (2013) on 'Women in conflict prevention, conflict, and post-conflict situations.'</p> <p>⇒ UN Doc. <a href="#">CEDAW/C/GC/30</a></p>	<p>This General comment quotes humanitarian law on the need to protect young mothers with children below seven years of age and calls upon States to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000). (para. 20,21 &amp; 87b).</p>
<p>General comment 29 (2013) on 'the economic consequences of marriage, family relations, and their dissolution'</p> <p>⇒ UN.Doc. <a href="#">CEDAW/C/GC/29</a></p>	<p>This General comment points out that interrupted education and employment histories, and childcare responsibilities are some of the main reasons that prevent women from establishing a path to employment or property. (para. 44).</p>
<p>General comment 23 (1997) on 'Political and Public Life'</p> <p>⇒ UN.Doc. <a href="#">CEDAW/C/GC/23</a></p>	<p>In this General comment the Committee notes that 'in all nations, the most significant factors inhibiting women's ability to participate in public life have been the cultural framework of values and religious beliefs, the lack of services, and men's failure to share the tasks associated with the organisation of the household and with the care and raising of children.' (para. 10).</p>

### 3.3. Rights of persons with disabilities and ECCE

Article 24 of the [Convention on the Rights of Persons with Disabilities](#) recognises the right of persons with disabilities to education and calls upon State parties to ensure an inclusive education system at all levels and lifelong learning.<sup>46</sup> Whilst the Convention does not explicitly refer to early childhood education, the Committee on the Rights of Persons with Disabilities (CRPD) mentions ECCE as part of the right to inclusive education in interpreting Article 24 and recommends training for all teachers from preschool on the values of inclusive educational environment in [General comment No. 4.](#)

*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, State 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 organisations of persons with disabilities and other non-governmental partners. (para. 65)*

*A process of educating all teachers at pre-school, primary, secondary, tertiary and vocational education levels must be initiated to provide them with the necessary core competencies and values to work in inclusive educational environments. (para. 69)*

### 3.4. Rights of migrants and ECCE

Article 30 of the [International Convention on the Protection of the Rights of All Migrant Workers and Their Families, 1990](#), recognises the right to education of migrants, including the right to preschool education.

*Each child of a migrant worker shall have the basic right of access to education based on equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or schools shall not be refused or limited because 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.*

Further, the Committee on the Protection of the Rights to All Migrant Workers and Members of their Families (CMW) and the Committee on the Rights of the Child (CRC), in a joint [General comment No.4 & 23 \[2017\]](#), affirms that all migrant children, irrespective of their migration status, should have full access to all levels and all aspects of education, including early childhood education based on equality with nationals.<sup>47</sup> It further recognises providing early childhood education as one of the appropriate measures to promote equality and overcome education barriers. Hence it affirms: 'State efforts should include the provision of early childhood education as well as psychosocial support.'<sup>48</sup> It also encourages States to dedicate staff to promoting the integration of migrant children into schools and take measures to prohibit and prevent any kind of educational segregation, including learning a new language as a means of effective integration.

Various international agreements affirm the right to early childhood education for migrant and refugee children. In the [New York Declaration for Refugees and Migrants](#) adopted by the UN General Assembly in 2016, States commit to 'protect the human rights and fundamental freedoms of all refugee and migrant children, regardless of their status, and giving primary consideration at all times to the best interests of the child.' They also commit to 'comply with the obligations under the Convention on the Rights of the Child' and support early childhood education for refugee children.<sup>49</sup>

46 UN Committee on the Rights of Persons with Disabilities, 'General comment No. 4' [2016] UN Doc CRPD/C/GC/4 para.8.

47 UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and Committee on the Rights of the Child, 'Joint General comment No. 4 & 23' [2017] UN Doc. CMW/C/GC/4-CRC/C/GC/23. para.59.

48 Ibid para.62.

49 UNGA, 'New York Declaration for Refugees and Migrants' (2016) UN Doc A/RES/71/1 para.32.



The [Global Compact for Migration](#), adopted in July 2018, affirms early childhood development as one of the essential services to migrants as part of the education process. Thus one of the action plans calls upon States to ‘provide inclusive and equitable quality education to migrant children and youth, as well as facilitate access to lifelong learning opportunities, including by strengthening the capacities of education systems and by facilitating non-discriminatory access to early childhood development.’<sup>50</sup>

### 3.5. Global agreements, declarations, and frameworks for action

In addition to the human rights treaties, ECCE has been further recognised in other international agreements, declarations, and action frameworks. During the 1990s, the international community made commitments to achieving education for ‘every citizen and for every society.’<sup>51</sup> Adopting a rights-based approach to education based on the Universal Declaration of Human Rights article that ‘everyone has a right to education,’ they collectively initiated the ‘Education for All’ (EFA) movement by adopting the Jomtien Declaration, 1990. Since then, the various declarations and framework of actions adopted by the international community reaffirmed this commitment and were built on to continue the EFA movement with expanded scope. ECCE has been recognised in all these declarations and frameworks for action with an explicit focus on the [Moscow Framework for Action and Cooperation: Harnessing the Wealth of Nations](#) and the [Tashkent Declaration and Commitments to Action for Transforming Early Childhood Care and Education](#).

Name of the Declaration/ Framework of Action	Description	Key ECCE features reflected
<a href="#">The World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs (Jomtien Declaration)</a> , 1990	Adopted at the World Conference on Education for All in March 1990, Jomtien, Thailand, this declaration aimed to universalise adequate basic education. It also broadened the scope of basic education by affirming education begins at birth.	Article 5: ‘Learning begins at birth. This calls for early childhood care and initial education. This can be provided through arrangements involving families, communities, or institutional programmes as appropriate.’
<a href="#">Dakar Framework of Action Education for All: Meeting Our Collective Commitments</a> , April 2000	Adopted at the World Education Forum in April 2000 in Dakar, it reaffirmed the vision of the World Declaration on Education for All. This forum identified six goals to be met by 2015, of which Goal 1 focuses on ECCE.	Goal 1: ‘Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children.’
<a href="#">Moscow Framework of Action and Cooperation: Harnessing the Wealth of Nations</a> , September 2010	Adopted at the 1 <sup>st</sup> World Conference on Early Childhood Care and Education – Building the Wealth of Nations, September 2010 in Moscow, Russian Federation, it expanded the scope of Goal 1 of the Dakar Framework for Action on [ECCE].	The Moscow Framework of Action explicitly focuses on ECCE and highlights <i>that</i> ‘ECCE is part of the right to education and the main foundation for holistic human development’ and ‘instrumental in poverty eradication.’ It sets out a call for action focused on a) mobilising stronger commitments to ECCE; b) reinforcing effective ECCE programme delivery; c) harnessing resources for ECCE; d) cooperation; e) as well as targeted calls for action to donors, and f) UNESCO.

50 UNGA, ‘Global Compact for Safe, Orderly and Regular Migration’ [2018] UN Doc A/RES/73/195 para.31f.

51 UNESCO, ‘The Dakar Framework of Action Education for All: Meeting our Collective Commitments’(UNESCO 2000) para.1.

Name of the Declaration/ Framework of Action	Description	Key ECCE features reflected
<p><a href="#">Education 2030 Incheon Declaration and Framework for Action</a>, May, 2015</p>	<p>Adopted at the World Education Forum 2015 held in May 2015, Incheon, Republic of Korea, The Incheon Declaration for Education 2030 reaffirms the vision of Education for All. It sets out a new vision for education for the next fifteen years. It focuses on increased and expanded access, inclusion and equity, quality and learning outcomes at all levels, within a lifelong learning approach.</p>	<p>The Incheon Declaration recognises ECCE as a foundation for lifelong learning and suggests four indicative strategies that include: a) Integrated and inclusive policies and legislation that guarantee the provision of at least one year of free and compulsory quality pre-primary education, with special attention to reaching the poorest and most disadvantaged children; b) Integrated multi-sector ECCE policies and strategies with linkages for nutrition, health, social and child protection, water/sanitation, justice, and education and secure adequate resources for implementation; c) Policies and action plans for the professionalisation of ECCE personnel; and d) Design and implement inclusive, accessible, and integrated programmes, services, and infrastructure of quality for early childhood, covering health, nutrition, protection, and education needs, especially for children with disabilities, and support families as children's first caregivers.</p>
<p><a href="#">The 2030 Agenda for Sustainable Development (SDGs)</a>, September 2015</p>	<p>The <a href="#">Sustainable Development Goals</a> were adopted by all UN Member States at the UN Sustainable Development Summit in September 2015 in New York, to eradicate poverty and other deprivations through improving health and education, reducing inequalities, and spurring economic growth – all while tackling climate change. Among the 17 SDGs, SDG 4 focuses on education and target 4.2 and global indicators 4.2.1. and 4.2.2 refer to ECCE.</p>	<p>SDG 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all</p> <p>Target 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.</p> <p>Indicator 4.2.1: Proportion of children aged 24-59 months who are developmentally on track in health, learning and psychosocial well-being, by sex.</p> <p>Indicator 4.2.2: Participation rate in organised learning (one year before the official primary entry age) by sex.</p>
<p><a href="#">Tashkent Declaration and Commitments to Action for Transforming Early Childhood Care and Education</a>, November 2022</p>	<p>The Tashkent Declaration was adopted at the second <a href="#">World Conference on Early Childhood Care and Education</a>, in Tashkent, Uzbekistan in November 2022. This conference was organised to reaffirm the right of every young child to quality care and education from birth and urge Member States to renew their commitment and investment in the Sustainable Development Goal (SDG) Target 4.2 which refers to ECCE.</p>	<p>By adopting the Tashkent Declaration, Member States have committed to 'ensure equitable and inclusive quality ECCE, prioritising the most vulnerable' by:</p> <p>a) encouraging at least one year of free, compulsory pre-primary education for all in line with SDG 4.2; and</p> <p>b) <a href="#">pledging to invest at least 10% of their total education spending on pre-primary education</a>.</p> <p>Further, by focussing on four areas:</p> <ol style="list-style-type: none"> <li>1) Equitable and inclusive quality ECCE services for all;</li> <li>2) ECCE personnel;</li> <li>3) Innovation and advancing transformation;</li> </ol> <p>Policy, governance and finance, member States committed to various actions that include enhancing policy and legal frameworks, strengthening ECCE systems and working conditions of all ECCE personnel, ensuring quality learning, enhancing support to parents and caregivers, regulating ECCE personnel in non-state sectors and improving data, monitoring and evaluation, etc.</p>



Regional frameworks: For more information on the various regional frameworks that provide State obligations regarding ECCE, refer to RTE's research [International Instruments on Education and Early Childhood Care and Education](#).



4.

**HUMAN RIGHTS  
INDICATORS FOR  
MONITORING EARLY  
CHILDHOOD CARE  
AND EDUCATION**

This chapter outlines a set of human rights indicators for assessing the right to early childhood care and education, including pre-primary or preschool education. The indicators are mainly drawn from international human rights standards and norms, particularly State obligations on the right to an education explicitly and implicitly mentioned in different human rights treaties, and general comments and concluding observations adopted by UN treaty bodies. Some of the indicators are also drawn from political commitments made by governments through various global declarations and statements related to education, especially the Tashkent Declaration 2022 and 2030 Agenda for Sustainable Development, which envisages achieving universal access to pre-primary education by 2030 (SDG 4). The following quantitative and qualitative indicators are designed to analyse various kinds of data, as well as the perceptions, opinions and experiences of the communities which are critical in ECCE monitoring.



Monitoring early childhood care and education from a human rights perspective refers to assessing three types of data:

- **Structures:** the State's commitments regarding the realisation of ECCE rights
- **Processes:** the State's efforts to meet those commitments
- **Outcomes:** the level of realisation of the right to education, particularly its enjoyment by rights-holders

This section includes outcome, structural and process indicators; depending on the purpose and objective of the monitoring, different indicators can be selected. Since ECCE is an integral part of the right to education, some indicators detailed here apply to all levels and dimensions of the right to education, while others are specific to ECCE.

Furthermore, the indicators in this section are grouped under the following thematic sub-sections based on the critical components of ECCE:

1. Legal framework and policies on early childhood care and education
2. Equality, non-discrimination and inclusive access and participation in early childhood care and education:
3. Quality in early childhood care and education.
  - 3.1 Learning environment
  - 3.2 Learning process and content (pedagogy and curriculum)
  - 3.3 ECCE Personnel
4. Financing early childhood care education
5. Early childhood care and education: Systems and services
  - 5.1 Governance and institutional framework
  - 5.2 Engagement with parents/primary caregivers
6. Privatisation of early childhood care and education

Each sub-section is presented with a set of indicators. By clicking on the indicator, you will be provided with further information which includes a definition, international human rights legal standards, the level of disaggregation, and levels of education it covers. The indicators are only illustrative and they need to be customised depending on the objective and the context.





#### Important note for referring to State obligations and using indicators:

- Indicators are based on standards set in human rights instruments which are binding for the States that have ratified them. At the same time, some indicators are developed based on non-binding instruments which are significant for various reasons. To illustrate: a) a non-binding instrument may constitute an authoritative interpretation which provides guidance to States regarding the implementation of a binding instrument, b) indicate evolving practices or emerging consensus on particular issues, and/or c) be subject to structured follow-up and review processes that provide space for dialogue about rights in practice. Therefore, while indicators drawn from non-binding instruments cannot be used to seek accountability from States, you may refer to them to advocate for amendments in ECCE laws and policies and/or to provide recommendations to States.
- All general State obligations are drawn from international human rights law, whereas specific obligations are mainly taken from the interpretation of the law, especially from general comments made by the treaty bodies. Besides, very few State obligations are included from the political commitments, recommendations and guidelines of the international governmental bodies. References to these specific State obligations taken from the non-binding instruments are provided in the footnote and kindly refer to the same while providing recommendations to the States.
- Each subsection is presented with a set of indicators, some of which cut across different sections/ sub-sections, and may appear in two or more tables. For instance, indicators related to legal provision are collated in Table 1. You will also find them in the relevant sub-section. For example, the indicator, 'Existence of specific law and/or policy recognising and supporting equal access to ECCE for girls' is pertinent to analyse both the legal framework as well as the rights of girls for equal access to education. Therefore, this indicator will appear in Table 1 (Legal Framework) and Table 2 (Equality, non-discrimination and inclusive access and participation in ECCE).

## 4.1. Legal framework and policies on early childhood care and education

### Rationale

Legal frameworks are essential across all levels of education to guarantee universal access to free, quality, and equitable education. While the [right to education is stipulated in many international instruments](#) and national laws, the legal framework on ECCE is inadequate at the national and international levels, captured 'piecemeal' across multiple instruments, and not made explicit.<sup>52</sup>

As discussed in [Chapter 3](#), pre-primary education is directly referred to in two treaties a) the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) based on equality for girls in 'preschool', and b) the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), that prohibits discrimination against migrant children from accessing pre-school because of the parent's or children's 'irregular' situation concerning stay.<sup>53</sup> The International Covenant on Economic, Social and Cultural Rights (ICESCR) and the UNESCO Convention against Discrimination in Education, despite strongly emphasising 'the right to education for all,' do not explicitly refer to ECCE. While ICESCR and the Convention on the Rights of the Child (CRC) detail States' obligations regarding other levels of education, they lack explicit reference to pre-primary education.<sup>54</sup> But, as discussed in [Chapter 3](#), it is included implicitly. On the other hand, the Convention on the Rights of the Child provides a broader recognition of children's rights. It contains several provisions directly relevant to ECCE, including the right to development, play, cultural life, health and parental care.

At the national level, legal and policy frameworks on ECCE are inadequate and vary across different countries and regions. In some countries, national policies for the 'care' and 'education' of young children have been developed separately. But in others, ECCE is integrated into the education system. In some situations, the policies of ECCE are not legally binding. Additionally, while the right to education might be recognised as a right, the right to pre-primary education may not be included.

<sup>52</sup> UNGA, 'Report of the Special Rapporteur on the right to education' [2022] UN Doc A/77/324 para.27.

<sup>53</sup> Ibid.

<sup>54</sup> UNGA, 'Report of the Special Rapporteur on the right to education' [2022] UN Doc A/77/324 para.28.

As per UNESCO's [global study on the right to pre-primary education](#), in 2021 over a third of the studied countries had adopted free pre-primary education, but only one quarter had made it free and compulsory.<sup>55</sup> Due to this complex nature and lack of recognition of pre-primary education, it is often challenging to make States accountable for guaranteeing the ECCE rights of young children.

### State obligation to provide free and compulsory pre-primary education

Under international human rights law, States have the legal obligation to respect, protect and fulfil the right to education<sup>56</sup> as guaranteed in human rights treaties. Article 26 of the [Universal Declaration of Human Rights](#) (1948) highlights the State's obligation to provide free education at least in the elementary and fundamental stages, with elementary education only being compulsory. The free and compulsory nature of specific levels of education is enshrined in human rights law: primary education must be free and compulsory, and secondary and higher education are to be progressively free (International Covenant on Economic, Social and Cultural Rights (ICESCR), article 13.2). At the time of the elaboration of human rights instruments, State obligations on the free and compulsory nature of pre-primary were not included, even though pre-primary education is crucial in promoting the child's development.<sup>57</sup> At the same time, the CRC Committee has taken opportunities to underscore that making ECCE free is key to its accessibility, especially for lower-income families. Further, General comment No. 36 (para. 36) of the Committee on the Elimination of Discrimination against Women recommends free and compulsory education from preschool through secondary school. It emphasised that the 'inability to pay user fees and/or meet hidden costs' must not impede girls and women from lower socio-economic strata from accessing any level of education (CEDAW Committee, 2017, para. 39c). In addition, States have made political commitments through Sustainable Development Goals to provide at least one year of free and compulsory pre-primary education of good quality by 2030.

Even when there is a legal guarantee for pre-primary education, in some situations laws are inadequate to address the holistic nature of ECCE, especially for children below three years of age. For instance, in comparison to other regions, Latin America has made progress in ECCE legislation and has the highest number of countries to have adopted compulsory and free pre-primary education.<sup>58</sup> Despite this, there are still ambiguities in State diligence, particularly for children less than three years old, according to a [study](#) conducted by the Latin American Campaign for the Right to Education (CLADE). This study shows that laws are not comprehensive enough to reflect the intersectional dimensions and a rights-based approach to ECCE.<sup>59</sup>

Recognising these challenges, the Committee on the Rights of the Child calls upon States to formulate laws, policies, and programmes to realise the rights of young children.<sup>60</sup> As such, the UN Special Rapporteur [calls](#) for a more specific legal instrument that provides guidance at all levels to ensure that ECCE rights are defined and enshrined and that every child receives free, high-quality ECCE which aligns international legal human rights obligations to the political commitments contained within SDG4.<sup>61</sup> In addition, the 2022 [Tashkent Declaration and Commitments to Action for Transforming Early Childhood Care and Education](#) recommends States enhance policy and legal frameworks on ECCE including the right to at least one year of free and compulsory pre-primary education.<sup>62</sup>

Therefore, assessing ECCE laws and policies from a human rights approach is crucial. The set of indicators in this subsection focuses on determining the legal framework, especially the recognition of a right to pre-primary education and the lawful provision for at least one year of free and compulsory pre-primary education.

55 UNESCO, 'Right to pre-primary education: A global study' (UNESCO 2021).

56 For further information on the tripartite typology refer to UN Committee on Economic, Social and Cultural Rights, '[General comment No. 13](#)' (1999) UN Doc E/C.12/1999/10 para.46-48 & 50.

57 UNESCO, Right to Education Initiative, 'Right to Education handbook' (UNESCO & Right to Education Initiative 2019) p.105.

58 Rajakumari Michaelsamy, '[Strengthen the legal framework at national and international level for universal access to quality and inclusive ECCE, urge participants at RTE's CIES Conference panel](#)' (Right to Education Initiative, 2021).

59 The Latin American Campaign for the Right to Education, 'The Right to Education and Care in Early Childhood ; Perspective from Latin America and the Caribbean' (CLADE 2018) <[Link](#)> accessed 29 June 2023.

60 UN Committee on the Rights of the Child 'General Comment No. 7' (2005) UN Doc CRC/C/GC/7/Rev.1.

61 UNGA, 'Report of the Special Rapporteur on the right to education' (2022) UN Doc A/77/324 para.107a.

62 UNESCO, 'Tashkent Declaration and Commitment to Action for Transforming Early Childhood Care and Education' (UNESCO 2022) para.14(iv).

## Indicator Table 1: Legal framework and policies on early childhood care and education

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Provide equal and quality early childhood care and education without any discrimination to the best of their available resources.</li> </ul>	<ul style="list-style-type: none"> <li>— What is the scope of the State's obligations regarding ECCE under international human rights law?</li> <li>— Has the State ratified international human rights treaties that guarantee the right to education?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">International human rights treaties relevant to the right to education, particularly the right to ECCE, ratified by the State.</a></li> </ul>
<ul style="list-style-type: none"> <li>• Ensure domestic implementation of the right to ECCE as guaranteed under ratified treaties.</li> </ul>	<ul style="list-style-type: none"> <li>— What is the level of legal protection of the right to education, particularly the right to ECCE, at the national level? What does the Constitution say about the right to education? Does the right to education include early childhood care and education? To what extent?</li> <li>— Do national laws on education include the component of ECCE / pre-primary education? If so, to what extent? Are there any separate laws establishing norms and standards for early childhood care and education other than the education laws?</li> <li>— Do national policies on education, or other policies, include the component of ECCE / pre-primary education? Is there a separate policy for ECCE?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">Recognition and coverage of the right to education in the Constitution or other forms of superior law</a></li> <li>▶ <a href="#">Recognition and coverage of the right to early childhood care and education in domestic law</a></li> <li>▶ <a href="#">Coverage of the right to early childhood care and education in national policies, including education policies</a></li> </ul>
<ul style="list-style-type: none"> <li>• Adopt legislative and administrative measures to implement the right to education, particularly ECCE rights.</li> <li>• Enhance policy and legal frameworks on ECCE including the right to at least one year of free and compulsory pre-primary education.<sup>63</sup></li> <li>• Ensure a rights-based approach in early childhood programmes that builds children's confidence, communication skills, and enthusiasm for learning.<sup>64</sup></li> </ul>	<ul style="list-style-type: none"> <li>— What are the salient features of ECCE laws and policies? Do laws/policies on ECCE guarantee free and/or compulsory pre-primary education? If yes, how many years of free education and from which age it is made compulsory?</li> <li>— Do laws/policies on ECCE cover the important components of ECCE including health, nutrition, education, child care, and protection?</li> <li>— Do laws/policies support parents by providing childcare services?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">Recognition and coverage of free pre-primary education in national law</a></li> <li>▶ <a href="#">Recognition and coverage of compulsory pre-primary education in national law</a></li> <li>▶ <a href="#">Adoption of a holistic approach to ECCE in national laws and/or policies</a></li> <li>▶ <a href="#">Existence of provisions related to school feeding in the national laws and/or policies</a></li> <li>▶ <a href="#">Existence of provisions related to 'school health services' in the national laws and/or policies</a></li> <li>▶ <a href="#">Existence of a law and/or policy that guarantees ECCE services for children of working parents</a></li> <li>▶ <a href="#">Existence of a law and/or policy that guarantees maternity/paternity/parental leave for working parents</a></li> </ul>

<sup>63</sup> Ibid.

<sup>64</sup> UN Committee on the Rights of the Child 'General comment No. 7' (2005) UN Doc CRC/C/GC/7/Rev.1 para.31.

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Ensure the right to education, including the right to ECCE, is exercised free from discrimination of any kind.</li> <li>• Adopt necessary measures to prevent, diminish, and eliminate the conditions and attitudes that cause or perpetuate substantive or de facto discrimination.</li> <li>• Take positive measures that enable and assist individuals and communities to enjoy the right to education, when an individual or group is unable, for reasons beyond their control, to realise the right themselves.<sup>65</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Does the Constitution guarantee the rights to equality and non-discrimination, and on which grounds? And does it apply to the right to education, including ECCE?</li> <li>— Are laws/policies on ECCE inclusive and do they guarantee equal access to all (including non-citizens) without any discrimination?</li> <li>— How are the marginalised or vulnerable groups supported to get equal access to and receive quality ECCE? Are there affirmative actions in place to reduce inequalities?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Recognition and coverage of the rights of non-discrimination and equality in the national legal framework</u></li> <li>▶ <u>Existence of laws and/or policies that forbid discrimination in education, including ECCE</u></li> <li>▶ <u>Existence and coverage of national laws and/or policies guaranteeing the right to education of girls and women, including ECCE</u></li> <li>▶ <u>Existence and coverage of national laws and/or policies recognising the right of children with disabilities to education, including ECCE</u></li> <li>▶ <u>Existence and coverage of national laws and/or policies guaranteeing the right to education (including ECCE) of children from rural and remote areas</u></li> <li>▶ <u>Existence and coverage of laws and/or policies that guarantee children from the families of migrants to have equal access to ECCE.</u></li> <li>▶ <u>Existence of affirmative action or other policies aiming to reduce inequalities for children from marginalised or vulnerable groups (such as tuition subsidies, grants, quotas, etc.)</u></li> <li>▶ <u>Existence of legislation expressly prohibiting any form of discrimination against students and teachers affected by HIV/AIDS</u></li> <li>▶ <u>Existence of laws and/or policies that guarantee children's access to learning and learning material in ECCE in their mother tongue, including Indigenous languages</u></li> </ul>
<ul style="list-style-type: none"> <li>• Provide stable, secure employment and decent working conditions<sup>66</sup> for teachers.<sup>67</sup></li> <li>• Ensure ECCE is inclusive.</li> </ul>	<ul style="list-style-type: none"> <li>— Is there a legal recognition for the ECCE profession? Does the law protect the labour rights of ECCE personnel (including teachers and education support personnel) in the ECCE sector?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Existence of laws and/or policies that protect the rights of ECCE personnel</u></li> <li>▶ <u>Existence of laws and/or policies that set standards for the qualifications, training and recruitment of ECCE teachers</u></li> <li>▶ <u>Existence of laws, policies and/or guidelines that emphasise recruitment of ECCE personnel from diverse cultural and social backgrounds and diverse gendered identities</u></li> </ul>
<ul style="list-style-type: none"> <li>• Respect the liberty of individuals and bodies to establish and direct educational institutions if that such institutions conform to minimum standards as may be laid down by the State.</li> <li>• Take all effective measures, including particularly the adoption and enforcement of effective regulatory measures, to ensure the realisation of the right to education where private actors are involved in the provision of education.<sup>68</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Are there private actors providing ECCE education other than the State? If yes, do they have the right to establish private institutions? Is the private actors' involvement in education regulated by the laws and policies?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Existence of domestic laws that protect the right to establish private ECCE centres/pre-primary schools?</u></li> <li>▶ <u>Existence of laws and policies regulating the privatisation of ECCE and private actors' involvement in ECCE</u></li> </ul>

65 UN Committee on Economic, Social and Cultural Rights, 'General comment No. 13' (1999) UN Doc E/C.12/1999/10 para.47.

66 Stable and secure working conditions include; a safe and healthy workplace; manageable teacher-to-student ratios; support structures for managing problematic student behaviour; balanced workloads; safe, affordable and adequate housing; relevant, quality and accessible training and professional development opportunities; equitable access to technology and other resources; adequate social protection and pensions; and working-time arrangements (including duties beyond classroom teaching such as lesson preparation, marking and out-of-class student and parent engagements) that allow for adequate rest and work-life balance.

67 ILO, UN, UNESCO, 'Transforming the teaching profession: Recommendations of the United Nations Secretary-General's High-Level Panel on the Teaching Profession' (International Labour Organisation 2024) R 35, 37.

68 The Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education (2019)<<https://www.abidjanprinciples.org>> accessed 25 January 2024 OP 4; GPs 51-53.



## 4.2. Equality, non-discrimination and inclusive access and participation in early childhood care and education

### Rationale

ECCE is a powerful equaliser and has the potential to expand opportunities and enable children from the most vulnerable and disadvantaged backgrounds to start school on an equal footing with other children and improve their educational achievement.<sup>69</sup> The UN Special Rapporteur on extreme poverty and human rights in his 2021 report affirms that ‘early childhood education and care is essential to breaking the cycles of poverty’, stressing that interventions at this stage are ‘particularly effective at closing the gap between disadvantaged children and their wealthier peers compared with later life remediation efforts.’<sup>70</sup> Yet, various data indicate the existence of inequalities in access to ECCE.<sup>71</sup> Wherever available, it is limited to the more privileged young children either in access or quality, as the opportunities for ECCE are drastically restricted for children belonging to socially excluded and vulnerable groups.

Recognising these challenges, the Committee on the Rights of the Child in its [General comment No. 7](#) calls on States, ‘to ensure that all young children are guaranteed access to appropriate and effective services, including programmes of health, care and education’ and it emphasises to pay ‘particular attention to the most vulnerable groups of young children and to those who are at the risk of discrimination [Article 2]’.<sup>72</sup>

Various global commitments, including the SDGs, have called for inclusive early childhood care and education. The first among the six goals of the 2015 [Dakar Framework of Action](#) called upon States to ‘expand and improve comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children’. [Sustainable Development Goals 4.2](#) envisages that by 2020, ‘all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education’. Further, with its transformative promise, to ‘leave no one behind’, it endeavours to ‘reach the furthest behind first’.<sup>73</sup>



**‘Recognizing that as inequalities and disparities in development and learning start early and often persist throughout life, access to inclusive and quality ECCE is an important enabler of well-being and holistic development, foundational and lifelong learning, gender equality and social equity, and sustainable development where all children can have the opportunity to reach their full potential.’**

[Tashkent Declaration and Commitments to Action for Transforming Early Childhood Care and Education, 2022](#)

UN treaty bodies identified inequalities in access to ECCE and its impact on learning in their concluding observations, in particular for children from marginalised groups such as those living in poverty, girls, children with disabilities, children living in rural areas, minorities, ethnic groups, and those with migrant status in their reviewed countries.<sup>74</sup> The [UN committees’ concluding observations](#) also highlight the cyclical relationship between education and poverty, and the intersectional relationship between poverty and those living in rural areas. Further, they also emphasise the intergenerational transmission of inequality through discrimination against women and girls.<sup>75</sup>

69 UNESCO, ‘Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change’ (UNESCO 2022).

70 UNGA, ‘Report of the Special Rapporteur on extreme poverty and human rights (2021) UN Doc. A/76/177. para. 25 and 27.’

71 According to UNICEF, in 2019, more than 175 million children nearly half of the pre-primary age children globally were not enrolled in pre-primary education. Refer to UNICEF, ‘A world ready to learn: Global report on pre-primary education’(UNICEF 2019).

72 UN Committee on the Rights of the Child ‘General comment No. 7’ (2005) UN Doc CRC/C/GC/7/Rev.1 para.24.

73 UNGA, ‘Transforming our world: the 2030 Agenda for Sustainable Development’ (UNGA 2015) UN Doc. AA/RES/70/1.

74 A study by Sandra Fredman and others, who analysed the concluding observations of three UN Treaty bodies namely CRC, CESCR, and the CCRPD, between 2015 and 2020, noted the reference of ECCE in 79% of CRC, 67% of CESCR, and 47% of CCRPD concluding observations. Sandra Fredman, Georgina Donati et al, ‘Recognizing Early Childhood Education as a Human Right in International Law’(2022) *Human Rights Law Review* 22(4) <<https://doi.org/10.1093/hrlr/ngac024>> accessed 11 May 2023.

75 Rajakumari Michaelsamy, ‘The right to equality in early childhood care and education: a precondition for the right to education’ (Right to Education Initiative 2023) <[Link](#)> accessed 16 August 2023.

Similarly, the [UN Special Rapporteurs](#) on the right to education seem to have predominantly covered inequalities in ECCE and its impact on lifelong learning in their reports.<sup>76</sup> These references primarily focus on the difficulties faced by children from marginalised groups and highlight the lack of public provision, inadequate investment and the growing phenomena of privatisation as the main drivers of exclusion for children from disadvantaged communities.<sup>77</sup>

The set of indicators in this section focuses on assessing the enrolment status of children in pre-primary education, particularly the status of access to ECCE for vulnerable children. These indicators also intend to evaluate the measures adopted by States to support equal and inclusive ECCE. This includes the two SDG indicators 4.2.1: proportion of children under five years of age who are developmentally on track in health, learning and psychosocial well-being by sex and 4.2.2.: Participation rate of children in pre-primary education (at least one year before the official primary entry age) by sex. Disaggregation of the data based on urban/rural, gender, disability, religion, social and ethnic groups are highly recommended to caste, have a fair understanding of inclusion in ECCE.

### Affirmative action

The principle of affirmative action is also known as positive discrimination. This refers to the positive action States need to take to eliminate and prevent all forms of discrimination and ensure substantive equality in the enjoyment of the right to education, including to correct historic discrimination, inequalities, and systemic and persistent disadvantages through the way in which resources are allocated.<sup>78</sup> Affirmative actions with regard to education should be understood as targeted actions aiming to facilitate access, participation, and representation of underrepresented groups. Affirmative action in ECCE should aim to reduce the gaps in access to ECCE between marginalised groups and others. Examples of affirmative actions in ECCE include providing free services, tuition grants and nutrition subsidies, and scholarships for children from low-income families or quota policies for children that have been subject to systemic racial, ethnic, caste and other forms of discrimination.

### Grounds of Discrimination: Identifying specific groups for disaggregation of data

Discrimination and inequalities are context-based, except for a few factors such as gender, disability and socioeconomic status which are common across different situations. Therefore, it is important to analyse the local context and identify the specific groups on whom you want to focus in your monitoring work and provide disaggregated data. The UNDP framework on 'Who is being left behind and why'<sup>79</sup> may help to understand the local context and identify the specific group(s) whom you especially focus on in your monitoring.

**Discrimination:** The UNDP defines discrimination as biases, exclusion or mistreatment which people face based on one or more aspects of their identity.<sup>80</sup> This includes children who experience discrimination based on gender, ethnicity, race, caste, class, disability, sexual orientation of their parents, religion, nationality, Indigenous, HIV, immigration/ migratory status etc.

**Geography:** This refers to those 'who endure isolation, vulnerability,' or experience other 'infrastructure gaps due to their place of residence.'<sup>81</sup> This includes children who live in places that have a very low development index and have no/poor access to transportation, public services such as education, health services, water, sanitation, adequate housing, etc. This includes the rural/urban divide.

**Socio-economic Status:** This refers to those 'who face deprivation or disadvantages in terms of income'<sup>82</sup> and other development indicators. This includes children from communities that are on the lowest strata of the socio-economic ladder due to low income, lack of housing, lack of land ownership or jobs, lack of education, etc.

**Shocks and Fragility:** This refers to children who are exposed and become vulnerable due to the<sup>83</sup> impacts of natural calamities, hate crimes and violence, conflicts, displacement, health emergencies and other unexpected economic setbacks, etc.

**Governance:** UNDP defines this as 'People set back by global, national and/or sub-national institutions that are ineffective, unjust, exclusive, corrupt, unaccountable and/or unresponsive; and/or by-laws, policies and budgets that are inequitable, discriminatory or regressive'. In simple terms, it includes all children who live in difficult political situations.

Source: The framework and definitions are taken from, UNDP, '[WHAT DOES IT MEAN TO LEAVE NO ONE BEHIND? A UNDP discussion paper and framework for implementation](#)' (UNDP 2018)

76 An analysis of the 33 thematic and 29 country visit reports of the UN Special Rapporteurs on the Right to Education between 1999 and 2021 indicates that ECCE was referred to in 69% (23) of the thematic reports and 90% (26) of the country visit reports. Refer, Rajakumari Michaelsamy and Silke D'Heft, 'Early Childhood Care and Education as a gateway to inclusive education: an analysis of UN Special Rapporteurs' Reports' (Right to Education Initiative 2022) <[Link](#)> accessed 16 August 2023.

77 Rajakumari Michaelsamy, 'The right to equality in early childhood care and education: a precondition for the right to education' (Right to Education Initiative 2023) <[Link](#)> accessed 16 August 2023.

78 Sandra Fredman, 'Commentary on the Abidjan Principles, Principles 22 to 27: Equality and Non-Discrimination in Education' (Oxford Human Rights Hub, 2023) <[Link](#)> accessed on 17 August 2023.

79 UNDP, 'What does it mean to leave no one behind' (UNDP 2018) <[Link](#)> accessed on 17 August 2023.

80 Ibid.

81 Ibid.

82 Ibid.

83 Ibid.



For more information about discrimination, in particular about the definition of prohibited grounds of discrimination, refer to Committee on Economic, Social and Cultural Rights, 'General comment No. 20'(2009) U.N.Doc. E/C.12/GC/20

For additional resources on the right to equality and non-discrimination in education see Chapter 3 of the UNESCO, Right to Education Initiative, '[Right to Education Handbook](#)' (UNESCO RTE 2019)

Also, refer to [Chapter 2](#) of this guide for more information about intersectional discrimination and disaggregation of data.



### Monitoring ECCE in emergencies, including conflicts, natural disasters, and climate change

When communities experience emergencies such as conflicts and crises, including natural disasters or health crises, young children can experience multiple vulnerabilities, either directly or second-hand through caregivers and family. These experiences can have developmental and psychological consequences. In such situations, ECCE programmes have the potential to play a crucial role in identifying and addressing the mental health challenges faced by young children and their families.<sup>84</sup> ECCE can help develop resilience to alleviate childhood trauma, toxic stress, and deprivation. Besides, ECCE provides a safe/stable environment for children, helps develop social skills and access to health and nutritional services which are essential for the well-being of children in times of crisis. It is therefore important to monitor ECCE in emergencies.

While planning to monitor ECCE in such situations,

Refer to the '[Minimum Standards for Education: Preparedness, Response, Recovery](#)' handbook prepared by the Inter-Agency Network for Education in Emergencies (INEE). This [handbook](#) contains 19 standards, each with accompanying key actions and guidance notes, which could help in the selection of the indicators. Further, you may refer to the following ECCE-specific brief and policy paper by INEE for more details on ECCE.

- a) [The Need to Provide Holistic Support to Young Children in Acute Emergencies.](#)
- b) [Promoting Climate-Sensitive Early Childhood Care and Education in Emergencies.](#)

To understand the commitments that States should focus on to protect educational institutions, teachers and students during emergencies and armed conflicts and to mitigate the negative consequences when such attack occurs, refer to the [Safe School Declaration](#), an intergovernmental political commitment made by the States.



For further information on monitoring the right to education during emergencies, you may refer to the RTE's thematic monitoring guide on [Monitoring Education Under Attack from a Human Rights Perspective](#)



**Specific groups:** the indicators provided in this section are broad and may not indicate the specific group that you intend to focus on in your monitoring work. Depending on the local context and your monitoring plan, you may customise the indicator and specifically define the specific group who are in a disadvantaged position and whom you are focussing on in your monitoring work. Besides the specific groups mentioned in the UNDP framework, you may also consider children in other vulnerable situations, including those in institutional care, street children, children of mothers in prison, etc.

84 Maki Park, Caitlin Katsiaficas, 'Mitigating the effects of Trauma among young children of immigrants and refugees: The role of early childhood programs' (Migration Policy Institute 2019) <[Link](#)>accessed 16 August 2023.




## Indicator Table 2: Equality, non-discrimination and inclusive access and participation in early childhood care and education

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Ensure ECCE is accessible to all and inclusive.</li> </ul>	<ul style="list-style-type: none"> <li>— Does the State provide free, quality, and inclusive ECCE to all?</li> <li>— Are there adequate public ECCE centres/pre-primary schools available in both urban and rural areas? Are there any differences in accessing ECCE between rural and urban areas? Are these centres/pre-primary schools accessible for free?</li> <li>— Do children from marginalised, disadvantaged, and vulnerable groups have equal access to ECCE?</li> <li>— What is the share of specific groups accessing ECCE?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Gross enrolment ratio in ECCE/pre-primary, disaggregated by sex, specific group(s), rural/urban, private/public</u></li> <li>▶ <u>Net enrolment ratio in ECCE/pre-primary, disaggregated by specific group(s), rural/urban, private/public.</u></li> <li>▶ <u>The participation rate of children in pre-primary education (one year before the official primary entry age), disaggregated by sex, specific group(s), rural/urban, and public/private</u></li> <li>▶ <u>Percentage of children enrolled under privately run ECCE centres/pre-primary schools, disaggregated by sex, specific group(s), rural/urban</u></li> </ul>
<ul style="list-style-type: none"> <li>• Ensure non-discrimination and equality in access and participation in ECCE.</li> <li>• Ensure national implementation of ratified treaties by the adoption of laws guaranteeing ECCE.</li> </ul>	<ul style="list-style-type: none"> <li>— Does the Constitution guarantee the rights to non-discrimination, and equality? And does it apply to the right to education, including ECCE?</li> <li>— Do national laws on education, or other laws guarantee the rights to non-discrimination and equality in access to ECCE? Do they protect specific groups?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Recognition and coverage of the rights of non-discrimination and equality in the national legal framework</u></li> <li>▶ <u>Existence of laws and/or policies that forbid discrimination in education, including ECCE</u></li> </ul>
<ul style="list-style-type: none"> <li>• Adopt the necessary measures to prevent, diminish, and eliminate the conditions and attitudes that cause or perpetuate substantive or de facto discrimination.</li> <li>• Ensure an educational fellowship is in place to assist disadvantaged groups.<sup>85</sup></li> <li>• Take positive measures that enable and assist individuals and communities to enjoy the right to education, when an individual or group is unable, for reasons beyond their control, to realise the right themselves by the means at their disposal.<sup>86</sup></li> </ul>	<ul style="list-style-type: none"> <li>— How are marginalised, disadvantaged or vulnerable groups supported to access quality ECCE?</li> <li>— What policies or initiatives has the State implemented to ensure that all children who are in a vulnerable position or experienced inequalities and discrimination of various kinds have equal access to ECCE? Are there any specific incentives or affirmative action policies to address these challenges?</li> <li>— Does the recruitment policy of ECCE personnel uphold the principles of inclusivity and diversity?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Existence of a special funding system to ensure access to ECCE for children from marginalised groups (look at the specific group(s) you are focusing on)</u></li> <li>▶ <u>Existence of affirmative action or other policies aiming to reduce inequalities for children from marginalised, or vulnerable groups (such as tuition subsidies, grants, quotas, etc.)</u></li> <li>▶ <u>Allocation of specific State budget for implementing laws and policies targeting special groups, at ECCE level.</u></li> <li>▶ <u>Existence of laws, policies and/or guidelines that emphasise recruitment of ECCE personnel from diverse cultural and social backgrounds and diverse gendered identities</u></li> </ul>

85 UN Committee on Economic, Social and Cultural Rights, 'General Comment No. 13' (1999) UN Doc E/C.12/1999/10 para.53.

86 Ibid. para.47.



 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Ensure the realisation of children’s cultural and linguistic rights.</li> <li>• Ensure educational programmes for minorities and Indigenous groups are conducted in their language in accordance with international human rights standards.<sup>87</sup></li> </ul>	<p>— How is children’s right to learn in their mother tongue protected? Are there any laws or policies protecting and supporting the implementation of the rights of children to access learning in their mother tongue? If yes, do they have access to learning materials in their mother tongue? Does the State offer opportunities for teacher training in minority or indigenous languages, or promote the recruitment of teachers from these communities or who speak their mother tongue?</p>	<ul style="list-style-type: none"> <li>▶ <u>Existence of laws and/or policies that guarantee children’s access to learning and learning material in ECCE in their mother tongue, including Indigenous languages</u></li> <li>▶ <u>Percentage of children taught in their mother tongue in ECCE centres/pre-primary schools</u></li> <li>▶ <u>Percentage of children belonging to language minorities and indigenous people taught both their minority/indigenous language and official state language</u></li> </ul>
<ul style="list-style-type: none"> <li>• Monitor the availability of and access to quality services that contribute to young children’s survival and development through systematic data collection, disaggregated in terms of major variables related to children’s and families’ backgrounds and circumstances.<sup>88</sup></li> </ul>	<p>— Do any government data on ECCE exist? Are they available to the general public? Are they disaggregated?</p>	<ul style="list-style-type: none"> <li>▶ <u>Availability of standardised data on ECCE disaggregated by sex, specific group(s), rural/urban, and public/private are collected by the State</u></li> <li>▶ <u>Availability of ECCE data in the public domain</u></li> </ul>

**In the sections below, indicators are categorically provided for different groups. In addition to the above indicators, depending on the specific group(s) you are focussing on, choose the relevant indicators.**

<b>II.a) Sex and gender identity</b>		
<ul style="list-style-type: none"> <li>• Ensure non-discrimination and equality in access to ECCE</li> <li>• Remove gender and other stereotyping biases that impede the educational access of girls, women, and other disadvantaged groups.<sup>89</sup></li> <li>• Integrate content on gender equality into curricula at levels of education, both public and private, from early childhood onwards and into education programmes with a human rights approach.<sup>90</sup></li> </ul>	<p>— What efforts are made to eliminate gender discrimination in education? Do girls and boys have the same access to ECCE? Does the learning process focus on eliminating gender stereotypes and biases? Are educational materials free from gender stereotypes?</p>	<ul style="list-style-type: none"> <li>▶ <u>International human rights treaties relevant to the right to education of girls and women ratified by the State</u></li> <li>▶ <u>Existence and coverage of national laws and/or policies guaranteeing the right to education of girls and women, including ECCE</u></li> <li>▶ <u>Percentage of young girls enrolled in ECCE programmes as a proportion to the total number of young girls with the age to be enrolled in ECCE</u></li> <li>▶ <u>Existence of laws and/or policies guaranteeing parental support and childcare services for pregnant adolescent girls and young mothers to continue their education</u></li> <li>▶ <u>Existence of laws and/or policies guaranteeing access to ECCE for children living with mothers in prisons</u></li> <li>▶ <u>Measures taken to promote equal responsibility of parents – emphasising that father and mother have equal roles in the upbringing and development of the child</u></li> <li>▶ <u>Integration of content on gender equality and absence of gender stereotypes into the ECCE curriculum and pedagogy</u></li> <li>▶ <u>Percentage of ECCE personnel trained on gender issues and gender sensitivity and the impact of gendered behaviour on the teaching and learning process</u></li> </ul>

87 UN Committee on Economic, Social and Cultural Rights, ‘General comment No.21’ UN Doc E/C.12/GC/21 para.27.

88 UN Committee on the Rights of the Child ‘General comment No. 7’ [2005] UN Doc CRC/C/GC/7/Rev.1 para.12.



89 UN Committee on Economic, Social and Cultural Rights, ‘General comment No. 13’ [1999] UN Doc E/C.12/1999/10 para.55a.

90 UN Committee on the Elimination of Discrimination against Women, ‘General comment No. 35’ [2017] para.30(b)(i).

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<b>II.b) Racial, ethnic, caste, religious and Indigenous identity</b>		
<ul style="list-style-type: none"> <li>• Ensure non-discrimination and equality in ECCE.</li> <li>• Adopt necessary measures to prevent, diminish, and eliminate the conditions and attitudes that cause or perpetuate substantive or de facto discrimination.</li> <li>• Fulfil the acceptability of education by taking positive measures to ensure that education is culturally appropriate for minorities and Indigenous peoples, and of good quality for all.<sup>91</sup></li> <li>• Fulfil the right to take part in cultural life by including cultural education at every level in school curricula, in consultation with all concerned.<sup>92</sup></li> <li>• Prevent third-party interference with the enjoyment of the right to education by taking positive measures that enable and assist individuals and communities to enjoy the right to education.</li> </ul>	<ul style="list-style-type: none"> <li>— How are people with different racial, ethnic, caste, religious, and indigenous identities supported to access equal ECCE? What measures are taken to eliminate the conditions and attitudes that perpetuate discrimination? Is there an adequate ratio of teachers belonging to specific groups based on their racial, ethnic, religious and Indigenous identity, and students recruited and trained?</li> <li>— To what extent does the curriculum content respect and reflect the cultural identities of all children, including those from minority and indigenous groups?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Percentage of children from racial, ethnic, caste, religious and Indigenous communities enrolled in ECCE programmes as a proportion to the total number of young children from these communities, with the age to be enrolled in ECCE</u></li> <li>▶ <u>Minority Teachers ratio: Percentage of racial, ethnic, caste, religious minorities and Indigenous identified and trained as pre-primary teachers</u></li> <li>▶ <u>The guidelines for the approval of ECCE/pre-primary textbooks include the prohibition of any kind of promotion or depiction of discriminatory views</u></li> <li>▶ <u>Existence of established mechanisms to enable parents, children and community leaders belonging to minorities to contribute to ensuring that education takes their needs into account</u></li> <li>▶ <u>Curriculum guidelines provided by the Ministry of Education include the promotion of respect for other nations, racial, ethnic or religious groups and Indigenous peoples</u></li> <li>▶ <u>Reported incidents of discrimination, xenophobia or related intolerance based on racial, ethnic, caste, religious, and Indigenous identities in ECCE centres/ pre-primary schools in the last academic year</u></li> </ul>
<b>II.c) Disabilities</b>		
<ul style="list-style-type: none"> <li>• Ensure non-discrimination and equality in ECCE.</li> <li>• Take positive measures to ensure people with disabilities can enjoy their right to education.</li> <li>• Provide reasonable accommodation for individual children with disabilities.</li> </ul>	<ul style="list-style-type: none"> <li>— How is the right to education of children with disabilities protected? Are there specific laws and policies guaranteeing children with disabilities access to ECCE? Are there any positive measures taken to ensure equal access to ECCE for children with disabilities?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Existence and coverage of national laws and/ or policies recognising the right of children with disabilities to education, including ECCE.</u></li> <li>▶ <u>Percentage of children with disabilities enrolled in ECCE programmes as a proportion to the total number of young children with disabilities with the age to be enrolled in ECCE</u></li> <li>▶ <u>Existence of a special funding system to ensure access to ECCE for children with disabilities.</u></li> <li>▶ <u>Existence of reasonable accommodation measures available for children with disabilities in mainstream –ECCE centres / pre-primary schools.</u></li> <li>▶ <u>Trained teachers and education support personnel rate for children with disabilities.</u></li> </ul>

91 UN Committee on Economic, Social and Cultural Rights, 'General comment No. 13' (1999) UN Doc E/C.12/1999/10 para.50.




92 UN Committee on Economic, Social and Cultural Rights, 'General Comment No.21 (2009) UN Doc E/C.12/GC/21 para.54c

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<b>II.d) Nationality/Migration status</b>		
<ul style="list-style-type: none"> <li>• Ensure non-discrimination and equality in access to ECCE</li> <li>• Ensure foreign nationals resident within the State's territory have the same access to education as that given to their nationals.</li> <li>• Ensure national implementation of ratified treaties by the adoption of laws and policies guaranteeing ECCE.</li> <li>• Ensure equal access to quality and inclusive education for all migrant children, irrespective of their migrant status.<sup>93</sup></li> </ul>	<ul style="list-style-type: none"> <li>— How is the right to education of non-citizens, including migrants, refugees, and asylum seekers protected? Are there specific laws and policies guaranteeing migrants' access to ECCE?</li> <li>— Is access to ECCE included as part of migration response strategies? What measures have been taken to remove the barriers faced by migrants in accessing ECCE?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Existence and coverage of laws and/or policies that guarantee children from the families of migrants to have equal access to ECCE</u></li> <li>▶ <u>Percentage of migrant children enrolled in ECCE programmes as a proportion to the total number of young migrant children with the age to be enrolled in ECCE</u></li> <li>▶ <u>Existence of provisions to ensure migrant parents don't have to present a birth certificate to enrol their children in an ECCE centre /pre-primary school</u></li> <li>▶ <u>Existence of provisions to ensure parents of migrants, refugees, internally displaced, or other internal migrant children do not have to present documents stating their legal status to enrol in ECCE centres / pre-primary schools</u></li> <li>▶ <u>Reported incidents of discrimination, xenophobia or related intolerance against migrants in ECCE centres/ pre-primary schools in the last academic year</u></li> </ul>
<b>II.e) Socio-economic status, place of residence and other vulnerabilities:</b>		
<ul style="list-style-type: none"> <li>• Ensure parents from the most disadvantaged and vulnerable groups are given appropriate support to involve young children in ECCE programmes.<sup>94</sup></li> <li>• Take positive measures that enable and assist individuals and communities to enjoy the right to education, when an individual or group is unable, for reasons beyond their control, to realise the right themselves by the means at their disposal.<sup>95</sup></li> </ul>	<ul style="list-style-type: none"> <li>— How are the education rights of children from rural areas / low-income families/other vulnerable backgrounds protected?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Existence and coverage of national laws and/or policies guaranteeing the right to education (including ECCE) of children from rural and remote areas</u></li> <li>▶ <u>Percentage of children from rural areas/low-income families/vulnerable groups enrolled in ECCE programmes as a proportion to the total number of young children (from these groups) with the age to be enrolled in ECCE</u></li> <li>▶ <u>Availability of an adequate number of public ECCE centres/pre-primary schools disaggregated by rural/urban, regions</u></li> <li>▶ <u>Existence of mobile pre-primary/ECCE centres for children for internal migrants/nomads.</u></li> <li>▶ <u>Existence of legislation expressly prohibiting any form of discrimination against students and teachers affected by HIV/AIDS</u></li> <li>▶ <u>Reported incidents of discrimination against children because they or their parents are HIV-positive or against teachers who are HIV- positive</u></li> </ul>

93 UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and Committee on the Rights of the Child, 'Joint General comment No. 4 & 23' [2017] UN Doc. CMW/C/GC/4-CRC/C/GC/23. para.59.

94 UN Committee on the Rights of the Child 'General comment No. 7' [2005] UN Doc CRC/C/GC/7/Rev.1 para.21.

95 UN Committee on Economic, Social and Cultural Rights, 'General comment No. 13' [1999] UN Doc E/C.12/1999/10 para.47.

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<b>II.f) Emergencies</b>		
<ul style="list-style-type: none"> <li>• Ensure the right of access to public educational institutions and programmes on a non-discriminatory basis.<sup>96</sup></li> <li>• Ensure direct provision of the right to education in most circumstances.<sup>97</sup></li> <li>• Take measures to ensure the protection and care of children who are affected by an armed conflict.</li> <li>• Take appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of “any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment”.<sup>98</sup></li> </ul>	<ul style="list-style-type: none"> <li>— How are the children, ECCE personnel, and ECCE centres/pre-primary schools protected during emergencies?</li> <li>— What preventive strategies are adopted to protect children? What measures are taken to provide physical, social, economic, and psychological support to children in the post-emergency scenario?</li> <li>— Is children’s right to access ECCE guaranteed during emergencies?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">Existence of national contingency plans to protect children and staff in ECCE centres/pre-primary schools in times of emergencies</a></li> <li>▶ <a href="#">Percentage of ECCE personnel trained to handle emergencies including armed conflicts, climate disasters, health crises, and other forms of attacks on education facilities.</a></li> <li>▶ <a href="#">Attacks on ECCE centres/pre-primary schools during conflicts.</a></li> <li>▶ <a href="#">Attacks on students, teachers, and other education support personnel by armed groups/military personnel on the way to or from educational facilities</a></li> <li>▶ <a href="#">Use of ECCE centres/pre-primary schools by military forces or non-state armed groups to support their efforts.</a></li> <li>▶ <a href="#">Existence of alternative education modalities and plans to comply with minimum educational standards during emergencies, including natural disasters.</a></li> <li>▶ <a href="#">Integration of free and quality trauma counselling/therapy services in the ECCE programme for children affected by any forms of neglect, exploitation or abuse; or any form of inhuman/degrading treatment</a></li> </ul>

## 4.3. Quality in early childhood care and education

The right to education includes not only the right to access education but also the right to receive an education of good quality. Quality is at the heart of the education system.<sup>99</sup> Quality ECCE is key for attaining equal access to education and enabling children from the most disadvantaged backgrounds to start primary school on an equal footing.<sup>100</sup> Further, it is critical for child development outcomes that include cognitive, creative, emotional, and social development; and the development of skills and attitudes that lay the foundations for lifelong learning.<sup>101</sup> Quality is a dynamic concept and may vary between contexts depending on the social, economic and environmental conditions.<sup>102</sup> International human rights law provides the general framework to understand its content. For instance, the Committee on the Rights of the Child equates quality education as a focus on the quality of the learning environment, of teaching and learning process and materials, and of the learning outputs.<sup>103</sup> UNESCO suggests that quality education should be based on three broad principles encompassing relevance, equity of access and outcome, and individual rights, and uses this to develop a framework with five core dimensions for assessing quality: Learner characteristics, context, enabling inputs, teaching and learning, and outcomes.<sup>104</sup> Keeping in mind the suggestive international framework, indicators for assessing quality are categorised into three sub-topics. This also covers the learner’s characteristics and the context. However, depending on the quality parameters set at the national level, you may choose relevant indicators from other subsections if required.

<sup>96</sup> Ibid. para.57.

<sup>97</sup> Ibid. para.53.

<sup>98</sup> UN Committee on the Rights of the Child, ‘General comment No. 8’ (2006) UN Doc CRC/C/GC/8 para.37.

<sup>99</sup> Right to Education Initiative, ‘Quality Education’ <[Link](#)> accessed 23 May 2023.

<sup>100</sup> UNESCO, ‘Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change’ (UNESCO 2022) 2022) p.33.

<sup>101</sup> Ibid.

<sup>102</sup> UNESCO, Right to Education Initiative, ‘Right to Education handbook’ (UNESCO & Right to Education Initiative 2019) p.110.

<sup>103</sup> UN Committee on the Rights of the Child, ‘General comment No. 1’ (2001) UN Doc CRC/GC/2001/1 para.22.

<sup>104</sup> UNESCO, ‘IIEP Learning portal – Quality and learning indicators’ (2023) <[Link](#)> accessed 23 May 2023.



### 4.3.1. Learning environment

#### Rationale

Universal access and high-quality ECCE can be achieved only with the availability of a child-friendly learning environment. The environment should focus on at least three components. The first is physical elements of infrastructure that are safe, adequate, age-appropriate, suitable to all weather, and resilient to natural hazards and climate change. The second is socio-cultural aspects that provide an environment that is non-discriminatory, inclusive and celebrates children's expressions and diversity. It should promote social-emotional development by making children feel valued, building trust between children and educators and encouraging social interaction. Finally, psychological aspects provide a safe and peaceful environment, free from violence such as war, armed conflicts, and exploitation such as sexual and physical abuse. This should make children feel that they are protected and also support them if they have experienced trauma due to various situations.

The UN Committee on the Rights of the Child, in its General comment No. 7, calls upon States to have adequate 'infrastructure and overall resources specifically allocated to early childhood, for the many reasons set out in this General comment on early childhood.' Ensuring appropriate infrastructure obligates States to set norms, standards and guidelines for ECCE/pre-primary infrastructure and safety, either in the domestic law of the ministry or education or other relevant ministries of the statutory bodies. The infrastructure requirements/standards may slightly vary depending on the culture, weather, geographical location, and domestic norms and standards. However, some of the very basic amenities that every ECCE/pre-primary centre should have include a safe building suitable for all weather; fan/air-conditioned/heated facilities as suited to the weather conditions; separate class/activity room for children under care and pre-primary education; a kitchen/dining area; separate room for resting; storage space; hygienic toilets; indoor and outdoor play area; boundary wall or fencing for safety; electricity, and a fire exit. However, ECCE/pre-primary centres often lack basic amenities such as school buildings, water, toilets, and play areas, and fail to fulfil safety standards.

The physical environment should also include a green space that is free from environmental harm. It is important to note the observation of the UN Special Rapporteur on Human Rights and the Environment. He noted that exposure to environmental harm – such as air pollution, toxic substances, and the loss of biodiversity and access to nature – has especially severe effects on children under the age of five.<sup>105</sup>

Importantly, States should ensure a safe and child-friendly learning environment, reasonable accommodation measures for children with disabilities, and adequate developmentally and culturally appropriate teaching aids or materials, including ICT equipment.<sup>106</sup>

States should also have child protection policies and monitoring mechanisms to protect children from various forms of abuse and exploitation. This should be included in parental education. Further, States should be prepared to respond and protect children during emergencies and address childhood trauma.

The set of indicators in this subsection focuses on assessing if States have appropriate infrastructure and services such as buildings, institutions, facilities, materials, play spaces, toys, school meals, and water/sanitation programs, with attention paid to education, health, nutrition, and sanitation and safety considerations. Furthermore, it also includes a few indicators to assess the child protection policies and the State's preparedness to handle emergencies.

<sup>105</sup> UNGA, 'Report of the UN Special Rapporteur on Human Rights and the Environment (2018), UN.Doc. A/HRC/37/58. para.69.

<sup>106</sup> UNESCO, 'Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change' (UNESCO 2022).

**Indicator Table 3.1) Learning environment**

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Undertake legislative, administrative, financial, educational, and judicial measures for the realisation of ECCE rights.</li> <li>• Ensure that the institutions, services, and facilities responsible for early childhood conform to quality standards.<sup>107</sup></li> <li>• Allocate sufficient investment in services and infrastructure, for the implementation of ECCE rights.<sup>108</sup></li> <li>• Fulfil the availability of education by actively developing a system of schools, including building classrooms and delivering programmes.<sup>109</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Do ECCE centres/pre-primary schools have adequate infrastructure facilities to provide quality education?</li> <li>— Is this infrastructure adequate to protect children from adverse weather conditions, natural disasters and other emergencies?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Existence of laws and/or policies that guarantee adequate infrastructure facilities for ECCE centres/pre-primary schools</u></li> <li>▶ <u>Percentage of ECCE centres /pre-primary schools that don't have adequate infrastructure<sup>110</sup> as defined by existing laws and/or policies and suitable for all weather situations</u></li> <li>▶ <u>Percentage of ECCE centres/pre-primary schools having buildings in a state of disrepair</u></li> <li>▶ <u>Percentage of ECCE centres/pre-primary schools with a shortage of classrooms</u></li> <li>▶ <u>Percentage of ECCE centres /pre-primary schools without indoor and outdoor play areas</u></li> <li>▶ <u>Percentage of ECCE centres /pre-primary schools not having potable water</u></li> <li>▶ <u>Percentage of ECCE centres /pre-primary schools not having first aid kits</u></li> <li>▶ <u>Percentage of ECCE centres/pre-primary schools without toilets.</u></li> <li>▶ <u>Percentage of ECCE centres/pre-primary schools without electricity.</u></li> <li>▶ <u>Existence of reasonable accommodation measures available for children with disabilities in mainstream –ECCE/ pre-primary centres.</u></li> <li>▶ <u>Number of educational facilities with buildings in a state of disrepair due to attacks on ECCE centres/pre-primary schools.</u></li> </ul>
<ul style="list-style-type: none"> <li>• Ensuring learning environments that are active and participatory and offer playful activities and forms of engagement.<sup>111</sup></li> <li>• Fulfil the availability of education by providing teaching materials.<sup>112</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Do ECCE centres/pre-primary schools have adequate learning materials, tools, and textbooks for quality learning?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Percentage of ECCE centres/pre-primary schools not having adequate activity materials, toys, and tools for learning and physical activities</u></li> <li>▶ <u>Pupil/textbook ratio.</u></li> </ul>
<ul style="list-style-type: none"> <li>• Ensure access to clean drinking water, adequate sanitation, appropriate immunisation, good nutrition, and medical services, which are essential for young children's health, as is a stress-free environment.<sup>113</sup></li> </ul>	<ul style="list-style-type: none"> <li>— How are young children protected from adverse environmental conditions and pollution that impact their health and development?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Provision of adequate, culturally appropriate and safe nutrition to children in ECCE centres/pre-primary schools.</u></li> <li>▶ <u>Provision of regular health services including immunisation and vitamin supplements for children in ECCE centres/pre-primary schools</u></li> </ul>

107 UN Committee on the Rights of the Child, 'General comment No. 7' (2005) UN Doc CRC/C/GC/7/Rev.1 para.23.

108 Ibid para.38.




109 UN Committee on Economic, Social and Cultural Rights, 'General comment No. 13' (1999) UN Doc E/C.12/1999/10 para.50.

110 Adequate infrastructure includes a safe building suitable for all weather, fan/air-conditioning/heating facilities suitable for all weather conditions, a separate class/activity room for children under care and pre-primary education, a kitchen and dining area, a separate room for resting, storage space, indoor and outdoor play area, boundary wall or fencing for safety, fire exit and pollution free environment.

111 UN Committee on the Rights of the Child, 'General comment No. 17'[2013] UN Doc CRC/C/GC/17 para.58g.

112 UN Committee on Economic, Social and Cultural Rights, 'General comment No. 13' (1999) UN Doc E/C.12/1999/10 para.50.

113 UN Committee on the Rights of the Child 'General comment No. 7' (2005) UN Doc CRC/C/GC/7/Rev.1 para.27a.

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Prohibit corporal punishment of children.<sup>114</sup></li> <li>• Ensure that staff possess the appropriate psychosocial qualities and are suitable, sufficiently numerous, and well-trained.<sup>115</sup></li> <li>• Ensure that positive, non-violent relationships and education are consistently promoted to parents, carers, teachers, and all others who work with children and families.<sup>116</sup></li> <li>• Ensure a non violent form of education is integrated in the initial and in service training of teachers and all those working with children in care.<sup>117</sup></li> </ul>	<ul style="list-style-type: none"> <li>— How are children protected from various forms of violence, harassment, and abuse in ECCE centres/ pre-primary schools?</li> <li>— Are efforts taken to change violent attitudes and practices against children and promote positive, non-violent, and participatory forms of child-rearing?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">Existence of child protection laws and/or policies for protecting children from all forms of violence in ECCE centres/pre-primary schools.</a></li> <li>▶ <a href="#">Prohibition of corporal punishment in the national laws.</a></li> <li>▶ <a href="#">Percentage of teachers trained in child protection policies that include promoting non-violent forms of education, protecting children from abuse and violence, providing psychosocial support and trauma management</a></li> <li>▶ <a href="#">Percentage of ECCE personnel trained on gender issues and gender sensitivity and the impact of gendered behaviour on the teaching and learning process.</a></li> <li>▶ <a href="#">Percentage of ECCE personnel trained in imparting human rights education</a></li> <li>▶ <a href="#">Measures taken to enhance the understanding of parents and legal guardians on non-violent child-rearing responsibilities and protecting children from violence and abuse</a></li> </ul>
<ul style="list-style-type: none"> <li>• Take measures to ensure the protection and care of children who are affected by an armed conflict.</li> <li>• Take appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of “any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment”.<sup>118</sup></li> </ul>	<ul style="list-style-type: none"> <li>— How are the children, ECCE personnel and ECCE centres/pre-primary schools protected during emergencies?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">Existence of national contingency plans to protect children and staff in ECCE centres/pre-primary schools in times of emergencies</a></li> <li>▶ <a href="#">Percentage of ECCE personnel trained to handle emergencies including armed conflicts, climate disasters, health crises, and other forms of attacks on education facilities</a></li> <li>▶ <a href="#">Existence of alternative education modalities and plans to comply with minimum educational standards during emergencies, including natural disasters.</a></li> <li>▶ <a href="#">Integration of free and quality trauma counselling/therapy services in the ECCE programme for children affected by any forms of neglect, exploitation or abuse; or any form of inhuman/degrading treatment</a></li> </ul>

### 4.3.2. Learning process and content (pedagogy and curriculum)

#### Rationale

A curriculum is a powerful tool to value creativity and improve cooperation, self-confidence, autonomy, active learning, and the well-being of children.<sup>119</sup> In the last few decades, the importance of a rights-based focus in the ECCE curriculum has been widely recognised, where the State takes responsibility for the child’s right to education through the curriculum.<sup>120</sup> The Convention on the Rights of the Child, the [2010 Moscow Declaration](#), the [2014 Lima Declaration of Education for All](#) and the [Council of Europe recommendation on high-quality early childhood education and care systems](#) underscore the importance of ensuring holistic pedagogies that are responsive to needs and interests. The [Tashkent Declaration](#) (2022) gives further detail on the essential features of ECCE curricula:

*Improve the relevance and quality of ECCE curricula and pedagogy: Given the importance of ECCE in laying the foundations for flourishing lives and societies, ECCE curricula and pedagogy should build on local knowledge to develop child-centred, play-based, fully inclusive, and environmentally and gender-responsive learning*

114 UN Committee on the Rights of the Child, ‘General comment No. 8’ (2006) UN Doc CRC/C/GC/8 para.38.

115 UN Committee on the Rights of the Child ‘General comment No. 7’ (2005) UN Doc CRC/C/GC/7/Rev.1 para.23.

116 UN Committee on the Rights of the Child, ‘General comment No. 8’ (2006) UN Doc CRC/C/GC/8 para.46.

117 Ibid. para.48.

118 Ibid. para.37.

119 UNICEF, ‘Guidance on the Importance of Quality in Early Childhood Learning and Education in Latin America and the Caribbean’ (UNICEF 2020).

120 Maria Isabel Diaz, ‘Content, comprehensiveness and coherence in policies for early childhood: how the curriculum can contribute’ (UNESCO 2016) <Link> assessed 16 October 2022 p.20.

*approaches that affirm multilingual education and the promotion of mother tongue language of instruction. Curricula and pedagogy should be informed by the latest developments in science and culture on how children develop and learn. Concerns, and potentialities of young children.*

## Important dimensions of ECCE curriculum and pedagogy

As the Declaration highlights, the ECCE curriculum should be child-centric<sup>121</sup>, keeping the best interest of the child and valuing their experiences, feelings, and questions, and importantly, leaving space for them to ‘observe reality, marvel at new things, look for answers and listen and work together.’<sup>122</sup> In General comment No. 7, the Committee on the Rights of the Child suggests that the curriculum should be ‘participatory and empowering’ to children and it should provide ‘practical opportunities to exercise their rights and responsibilities in ways adapted to their interests, concerns, and evolving capacities.’<sup>123</sup> However, in some education systems, even at the pre-primary level, there is an undue focus on knowledge acquisition and rigorous assessment methods that overburden children and disorient them from learning and attending school.

Secondly, play is a right of children. Article 31 of the Convention on the Rights of the Child guarantees ‘the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child.’ The Committee on the Rights of the Child reaffirms play as one of the most distinctive features of early childhood and in General comment No. 17, it emphasises that play ‘should be facilitated during the course of every day throughout early childhood education and care’ and that play is ‘particularly significant in the early years of schooling.’<sup>124</sup> Therefore, play-based learning should be the primary approach for learning in the early years – because it is age-appropriate, and promotes social interaction, joy, and active engagement.<sup>125</sup> Play helps to develop skills – physical, emotional, social, cognitive and creative – which build children’s self-confidence.<sup>126</sup> Play boosts well-being for life. It aids in better mental health, more resilience and a lifelong love for learning.

Thirdly, the curriculum should be culturally appropriate, acceptable to the local context and promote cultural diversity. Educational approaches must go beyond a homogeneous, instrumental and mechanistic view.<sup>127</sup> While the curriculum requires standard guidelines, there is no necessity to formulate a uniform curriculum. It must recognise the diversity of culture, especially the indigenous culture, educational and social realities and the context. Further, intercultural education should be considered an important guiding principle in educational approaches. Intercultural education is education that respects the cultural identity of every learner, enables all learners to respect other cultures and promotes solidarity among social, ethnic, cultural and religious groups and nations.<sup>128</sup>

### Interculturalism

Interculturalism has been defined as ‘the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect’ (UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005, Article 8).

Fourthly, the ECCE curriculum should encompass mother tongue learning in early education, particularly for linguistic minorities/indigenous peoples. The right to learn in the mother tongue is guaranteed in international human rights law.<sup>129</sup> Research evidence from around the world echoes that early learning in the mother language leads to better outcomes in the future – for individuals, cultures, and nations.<sup>130</sup> When learning happens in the ‘known language’, literacy is most successful and skills can then be transferred more easily.<sup>131</sup> Additionally, it supports the participation of parents in education, promotes integration, and ensures that local knowledge is present in classroom settings.<sup>132</sup>

121 Child-centric approach refers to ways of teaching and treating children in which the child’s needs and wishes are the most important thing. Refer, The Global Child, ‘Early Childhood Rights Indicators’ (The Global Child 2021) <Link> accessed 19 May 2023.

122 Maria Isabel Diaz, ‘Content, comprehensiveness and coherence in policies for early childhood: how the curriculum can contribute’ (UNESCO 2016) <Link> assessed 16 October 2022 p.20.

123 UN Committee on the Rights of the Child ‘General comment No. 7’ (2005) UN Doc CRC/C/GC/7/Rev.1 para.33.

124 Ibid. para.27

125 UNESCO, ‘Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change’ (UNESCO 2022).

126 Learning Through Play, ‘Play unlocks essential skills’ <Link> accessed 19 May 2023.

127 Maria Isabel Diaz, ‘Content, comprehensiveness and coherence in policies for early childhood: how the curriculum can contribute’ (UNESCO 2016) <Link> assessed 16 October 2022 p.20.

128 UNESCO, ‘Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change’ (UNESCO 2022).

129 Article 30 of the Convention on the Rights of the Child, Article 28 of the Indigenous and Tribal Peoples Convention, Art.45 (4) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and Art 4(3) of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistics Minorities.

130 UNESCO, ‘Mother Tongue and Early Childhood Education – Synergies and Challenges’ (UNESCO 2020).

131 UNESCO, ‘Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change’ (UNESCO 2022).

132 Ibid.



Finally, the ECCE curriculum should integrate human rights education (HRE) that is aimed at empowering children to develop the knowledge, skills and values of human rights. CRC General comment No. 1 (2001) reinforces HRE as one of the aims of education, while General comment No. 7 recommends State Parties to include human rights education within early childhood education, suggesting it ‘should focus on everyday issues, in childcare centres, in early education programmes and other community settings with which young children can identify.’<sup>133</sup> Similarly, CEDAW General comment No. 35 on gender-based violence against women recommends the ‘Integration of content on gender equality into curricula at all levels of education, both public and private, from early childhood onwards and into education programmes with a human rights approach.’<sup>134</sup>

### Indicator Table 3.2.) Learning process and content (pedagogy and curriculum)

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Ensure law and policy development, administrative and judicial decision-making, and service provision that affect children take account of the best interests principle.<sup>135</sup> Ensure education conforms to the aims of education.</li> <li>• Design and provide resources for curricula that reflect the contemporary needs of students in a changing world.<sup>136</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Are the curriculum and pedagogy framework on ECCE designed to keep the best interest of the child at the core and conform with the aims of education?</li> <li>— Are the curriculum and the pedagogy adapted to the needs of children and built on local knowledge?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>The ECCE curriculum framework is child-centric, play-based, age-appropriate, culturally appropriate and reflects the best interest of the child</u></li> </ul>
<ul style="list-style-type: none"> <li>• Ensure every child’s right to play.</li> <li>• Allocate adequate resources (human and financial) to the implementation of the right to rest, leisure and play.<sup>137</sup></li> <li>• Ensure a child-friendly environment and appropriate teaching and learning methods, for joyful activities, respect, participation, and fulfilment of ambitions.<sup>138</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Is the right to play recognised in the ECCE learning process?</li> <li>— How is play-way learning implemented?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Adoption of play-way methods in teaching and learning in ECCE centres/pre-primary schools</u></li> </ul> <p>(Also refer to relevant indicators in Table 3.1 and 3.3)</p>
<ul style="list-style-type: none"> <li>• Ensure non-discrimination and equality in ECCE.</li> <li>• Take positive measures to ensure that education is culturally appropriate, and of good quality for all.<sup>139</sup></li> <li>• Ensure ECCE programmes are developed as far as possible in partnership with parents, including through active cooperation between parents, professionals, and others.<sup>140</sup></li> <li>• Ensure cultural education is included at every level in school curricula, including history, literature, music, and the history of other cultures, in consultation with all concerned.<sup>141</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Does the curriculum framework of ECCE uphold the principles of inclusion and diversity? Is the curriculum framework flexible to adapt to the child’s environment, cultural heritage, and community context?</li> <li>— What is the role of parents in the implementation of ECCE services? Are parents consulted and involved in ECCE planning and implementation?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Existence of laws and/or policies that guarantee children’s access to learning and learning material in ECCE in their mother tongue, including Indigenous languages</u></li> <li>▶ <u>Existence of established mechanisms to enable parents, children and community leaders belonging to minorities to contribute to ensuring that education takes their needs into account</u></li> <li>▶ <u>Curriculum guidelines provided by the Ministry of Education include the promotion of respect for other nations, racial, ethnic or religious groups and Indigenous peoples</u></li> <li>▶ <u>The guidelines for the approval of textbooks that can be used in ECCE centres/pre-primary schools include the prohibition of any kind of promotion or depiction of discriminatory views</u></li> <li>▶ <u>Existence of established mechanisms that enable parents and community leaders to contribute to defining preschool curricula</u></li> </ul>

133 UN Committee on the Rights of the Child ‘General comment No. 7’ [2005] UN Doc CRC/C/GC/7/Rev.1 para.33.

134 UN Committee on the Elimination of Discrimination against Women, ‘General comment No. 35’ [2017] UN Doc CEDAW/C/GC/35 para.30.

135 UN Committee on the Rights of the Child, ‘General comment No. 17’ [2013] UN Doc CRC/C/GC/17 para.13b.

136 UN Committee on Economic, Social and Cultural Rights, ‘General comment No. 13’ [1999] UN Doc E/C.12/1999/10 para.50.




137 UN Committee on the Rights of the Child ‘General comment No. 7’ [2005] UN Doc CRC/C/GC/7/Rev.1 para.34.

138 UN Committee on the Rights of the Child, ‘General comment No. 14’ [2013] UN Doc CRC/C/GC/14, para.79.

139 UN Committee on Economic, Social and Cultural Rights, ‘General comment No. 13’ [1999] UN Doc E/C.12/1999/10, para.50.

140 UN Committee on the Rights of the Child ‘General comment No. 7’ [2005] UN Doc CRC/C/GC/7/Rev.1, para.29b.

141 UN Committee on Economic, Social and Cultural Rights, ‘General comment No. 21’ [2009] UN Doc E/C.12/GC/21, para.54(c).

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Ensure that education conforms to the aims of education.</li> <li>• Integrate human rights education within early childhood education.<sup>142</sup></li> <li>• Integrate content on gender equality into curricula at all levels of education, both public and private, from early childhood onwards and into education programmes with a human rights approach.<sup>143</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Are human rights values including the principles of non-discrimination and equality promoted through education?</li> <li>— What efforts are made to eliminate gender discrimination in education? Does the learning process focus on eliminating gender stereotypes and biases? Are educational materials free from gender stereotypes?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">Integration of human rights education into the ECCE curriculum and pedagogy</a></li> <li>▶ <a href="#">Integration of content on gender equality and absence of gender stereotypes into the ECCE curriculum and pedagogy</a></li> </ul>
<ul style="list-style-type: none"> <li>• Protect the right to education by setting minimum education standards and regulations for private actors in line with human rights obligations.</li> </ul>	<ul style="list-style-type: none"> <li>— Are coherent values and objectives followed in both the public and private sectors in teaching and learning?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">Existence of established mechanisms to ensure that textbooks used in both public and private ECCE centres/pre-primary schools are of good quality and aligned with the curriculum guidelines provided by the Ministry of Education</a></li> <li>▶ <a href="#">Existence of minimum educational standards applicable to private ECCE centres/pre-primary schools</a></li> </ul>
<ul style="list-style-type: none"> <li>• Ensure administrative measures for the realisation of children’s right to education.</li> </ul>	<ul style="list-style-type: none"> <li>— How has the children’s progress in learning and development been tracked?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">Proportion of children aged 24-59 months who are developmentally on track in health, learning, and psychological well-being disaggregated by sex, specific group(s), and rural/urban</a></li> </ul>

### 4.3.3. ECCE Personnel

#### Rationale

ECCE personnel are often not recognised or valued by society as a professional entity. Poor wages, poor working conditions, limited career opportunities, poor learning facilities and inadequate professional training are likely to exacerbate issues in the recruitment and retention of ECCE personnel.<sup>144</sup> According to a UNESCO/UNICEF report, the number of qualified and trained teachers is declining. Only 57% of teachers in low-income countries are trained to teach at the pre-primary level.<sup>145</sup> Crucially, employment conditions remain poor.<sup>146</sup> Childcare workers and preschool teachers are generally paid less compared to teachers in other levels of education, such as primary schools. Those working in the private sector are often paid at rates which are lower than the national median salary.<sup>147</sup> The number of qualified and trained teachers is declining according to the report of UNESCO/UNICEF. Other educational support personnel<sup>148</sup> are often invisible in the policy framework. Overall poor working conditions and lack of recognition of ECCE personnel work contributed in part to a shortage of professionally trained ECCE educators.<sup>149</sup>

#### Norms and standards to promote decent work for ECCE personnel

Recognising these challenges, the [ILO Policy Guidelines on the promotion of decent work for early childhood education personnel](#) recommend a set of norms and standards that should be reflected in policies, strategies, legislations, administrative measures and other social dialogue mechanisms. These guidelines cover a wide range of rights including the right to a safe working environment, the right to equal wages, the right to form a trade union, social security benefits, protection from discrimination, etc.

142 UN Committee on the Rights of the Child ‘General comment No. 7’ [2005] UN Doc CRC/C/GC/7/Rev.1, para.33.

143 UN Committee on the Elimination of Discrimination against Women, ‘General comment No. 35’ (2017) UN Doc CEDAW/C/GC/35 para.30(b)(i).

144 UNESCO, ‘A Review of the Literature: Early Childhood Care and Education (ECCE) Personnel in Low- and Middle-Income Countries’ (UNESCO 2015).

145 UNESCO, UNICEF, ‘Global report on early childhood care and education: the right to a strong foundation’ (UNESCO & UNICEF 2024) p.16.

146 UNESCO, ‘Education starts early: progress, challenges and opportunities; conference background report’ (UNESCO 2022).

147 Ibid.

148 Education support personnel refer to a wide range of professional, administrative, technical, and general staff other than teachers working within the education sector. Refer to [Education International](#).

149 UNESCO, ‘Education starts early: progress, challenges and opportunities; conference background report’ (UNESCO 2022).

Echoing the ILO policy guidelines the Tashkent Declaration<sup>150</sup> categorically emphasises:




- a. To strengthen education and training systems with a framework of high-quality teacher education and continuous professional development. Training should be culturally relevant and should focus on curricula and pedagogies; impart understanding on principles on inclusion and intercultural dimension; enable a response to global challenges like climate change, conflicts and crisis; and enable them to safeguard and support victims of various forms of abuses and violations including sexual violence.
- b. To improve the working conditions and wages of ECCE personnel at least on a par with those of primary education teachers. ECCE personnel should have space for social dialogue and collective bargaining, and there should be regulation of ECCE personnel in the non-state sector.
- c. To address discrimination and inequalities by applying diversity principles in the employment procedure to recruit underrepresented groups into the profession. People from Indigenous, ethnic minorities, immigrants, refugees, and asylum seekers should be identified and trained as preschool teachers and caretakers.<sup>151</sup> Examine the feminisation of the ECCE sector and address gender biases and gender stereotypes in the recruitment process.

UN treaty bodies, including the CRC, use their concluding observations to recommend State parties to allocate adequate technical, human and financial resources for ECCE. In some concluding observations, they particularly stress the need to employ a sufficient number of qualified teachers, conduct professional training on pedagogies and specialised training in minority cultures, and support children with disabilities, etc.<sup>152</sup> It also analyses the ECCE personnel’s recruitment, pre and in-service training, working conditions and other provisions.



To know more about the International standards and norms for promoting the decent working of ECCE personnel, refer to [ILO Policy Guidelines on the promotion of decent work for early childhood education personnel](#) and [Transforming the Teaching Profession: Recommendations of the United Nations Secretary-General’s High-Level Panel on the Teaching Profession](#).

### Indicator Table 3.3) ECCE Personnel

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Allocate maximum available resources for the realisation of the ECCE rights.</li> <li>• Ensure different education related settings have well-trained teachers and other education personnel.<sup>153</sup></li> <li>• Ensure all ECCE personnel training institutions or programmes conform to relevant quality standards established by the relevant regulatory authority, and that ECCE personnel possess the necessary education and skills.<sup>154</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Is there legal recognition for the ECCE profession? Are there sufficient and qualified teachers recruited?</li> <li>— Is there a sufficient number of education support personnel<sup>155</sup> recruited for administration, caretaking, and other support services?</li> <li>— Are any standards or norms set for teacher: pupil ratio and applied to ECCE centres/pre-primary schools?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">Existence of laws and/or policies that protect the rights of ECCE personnel</a></li> <li>▶ <a href="#">Existence of laws and/or policies that set standards for the qualifications, training and recruitment of ECCE teachers</a></li> <li>▶ <a href="#">Number of years of education required for ECCE centres/ pre-primary teachers to meet certification requirements</a></li> <li>▶ <a href="#">Pupil/teacher ratio</a></li> <li>▶ <a href="#">Number of qualified ECCE teachers and other education support personnel that need to be recruited</a></li> </ul>

150 UNESCO, 'Tashkent Declaration and Commitments to Action for Transforming Early Childhood Care and Education' (UNESCO 2022).

151 UNESCO, 'Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change' (UNESCO 2022).

152 Ibid.

153 UN Committee on the Rights of the Child, 'General comment No. 14' [2013] UN Doc CRC/C/GC/14 para.79.

154 ILO, 'ILO Policy Guidelines on the promotion of decent work for early childhood education personnel' [ILO 2013] para. 4.3 & 4.4.

155 Education support personnel refer to a wide range of professional, administrative, technical, and general staff other than teachers working within the education sector. Refer to [Education International](#).

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Take appropriate measures to promote the active involvement of parents, professionals, and responsible authorities by providing training in the necessary skills.<sup>156</sup></li> <li>• Ensure that the institutions, services, and facilities responsible for early childhood conform to quality standards, particularly that staff possess the appropriate psychosocial qualities and are suitable, sufficiently numerous and well-trained.<sup>157</sup></li> <li>• Ensure that positive, non-violent relationships and education are consistently promoted to parents, carers, teachers, and all others who work with children and families.<sup>158</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Are teachers and other education support personnel trained based on child-centred pedagogy and teaching and child protection for delivering quality ECCE?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">Percentage of trained teachers</a></li> <li>▶ <a href="#">Percentage of teachers received at least the minimum organised and recognised teacher pedagogical training (pre-service or in-service) at the relevant level</a></li> <li>▶ <a href="#">Percentage of teachers trained in activity/play way methods of teaching and learning</a></li> <li>▶ <a href="#">Percentage of teachers trained in child protection policies that include promoting non-violent forms of education, protecting children from abuse and violence, providing psychosocial support and trauma management</a></li> <li>▶ <a href="#">Percentage of teachers trained in imparting human rights education</a></li> <li>▶ <a href="#">Percentage of ECCE personnel trained on gender issues and gender sensitivity and the impact of gendered behaviour on the teaching and learning process</a></li> <li>▶ <a href="#">Percentage of ECCE personnel trained to handle emergencies including armed conflicts, climate disasters, health crises, and other forms of attacks on education facilities</a></li> <li>▶ <a href="#">Trained teachers and education support personnel rate for children with disabilities.</a></li> <li>▶ <a href="#">The training for teachers includes the improvement of the skills necessary for teaching according to the aims of education set out in international human rights standards</a></li> </ul>
<ul style="list-style-type: none"> <li>• Protect labour rights.</li> <li>• Provide stable, secure employment and decent working conditions<sup>159</sup> for teachers.<sup>160</sup></li> <li>• Ensure teachers are trained and paid domestically with competitive salaries.<sup>161</sup></li> <li>• Ensure remuneration for the ECCE sector is at the same level as the equivalent job in primary education with similar qualifications and competency requirements.<sup>162</sup></li> <li>• Ensure fairness between salaries in the ECCE sector and other levels of education.<sup>163</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Are the rights of the ECCE personnel guaranteed?</li> <li>— Are there any standards set that all qualified teachers and other educational support personnel in ECCE services should have a nationally or locally agreed wage rate?</li> <li>— Is there job security for ECCE personnel? Are teachers' qualifications, recruitment process, salary standards and working conditions the same at public and private institutions?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">Pre-primary teacher's salary rate.</a></li> <li>▶ <a href="#">Percentage of ECCE teachers and other education support personnel having social security benefits</a></li> <li>▶ <a href="#">Existence of transparent procedures for hiring ECCE teachers and other education support personnel</a></li> <li>▶ <a href="#">Teacher's union density rate</a></li> </ul>

156 UN Committee on the Rights of the Child 'General comment No. 7' [2005] UN Doc CRC/C/GC/7/Rev.1 para.14c.

157 Ibid. para.23.

158 UN Committee on the Rights of the Child, 'General comment No. 8' [2006] UN Doc CRC/C/GC/8 para.46.




159 Stable and secure working conditions include; a safe and healthy workplace; manageable teacher-to-student ratios; support structures for managing problematic student behaviour; balanced workloads; safe, affordable and adequate housing; relevant, quality and accessible training and professional development opportunities; equitable access to technology and other resources; adequate social protection and pensions; and working-time arrangements (including duties beyond classroom teaching such as lesson preparation, marking and out-of-class student and parent engagements) that allow for adequate rest and work-life balance.

160 ILO, UN, UNESCO, 'Transforming the teaching profession: Recommendations of the United Nations Secretary-General's High-Level Panel on the Teaching Profession' (ILO 2024) R. 35 & 37.

161 UN Committee on Economic, Social and Cultural Rights, 'General comment No. 13' (1999) UN Doc E/C.12/1999/10 para.50.

162 ILO, 'ILO Policy Guidelines on the promotion of decent work for early childhood education personnel' (ILO 2013) para.79c.

163 ILO, UN, UNESCO, 'Transforming the teaching profession: Recommendations of the United Nations Secretary-General's High-Level Panel on the Teaching Profession' (ILO 2024) R.36.

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Ensure inclusive ECCE</li> <li>• Preventing interference with the enjoyment of the right to education by third parties.<sup>164</sup></li> <li>• Develop policies and measures to promote equity, diversity and inclusion in the teaching workforce, in particular for vulnerable and marginalised groups.<sup>165</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Is the recruitment policy of ECCE personnel upholding the principles of inclusivity and diversity?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">Existence of laws, policies and/or guidelines that emphasise recruitment of ECCE personnel from diverse cultural and social backgrounds and diverse gendered identities</a></li> <li>▶ <a href="#">Minority teacher's ratio: Percentage of racial, ethnic, caste, religious, and Indigenous minorities identified and trained as preschool facilitators/teachers</a></li> </ul>
<ul style="list-style-type: none"> <li>• Ensuring accountability.</li> <li>• Ensure security and freedom from intimidation or outside interference for teachers and schools, and develop policies that deter future threats by holding perpetrators accountable.<sup>166,167</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Are ECCE personnel protected from discrimination and violence?</li> <li>— How are ECCE centres/pre-primary schools and ECCE personnel protected during emergencies?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">Reported incidents of repression against teachers for their political, ideological, or religious beliefs or teachers' union activities</a></li> <li>▶ <a href="#">Attacks on students, teachers, and other education support personnel by armed groups/military personnel on the way to or from educational facilities</a></li> <li>▶ <a href="#">Existence of national contingency plans to protect children and staff in ECCE centres/pre-primary schools in times of emergencies</a></li> </ul>

## 4.4. Financing early childhood care and education

### Rationale

Public investment in education is key for the overall realisation of the right to education as it is closely interconnected with all other issues including access, inclusion, equity, and governance.<sup>168</sup> The [Transforming Education Summit \(TES\)](#), convened in September 2022 in response to a global crisis in education, placed a significant focus on education financing and recognised the ‘[urgent need to invest more, more equitably, and more efficiently in education.](#)’ Despite the Incheon commitment to allocate at least 4-6% of GDP or 15-20 per cent of total public expenditure to education, many education systems are underfunded, with a 2019 [UNICEF report](#) highlighting that public spending on education is both inadequate and inequitable. According to UNICEF, ‘only 1 in 10 countries and territories meet the 20 per cent benchmark, and only 4 in 10 meet the 15 per cent benchmark.’<sup>169</sup>

While overall funding for education is inadequate, globally government expenditure on ECCE is particularly low, and significantly underfunded in comparison to other education levels.<sup>170</sup> The World Bank argues the rational economic case for investing in young children.<sup>171</sup> This economic rationale is upheld by multiple Treaty Bodies and their respective general comments. Article 4 of the CRC calls upon States parties to ‘undertake all appropriate legislative, administrative and other measures for implementing the rights recognised in the Convention. Interpreting this provision in [General comment No. 19](#), the CRC Committee categorically reinforces the positive impact of investment in early childhood development. It affirms that investment in ECCE will enable children’s ability to exercise their rights, break poverty cycles and bring high economic returns. It also warns that the ‘underinvestment in children in their early years can be detrimental to cognitive development and can reinforce existing deprivations, inequalities, and intergenerational poverty.’<sup>172</sup> Further, in General comment No. 7, the Committee emphasises ‘sufficient public investment’ as a crucial factor to achieve ‘comprehensive, strategic and time-bound plans for early childhood within a rights-based framework’.<sup>173</sup>

164 UN Committee on Economic, Social and Cultural Rights, ‘General comment No. 13’ (1999) UN Doc E/C.12/1999/10 para.47.

165 ILO, UN, UNESCO, ‘Transforming the teaching profession: Recommendations of the United Nations Secretary-General’s High-Level Panel on the Teaching Profession’ (ILO 2024) R.10.

166 Ibid, R.18.

167 International Labour Organisation, ‘C190- Violence and Harassment Convention, 2019 (No. 190)’ (ILO 2019).

168 UNESCO, ‘Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change’ (UNESCO 2022).

169 UNICEF, ‘Transforming Education with Equitable Financing’ (UNICEF 2023), <Link> accessed 13 May 2024 p.2.

170 UNESCO, ‘Financing for early childhood care and education (ECCE): investing in the foundation for lifelong learning and sustainable development’ (UNESCO 2016).

171 Rebecca Sayre, Amanda E. Devercelli, & et al, ‘Investing in Early Childhood Development: Review of the World Bank’s Recent Experience’ The World Bank, 2015).

172 UN Committee on the Rights of the Child, ‘General comment No. 19’ (2016) UN Doc CRC/C/GC/19, para.50.

173 UN Committee on the Rights of the Child ‘General comment No. 7’ (2005) UN Doc CRC/C/GC/7/Rev.1 para.38.



## Important components of ECCE budgeting

ECCE budgeting should focus on increasing the ‘4 Ss’, which include increasing the **size** of the state budget for ECCE; the **share** of national budgets allocated to ECCE, the **sensitivity** of budget allocation based on the principles of equity and efficiency; and the **scrutiny** of education spending in practice.<sup>174</sup>

Given that ECCE is a foundation for achieving universalisation of education at all levels and attaining educational achievement and lifelong learning, an equitable share of the 4-6% of GDP<sup>175</sup> allocated for overall education should be dedicated to ECCE.<sup>176</sup> UNICEF<sup>177</sup>, the UN Special Rapporteur on the Right to Education,<sup>178</sup> and the Tashkent Declaration<sup>179</sup> concur in the importance of allocating a minimum of 10% of overall education budgets to pre-primary education.




Secondly, ECCE budgeting should be sensitive to the implementation of inclusive education and it should be planned based on the principles of equity, efficiency, transparency, and strengthening national accountability mechanisms.<sup>180</sup> As observed by UN Special Rapporteurs on the right to education in their reports,<sup>181</sup> a lack of adequate public investment is one of the main drivers for exclusion of the children from marginalised communities. Therefore, States should allocate special funds to reach the most marginalised and vulnerable groups of children and families to ensure equal and quality ECCE education for all children.<sup>182</sup>

Finally, the other component of scrutiny is important and this includes

- a. effective utilisation and fair distribution of funds from national to local
- b. allocation of funds for different components, including building infrastructure, facilities, curriculum development, staff recruitment and professional training, ensuring the well-being of children, etc.
- c. effective coordination between different ministries and finance management systems
- d. strengthened accountability mechanisms

The set of indicators in this section will help to assess the overall budget allocation and the different financial structures, sharing and distribution of funds for different purposes like training, staff recruitment, infrastructure, and children’s welfare.

### Indicator Table 4. Financing early childhood care and education

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Adopt legislative, administrative, financial, educational and judicial measures for the realisation of the right to education.</li> <li>• Allocate maximum available resources for the realization of the ECCE rights.</li> <li>• <b>Sustainability:</b> Ensure the best interests of children should be given serious consideration in all budget decisions<sup>183</sup></li> </ul>	<ul style="list-style-type: none"> <li>— What share of the national budget is allocated to education and how has it evolved throughout the years?</li> <li>— What percentage of the total education budget has been allocated to ECCE in particular? What are the ECCE budget trends and patterns in the last 10 years? Has the ECCE budget been adequate to provide quality and free pre-primary education to all children?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <a href="#">Education allocation ratio</a></li> <li>▶ <a href="#">ECCE expenditure ratio disaggregated by public/private (nonprofit vs for profit), programme orientation and sub-national region</a></li> <li>▶ <a href="#">Pre-primary education priority ratio</a></li> <li>▶ <a href="#">Current public expenditure in ECCE per student as a percentage of GDP per capita disaggregated by sex, specific groups, rural/urban, and public/private</a></li> </ul>

174 David Archer, ‘Transforming the Financing of Education’ (Action Aid 2022) <[Link](#)> accessed on 13 May 2023

175 As recommended by the Incheon Declaration.

176 UNESCO, ‘Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change’ (UNESCO 2022).

177 UNICEF, ‘A world ready to learn: Global report on pre-primary education’ (UNICEF 2019).

178 UNGA, ‘Report of the Special Rapporteur on the right to education’ (2022) UN Doc A/77/324.

179 UNESCO, ‘Tashkent Declaration and Commitment to Action for Transforming Early Childhood Care and Education’ (UNESCO 2022).

180 UNESCO, ‘Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change’ (UNESCO 2022).

181 Rajakumari Michaelsamy and Silke D’Helft, ‘Early Childhood Care and Education as a gateway to inclusive education: an analysis of UN Special Rapporteurs’ Reports’ (Right to Education Initiative 2022) <[Link](#)> accessed 16 August 2023.

182 UNESCO, ‘Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change’ (UNESCO 2022).

183 UN Committee on the Rights of the Child, ‘General comment No. 19’ [2016] UN Doc CRC/C/GC/19 para.63.

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• <b>Accountability:</b> <u>Avoid retrogressive measures</u></li> <li>• <b>Effectiveness:</b> Ensure effective planning, execution, and follow-up in ways that lead to advances in child rights.<sup>184</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Has the ECCE budget been effectively utilised?</li> <li>— What proportion of the ECCE budget is spent in the last fiscal year on different segments in the ECCE including a) the development of the infrastructure facilities for services, b) children’s well-being (food, health care, immunisation, and vitamin supplements), c) ECCE personnel – recruitment, training and retention of ECCE personnel d) Administration and e) monitoring and evaluation?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Education budget execution rate for ECCE/pre-primary education</u></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Efficiency:</b> Make efforts to overcome institutional barriers that impede efficient spending.<sup>185</sup></li> <li>• <b>Transparency:</b> Develop and maintain public financial management systems and practices that are open to scrutiny, and information on public resources should be freely available<sup>186</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Is there an effective financial management system in place? What are the existing mechanisms to oversee budget allocation and expenditure? Is budget allocation to ECCE centralised and decentralised?</li> <li>— How is the ECCE budget distributed amongst different ECCE institutions, programs, and regions and how does it affect the access to quality ECCE?</li> </ul>	<p>When the ECCE budget is allocated to different ministries or agencies</p> <ul style="list-style-type: none"> <li>▶ <u>Existence of a system that oversees budget allocation and coordination among the various ministries</u></li> <li>▶ <u>Devolution of powers: When the ECCE system is decentralised, the distribution of funds for ECCE/pre-primary education from a national to a local level commensurate with the responsibilities devolved to the local level</u></li> <li>▶ <u>If financing some aspects of the education system depends on revenues collected by authorities, an effective system exists to ensure that the local authorities that cannot afford it can provide basic education services</u></li> </ul>
<ul style="list-style-type: none"> <li>• Ensure monitoring, evaluation, and auditing of public funds.<sup>187</sup></li> <li>• <b>Transparency and Accountability:</b> Promote access to information about public revenues, allocations, and spending related to children and adopt policies to support and encourage continuous engagement with legislatures and civil society, including children.<sup>188</sup></li> </ul>	<ul style="list-style-type: none"> <li>— How is the budget utilisation monitored?</li> <li>— Are key documents related to financial decisions regarding ECCE publicly available?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Existence of an independent body for monitoring the budget</u></li> <li>▶ <u>Availability of key financial documents in the public domain</u></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Equity:</b> Allocate the budget to remove all discriminatory barriers that children may face in accessing their rights.<sup>189</sup></li> <li>• Take positive measures that enable and assist individuals and communities to enjoy the right to education, when an individual or group is unable, for reasons beyond their control, to realise the right themselves by the means at their disposal.<sup>190</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Has the ECCE budget been inclusive in addressing concerns of marginalised groups?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Allocation of specific State budget for implementing laws and policies targeting special groups, at the ECCE level</u></li> <li>▶ <u>Existence of a special funding system to ensure access to education for students from marginalised groups</u></li> <li>▶ <u>Existence of a special funding system to ensure access to education for children with disabilities</u></li> </ul>
<ul style="list-style-type: none"> <li>• Seek international assistance and cooperation for the realisation of ECCE rights.</li> </ul>	<ul style="list-style-type: none"> <li>— In case of insufficient resources for the realisation of the right to ECCE for all, States are compelled by international human rights law to seek international assistance and cooperation for the full realisation of this right. Is this the case in your State?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>State efforts in seeking international assistance and cooperation for the realisation of the right to ECCE</u></li> </ul>

184 Ibid. para. 59.

185 Ibid. para. 60.

186 Ibid. para. 62.

187 Ibid. para. 60.

188 Ibid. para. 62.

189 Ibid. para. 61.

190 UN Committee on Economic, Social and Cultural Rights, 'General comment No. 13' (1999) UN Doc E/C.12/1999/10 para. 47.

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Ensure state accountability</li> </ul>	<ul style="list-style-type: none"> <li>— Are public funds allocated to strengthen the public education systems or diverted to private education?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Share of ECCE budget invested in private ECCE centres/pre-primary schools, disaggregated by type of private institution (nonprofit/ for-profit) and disaggregated by type of investment (public/private partnerships, direct investments, incentives/subsidies, scholarships/grants)</u></li> <li>▶ <u>Public funding to eligible ECCE private institutions meets the substantive, procedural, and operational requirements</u></li> </ul>

## 4.5. Early childhood care and education: Systems and services

### 4.5.1. Governance and institutional framework

#### Rationale

Good governance is key to ensuring access, attaining quality standards, meeting local needs, and achieving equity goals.<sup>191</sup> As underlined in the UN Commission on Human Rights [resolution 2000/64](#), governance systems should be developed using a rights-based approach incorporating principles of access to information, transparency, participation and accountability. Further, governance refers to various aspects that include policies, organisational structures, decision-making, allocation of responsibilities, accountability systems, and service delivery across government departments, levels of government, and roles and duties of different service providers.<sup>192</sup>

Since ECCE policies and programs aim to attain holistic child development, covering aspects related to a child's health, nutrition, development, education, hygiene and protection, ECCE governance should encompass multisectoral coordination and integrated services.<sup>193</sup> This requires the involvement of different government ministries in decision-making, planning and execution, which in practical application can be complex. Although some countries have established effective multisectoral coordination systems, on the ground, challenges are multifold with fragmented services aggravating disparities and gaps in service delivery.

Some countries address the issues by designating a lead agency for better coordination and effective service delivery, while Nordic nations pioneered this approach and demonstrated high access and quality.<sup>194</sup> Since the late 1980s, many countries<sup>195</sup> have designated the education ministry to lead the ECCE. While this has many advantages like more resources, a focused approach to learning and greater access, there are also risks involved, as it may affect early childhood-specific pedagogy for children three to six years, and may neglect children under three years.<sup>196</sup> Regardless of the lead agency, inter-sectoral coordination across all ministries involved in ECCE is recommended.<sup>197 198 199</sup> Therefore, involving all stakeholders in planning and clearly delineating the responsibilities of ECCE for different ministries with the systems for accountability can improve the efficiency of multi-sector coordination.

191 Michelle J. Neuman, 'Good Governance of Early Child care and education: Lessons from the 2007 EFA Global Monitoring Report' (UNESCO 2007).

192 Emily Vargas-Barón, 'Institutional frameworks and governance for early childhood systems: multisectoral coordination and integration' in P. T. M. Marope and Y. Kaga (eds) *Investing against evidence: The Global State Early Childhood Care and Education* (UNESCO 2015).

193 Ibid.

194 Michelle J. Neuman, 'Good Governance of Early Child care and education: Lessons from the 2007 EFA Global Monitoring Report' (UNESCO 2007).

195 Including Brazil, Jamaica, Kenya, New Zealand, Norway, South Africa, Sweden, Spain, and Vietnam.

196 Michelle J. Neuman, 'Good Governance of Early Child care and education: Lessons from the 2007 EFA Global Monitoring Report' (UNESCO 2007).

197 Ibid.

198 UN Committee on the Rights of the Child 'General comment No. 7' [2005] UN Doc CRC/C/GC/7/Rev.1 para.22.

199 UNESCO, 'Tashkent Declaration and Commitment to Action for Transforming Early Childhood Care and Education' (UNESCO 2022) para.14.(i).

## The Nurturing Care Framework for Early Childhood Development

The Nurturing care framework for early childhood development elucidated by the [World Health Organisation](#) in partnership with UNICEF, the [World Bank](#) Group and civil society organisations, suggests five essential components as critical for children's growth and development to their full potential: good health, adequate nutrition, responsive caregiving, security and safety, and learning opportunities. Further, it describes how a whole-of-government and a whole-of-society approach can promote nurturing care for young children.

Source: World Health Organisation, 'Nurturing Care for Early Childhood Development: A framework for helping children SURVIVE and THRIVE to TRANSFORM health and human potential' (WHO 2018),



The other essential segment of ECCE governance is the decentralisation of ECCE to sub-national levels, including local governments. Decentralisation is a common strategy for increasing local transparency, adapting to local and family needs, improving service delivery, strengthening accountability and importantly, ensuring community participation.<sup>200</sup> Since local governments are vibrant democratic units, it opens up avenues for engaging parents and the community in planning, decision-making and execution – stakeholders the CRC reinforces as crucial.<sup>201</sup> Decentralisation is an effective way to ensure the participation of parents and the community in the decision-making process, imparting guidance and parental education in child-rearing responsibilities and providing support services to parents in child care. However, if decentralisation is not accompanied by effective funding and finance management systems, disparities may arise within geographical locations.

Another important dimension of ECCE governance is to establish a robust monitoring and evaluation system that applies equally to the full range of public and private settings. This includes regulation of the private sector based on the principles of equity and social justice.



**'ECCE policies, settings, services, programmes and practices should be monitored and evaluated and guided by national standards and regulations that incorporate rights, scientific evidence and the viewpoints of all stakeholders and children.'**<sup>202</sup>

Tashkent Declaration and Commitments to Action for Transforming Early Childhood Care and Education

Further, good governance should also encompass systematic data collection and management systems that provide high-quality data about young children, disaggregated by relevant categories. As affirmed by the Tashkent Declaration, 'more reliable data are needed to monitor progress in a timely and accurate manner.'<sup>203</sup>

The set of indicators in this subsection aims to assess the nature of ECCE governance, importantly:

- ▶ The role and functions of the coordinating ministry and other ministries involved in service delivery and the systems for accountability
- ▶ Decentralisation process, powers, and functions of different governments
- ▶ Monitoring and data collection systems

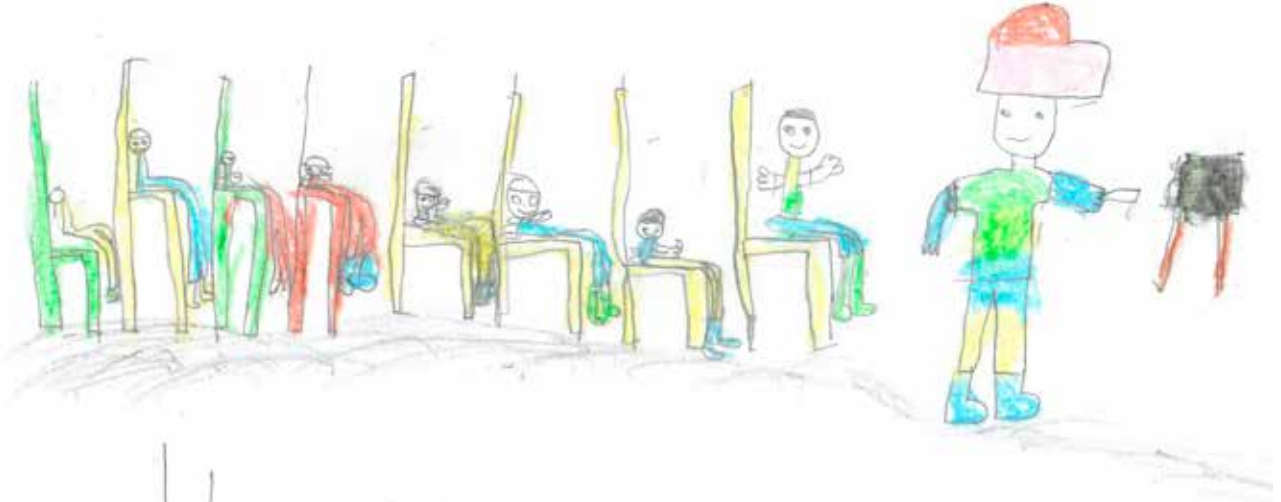
200 UNESCO, 'Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change' (UNESCO 2022).

201 UN Committee on the Rights of the Child 'General comment No. 7' [2005] UN Doc CRC/C/GC/7/Rev.1 para.22.

202 UNESCO, 'Tashkent Declaration and Commitment to Action for Transforming Early Childhood Care and Education' (UNESCO 2022) para.11 (iii).

203 Ibid.para.14(iii).

Mayungwe Jethro



I have seven years

Lady Elizabeth Narsery and Primary school




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## Indicator Table 5.1 Governance and institutional framework

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Adopt administrative measures for the implementation of ECCE rights.</li> <li>• Develop rights-based, coordinated, multisectoral strategies to ensure that children’s best interests are always the starting point for service planning and provision.<sup>204</sup></li> </ul>	<ul style="list-style-type: none"> <li>— What is the structure of ECCE governance? How has ECCE been implemented from the national to the local level? Is the ECCE programme centralised or decentralised?</li> <li>— Are different services in the ECCE centres/pre-primary schools implemented in coordination with different ministries? What are the existing mechanisms that oversee the coordination between different ministries? Is there any single ministry responsible for implementing the ECCE programme in coordination with other ministries?</li> </ul>	<p>If the ECCE system is decentralised:</p> <ul style="list-style-type: none"> <li>▶ <u>Existence of a standard operating procedure (SOP) or organisational structure that clearly defines the responsibilities of the governments at different (national, sub-national and local) levels</u></li> <li>▶ <u>Provision for capacity-building programmes by the national (or sub-national) governments to administrators, policymakers and education workers at the local level</u></li> </ul> <p>If the ECCE system is implemented through multisectoral coordination:</p> <ul style="list-style-type: none"> <li>▶ <u>Existence of an established mechanism that clearly defines the roles and responsibilities of various ministries including the coordinating ministry</u></li> </ul>
<ul style="list-style-type: none"> <li>• Ensure access to clean drinking water, adequate sanitation, appropriate immunization, good nutrition, and medical services, which are essential for young children’s health.<sup>205</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Are the services in ECCE centres/pre-primary schools holistic, focusing on the five components of the nurturing care framework – good health, adequate nutrition, responsive caregiving, safety and security, and opportunities for early learning?</li> <li>— How has the children’s progress in learning and development been tracked?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Adoption of a holistic approach to ECCE in national laws and/or policies</u></li> <li>▶ <u>Existence of child protection laws and/or policies for protecting children from all forms of violence in ECCE centres/pre-primary schools.</u></li> <li>▶ <u>Existence of provisions related to school feeding in the national laws and/or policies</u></li> <li>▶ <u>Existence of provisions related to ‘school health services’ in the national laws and/or policies</u></li> <li>▶ <u>Provision of adequate, culturally appropriate and safe nutrition to children in ECCE centres/pre-primary schools</u></li> <li>▶ <u>Provision of regular health services including immunisation and vitamin supplements for children in ECCE centres/pre-primary schools</u></li> <li>▶ <u>Proportion of children aged 24-59 months who are developmentally on track in health, learning, and psychological well-being disaggregated by sex, specific group(s), and rural/urban</u></li> </ul>
<ul style="list-style-type: none"> <li>• Ensure transparency and accountability.</li> <li>• Monitor education – including all relevant policies, institutions, programmes, spending patterns, and other practices – to identify and take measures to redress any de facto discrimination.</li> <li>• Monitor and combat discrimination in whatever forms it takes and wherever it occurs – within families, communities, schools, or other institutions.<sup>206</sup></li> </ul>	<ul style="list-style-type: none"> <li>— How has the ECCE system been monitored? Is there a monitoring and evaluation system in place?</li> <li>— Are there effective administrative complaint mechanisms that exist to report violations and abuses related to ECCE? If yes, what kind of complaints have been reported so far? Has the State addressed them effectively?</li> <li>— Does civil society monitor ECCE?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Existence of a state body for monitoring the early childhood care and education system.</u></li> <li>▶ <u>Existence of an inspection system for ECCE centre /pre-primary schools and the frequency of inspections.</u></li> <li>▶ <u>Existence of a state monitoring body monitoring whether minimum educational standards are met in private pre-primary /ECCE centres.</u></li> <li>▶ <u>Availability of the ECCE monitoring reports (produced by the state body that is responsible for monitoring the ECCE system) in the public domain.</u></li> <li>▶ <u>Existence of effective administrative complaint mechanisms to report on violations in ECCE centres/pre-primary schools.</u></li> <li>▶ <u>Number of administrative complaints/cases registered on the right to early childhood care and education in the last academic year.</u></li> <li>▶ <u>Proportion of received complaints on ECCE that have been investigated by an administrative body</u></li> <li>▶ <u>Obstacles faced by civil society organisations when monitoring the right to education</u></li> </ul>

204 UN Committee on the Rights of the Child ‘General comment No. 7’ [2005] UN Doc CRC/C/GC/7/Rev.1 para.22.

205 Ibid.para.27a.

206 Ibid.para.12.

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Monitor the availability of and access to quality services that contribute to young children’s survival and development through systematic data collection, disaggregated in terms of major variables related to children’s and families’ backgrounds and circumstances.<sup>207</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Is there an effective <u>data collection system</u> in place? What quality of data is being collected? Is the data being disaggregated and analysed to provide an impact of the services on the development of young children across different social groups?<sup>208</sup> Is the data collected standardised?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Existence of a state data collection system for regularly gathering data on ECCE, including disaggregated data.</u></li> <li>▶ <u>Availability of education data (including on ECCE), gathered by the State in the public domain</u></li> </ul>
<ul style="list-style-type: none"> <li>• Develop national and local capacities for early childhood research, especially from a rights-based perspective.<sup>209</sup></li> </ul>	<ul style="list-style-type: none"> <li>— What resources are in place to research early childhood?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Existence of policies or strategies to develop national and local capacities for early childhood research, especially from a rights-based perspective</u></li> </ul>

## 4.5.2. Engagement with parents/primary caregivers

### Rationale

As the Convention on the Rights of the Child endorses in its preamble, the family is the fundamental group of society that provides the natural environment for the growth and development of children. Recognising the crucial role a family has to play in the well-being of young children, the Committee on the Rights of the Child enumerates the roles of parents and the State’s obligation to assist parents in child-rearing responsibilities.<sup>210</sup> The role of a State in assisting parents, and other primary caregivers can be broadly classified into three aspects.

The first aspect highlights the parenting support that the State has to provide to the parents and the community. Keeping the best interest of the child central, the State must support parents in providing maternity care, adequate nutrition, health care, housing and importantly child care services to parents, especially for working parents. This also includes providing home-based or community-based ECCE services, depending on the community’s needs.

The second aspect is related to the State’s role in ensuring a child-friendly home environment and enhancing the understanding of parents on aspects related to the development needs of children. The CRC committee emphasises that this includes promoting the importance of early childhood care and education; nurturing them in a non-violent environment; and protecting them from abuse and violence.

The third aspect involves engaging parents in the programme planning and implementation of ECCE services. The CRC committee emphasise that ‘ECCE programmes are developed as far as possible in partnership with parents, including through active cooperation between parents, professionals, and others’<sup>211</sup> The set of indicators here focuses on assessing these three dimensions.

207 Ibid.




208 Global Child (2012), Early Childhood Rights Indicators, Available from [Link](#).

209 UN Committee on the Rights of the Child ‘General comment No. 7’ (2005) UN Doc CRC/C/GC/7/Rev.1, para.40.

210 UN Committee on the Rights of the Child ‘General comment No. 7’ (2005) UN Doc CRC/C/GC/7/Rev.1.

211 Ibid, para.29b.

## Indicator Table 5.2) Engagement with parents/primary caregivers:

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Assist parents with quality childcare services.</li> <li>• Take all appropriate measures to ensure that children of working parents have the right to benefit from childcare services, maternity protection, and other facilities.</li> </ul>	<p>— How is the State assisting parents in child care and child-rearing responsibilities?</p>	<ul style="list-style-type: none"> <li>▶ <u>Existence of a law and/or policy that guarantees ECCE services for children of working parents</u></li> <li>▶ <u>Existence of a law and/or policy that guarantees maternity/paternity/parental leave for working parents</u></li> <li>▶ <u>Existence of laws and/or policies guaranteeing parental support and childcare services for pregnant adolescent girls and young mothers to continue their education</u></li> <li>▶ <u>Existence of laws and/or policies guaranteeing access to ECCE for children living with mothers in prisons</u></li> <li>▶ <u>Existence of home or community-based ECCE programmes</u></li> <li>▶ <u>Availability of ECCE services for children of working parents</u></li> </ul>
<ul style="list-style-type: none"> <li>• Take all appropriate measures to enhance parents' understanding of their role in their children's early education.<sup>212</sup></li> <li>• Ensure that positive, non-violent relationships and education are consistently promoted to parents, carers, teachers, and all others who work with children and families.<sup>213</sup></li> </ul>	<p>— What efforts are taken to provide parental education keeping the best interest of the child? Are efforts taken to change violent attitudes and practices against children and promote positive, non-violent, and participatory forms of child-rearing?</p>	<ul style="list-style-type: none"> <li>▶ <u>Measures taken to enhance parents' understanding of the importance of their children's early childhood education</u></li> <li>▶ <u>Measures taken to promote equal responsibility of parents – emphasising that father and mother have equal roles in the upbringing and development of the child</u></li> <li>▶ <u>Measures taken to enhance the understanding of parents and legal guardians on non-violent child-rearing responsibilities and protecting children from violence and abuse</u></li> <li>▶ <u>Measures taken to enhance the understanding of parents and legal guardians on the holistic development of a child covering aspects related to nutrition, health, safety and development</u></li> </ul>
<ul style="list-style-type: none"> <li>• Ensure ECCE programmes are developed as far as possible in partnership with parents, including through active cooperation between parents, professionals, and others.<sup>214</sup></li> </ul>	<p>— What is the role of parents in the implementation of ECCE services? Are parents consulted and involved in ECCE planning and implementation?</p>	<ul style="list-style-type: none"> <li>▶ <u>Existence of established mechanisms that enable parents, children and community leaders to contribute to the development and execution of ECCE programmes</u></li> <li>▶ <u>Existence of established mechanisms that enable parents and community leaders to contribute to defining preschool curricula</u></li> </ul>

## 4.6. Privatisation of early childhood care and education

### Rationale

Privatisation has become a ubiquitous phenomenon in education systems around the world, including in ECCE /pre-primary education.<sup>215</sup> For years this issue has been building and has been under the scrutiny of education actors, CSOs, and international experts. In particular, recent decades have seen a significant transformation of the education landscape, with the growing involvement of non-state actors including commercial schools and EdTech

212 Ibid. para.29a.

213 UN Committee on the Rights of the Child, 'General comment No. 8'(2006) UN Doc CRC/C/GC/8, para.46.

214 UN Committee on the Rights of the Child 'General comment No. 7' (2005) UN Doc CRC/C/GC/7/Rev.1, para.29b.

215 Mathias Urban and Clara Inés Rubiano, 'Privatisation in Early Childhood Education (PECE) – An Explorative Study on Impacts and Implications, Education International' (Education International 2014).

companies. While private actors are influential across all levels of education, the [UNESCO GEM report 21/22](#)<sup>216</sup> on non-state actors in education finds that they are more present in early childhood, technical and adult education.

Due to low public investment in ECCE, there is a greater dependency on private provision, often with a profit motive. This twin trend of low public investment and overwhelming growth of private, commercial provision, has raised human rights concerns as regards the cost of education, its quality and aims, as well as the inequalities and disparities it exacerbates in education, long before children start school. The former UN Special Rapporteur on the Right to Education, Koumba Boly Barry, in her 2022 report on ECCE argued that the failure to recognise ECCE in the same way as other levels of education and the lack of a rights-based framework has led to the increase in private provision.



**‘Privately-funded ECCE, which predominates in most countries at the global level, limits the realisation of many human rights to those who can afford them, furthering the division within society rather than healing them.’**

Koumba Boly Barry, former UN Special Rapporteur on the Right to Education in her 2022 report on ECCE

Further, this trend leads to a diversion of public funding to private interests and also threatens to undermine State obligations to provide free and quality ECCE for all without discrimination.

In General comment No. 7, the Committee on the Rights of the Child clarifies that ‘States parties are responsible for service provision for early childhood development’ and the role of non-state actors ‘should be complementary to – not a substitute for – the role of the State.’ The UN Special Rapporteur on the Right to Education, UN Treaty bodies, and the UN Human Rights Council, among others, have stressed the need to regulate non-state actors’ involvement in education to guarantee the right to education. In 2022, the UN Special Rapporteur 2022 recommended that the Abidjan Principles be implemented, particularly about financing the development of ECCE.



**‘Reverse the high level of private ECCE provision by progressively implementing free, public human-rights-based ECCE and ensure full respect for the Abidjan Principles and the Guiding Principles on Business and Human Rights.’**

Koumba Boly Barry, UN Special Rapporteur on the Right to Education in her 2022 report on ECCE

The [Abidjan Principles](#) on the human rights obligations of States to provide public education and to regulate private involvement in education recall that States must prioritise funding and provision of free, quality, public education for all and that where private actors are involved, measures to regulate them must be implemented.<sup>217</sup> Despite this, the GEM report finds that the ‘regulatory, monitoring and enforcement capacity tends to be low where the need is high’, with regulations tending to focus more on registration approval or licensing, teacher certification, and infrastructure, but less on quality or equity, fee setting, or supporting access of disadvantaged students.<sup>218</sup>



### The Abidjan Principles

The [Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education](#) were adopted on 13 February 2019 by eminent experts in education, international law and human rights. They are a reference point for governments, educators and education providers when debating the respective roles and duties of States and private actors in education. They compile and unpack existing legal obligations that States have regarding the delivery of education, and in particular the role and limitations of private actors in the provision of education. They provide more details about what international human rights law means by drawing from other sources of law and existing authoritative interpretations.

**Source:** Abidjan Principles, Available at: [Link](#)

Therefore, assessing the privatisation trends in ECCE and its impact on the lives and education of young children and their families is key to advocating for increased public funding to ECCE. Besides analysing the trends, it is also important to assess the nature of services provided in the private sector and the kind of disparities that arise between the private and public sectors.

<sup>216</sup> UNESCO, ‘Global education monitoring report: Non-state actors in education: Who chooses? Who loses?’ (UNESCO 2022) p.4.

<sup>217</sup> The [Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education](#) (2019) <<https://www.abidjanprinciples.org>> accessed 25 January 2024 OP 1.

<sup>218</sup> UNESCO, ‘Global education monitoring report: Non-state actors in education: Who chooses? Who loses?’ (UNESCO 2022) p.4.

## Indicator Table 6. Privatisation of early childhood care and education:

 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>• Respect, protect, and fulfil the right to education of everyone in accordance with the rights to equality and non-discrimination.<sup>219</sup></li> <li>• Provide free, public education of the highest attainable quality to everyone as effectively and expeditiously as possible to the maximum of their available resources.<sup>220</sup></li> <li>• Respect the liberty of parents or legal guardians to choose for their children and educational institutions other than a public institution.</li> </ul>	<ul style="list-style-type: none"> <li>— What is the share of children enrolled in private ECCE centres/pre-primary schools? What is the share of specific groups accessing private ECCE? Do these data reflect universal enjoyment of the right to education or show inequalities and segregation?</li> <li>— Are fees and indirect costs to access private ECCE institutions affordable to families from marginalised backgrounds?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Availability of an adequate number of public ECCE centres/pre-primary schools disaggregated by rural/urban, regions</u></li> <li>▶ <u>Percentage of children enrolled under privately run ECCE centres/pre-primary schools, disaggregated by sex, socio-economic status, specific group(s), rural/urban, non-profit/for-profit</u></li> <li>▶ <u>Percentage of household expenditure on private pre-primary education</u></li> </ul>
<ul style="list-style-type: none"> <li>• Respect the liberty of individuals and bodies to establish and direct educational institutions given that such institutions conform to minimum standards as may be laid down by the State, in accordance with its obligations under international human rights law.<sup>221</sup></li> <li>• Take all effective measures, including particularly the adoption and enforcement of effective regulatory measures, to ensure the realisation of the right to education where private actors are involved in the provision of education.<sup>222</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Do private actors have the right to establish private institutions? Are the private institutions being regulated by laws and policies?</li> <li>— Does the law, for instance, ensure:                             <ul style="list-style-type: none"> <li>⇒ That no private educational institution is in a position to unduly influence the education system,</li> <li>⇒ that there are no conflicts of interest for any public officials who are in a position to influence private actors involved in education; and</li> <li>⇒ that marketing, advertising, or other practices by private educational institutions are not misleading.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Existence of domestic laws that protect the right to establish private pre-primary/ECCE centres</u></li> <li>▶ <u>Existence of laws and policies regulating the privatisation of ECCE and private ECCE centres/pre-primary schools</u></li> </ul>
<ul style="list-style-type: none"> <li>• Define and enforce minimum standards applicable to private instructional educational institutions<sup>223</sup> to ensure accessibility and quality of ECCE in private ECCE centres/pre-primary schools.</li> </ul>	<ul style="list-style-type: none"> <li>— Are coherent values and objectives followed in both the public and private sectors in teaching and learning? Is quality education the same in the public/private ECCE institutions/centres?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Existence of minimum educational standards applicable to private ECCE centres/pre-primary schools</u></li> <li>▶ <u>Existence of established mechanisms to ensure that textbooks used in both public and private ECCE centres/pre-primary schools are of good quality and aligned with the curriculum guidelines provided by the Ministry of Education</u></li> </ul> <p>(For assessing the quality of education in detail in the private sector, refer to relevant indicators in the 'Quality in ECCE' section. (Table 3.1, 3.2 and 3.3)</p>
<ul style="list-style-type: none"> <li>• Prioritise the funding and provision of free, quality, public education and only fund eligible private instructional educational institutions, whether directly or indirectly, including through tax deductions, land concessions, international assistance and cooperation, or other forms of indirect support, if they comply with applicable human rights law and standards and strictly observe all the substantive, procedural and operational requirements.<sup>224</sup></li> </ul>	<ul style="list-style-type: none"> <li>— Are public funds allocated to strengthen the public education systems or diverted to private education?</li> <li>— Is there a clear, transparent budgetary strategy regarding public financing or early childhood care and educational institutions?</li> <li>— Are the public subsidies to private institutions tied to requirements of contributing?</li> </ul>	<ul style="list-style-type: none"> <li>▶ <u>Share of ECCE budget invested in private ECCE centres/pre-primary schools, disaggregated by type of private institution (nonprofit/for-profit) and disaggregated by type of investment (public/private partnerships, direct investments, incentives/subsidies, scholarships/grants)</u></li> <li>▶ <u>Public funding to eligible ECCE private institutions meets the substantive, procedural, and operational requirements</u></li> </ul>

219 The Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education (2019) <<https://www.abidjanprinciples.org>> accessed 25 January 2024 OP 1.

220 Ibid. OP 2.




221 Ibid. OP 3.

222 Ibid. OP 4, GP 51-53.

223 Ibid. GP 54-55.

224 Ibid. OP 5, GP 64-73.



 <b>State obligations</b>	 <b>Ask yourself</b>	 <b>Indicators</b>
<ul style="list-style-type: none"> <li>Establish, effective monitoring and enforcement mechanisms, to ensure private actors involved in education comply with applicable standards and regulations, including minimum standards established by the State and meet their responsibility to respect the right to education.<sup>225</sup></li> <li>Regularly gather and analyse data to assess the impact of private educational institutions on the enjoyment of the right to education.<sup>226</sup></li> </ul>	<ul style="list-style-type: none"> <li>Does the State monitor private ECCE centres/pre-primary schools?</li> <li>Does civil society monitor private ECCE centres/pre-primary schools?</li> </ul>	<ul style="list-style-type: none"> <li>Existence of a state monitoring body monitoring whether minimum educational standards are met in private /ECCE centres/pre-primary schools</li> <li>Existence of a state data collection system that regularly gathers data and assesses the impact of private educational institutions on the enjoyment of the right to education</li> <li>Availability of education data in the public domain, including on ECCE in the private sector (with assessment report)</li> <li>Obstacles faced by civil society organisations when monitoring the right to education in private institutions.</li> </ul> <p>(For a detailed assessment of monitoring the private sector, refer to relevant indicators in <i>Governance and Institutional Framework</i> (Table 5.1) in addition to the indicators provided here)</p>
<ul style="list-style-type: none"> <li>Ensure access to an effective remedy for violation of the right to education and any human rights abuses by a private actor involved in education.<sup>227</sup></li> <li>Ensure non-discrimination and equality in access to ECCE</li> </ul>	<ul style="list-style-type: none"> <li>Are there effective administrative complaint mechanisms to report abuses in the private sector?</li> <li>If yes, What kind of complaints have been reported so far? Has the State addressed them effectively?</li> </ul>	<ul style="list-style-type: none"> <li>Existence of effective administrative complaint mechanism(s) to file complaints for violations of the right to education</li> <li>Nature of administrative complaints/cases registered concerning the right to early childhood care and education against private institutions in the last academic year</li> <li>Court cases filed on the right to education against private institutions.</li> </ul>
<ul style="list-style-type: none"> <li>Protect labour rights.</li> <li>Provide stable, secure employment and decent working conditions<sup>228</sup> for teachers.<sup>229</sup></li> </ul>	<ul style="list-style-type: none"> <li>Are the rights of the ECCE personnel guaranteed in the private sector? Are teachers' qualifications/recruitment process /salary standards/working conditions the same at public and private institutions?</li> </ul>	<p>For assessing the status of ECCE personnel in private sectors, refer to relevant indicators in the 'Quality in ECCE' section. (Table 3.3)</p>
<ul style="list-style-type: none"> <li>Respect, protect, and fulfil the right to education of everyone in accordance with the rights to equality and non-discrimination.<sup>230</sup></li> <li>Ensure accessibility and quality of ECCE in private ECCE centres/pre-primary schools.</li> </ul>	<ul style="list-style-type: none"> <li>What is the impact of privatisation on the most marginalised, disadvantaged, and vulnerable groups? Do the private institutions uphold the principles of non-discrimination and equality?</li> </ul>	<p>For assessing the impact of privatisation on marginalised children, refer to relevant indicators in the 'Equality, non-discrimination and inclusive access and participation in early childhood care and education' section (Table 2) and the 'Quality in ECCE' section. (Table 3.1, 3.2, 3.3)</p>

225 Ibid, GP 84.

226 Ibid. GP 85.

227 Ibid. OP 9; GP 88-90.

228 Stable and secure working conditions include; a safe and healthy workplace; manageable teacher-to-student ratios; support structures for managing problematic student behaviour; balanced workloads; safe, affordable and adequate housing; relevant, quality and accessible training and professional development opportunities; equitable access to technology and other resources; adequate social protection and pensions; and working-time arrangements (including duties beyond classroom teaching such as lesson preparation, marking and out-of-class student and parent engagements) that allow for adequate rest and work-life balance.

229 ILO, UN, UNESCO, 'Transforming the teaching profession: Recommendations of the United Nations Secretary-General's High-Level Panel on the Teaching Profession' (International Labour Organisation 2024) R 35, 37.

230 The Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education (2019)< <https://www.abidjanprinciples.org>> accessed 25 January 2024 OP 1.



5.

REPORTING AND  
ADVOCATING IN LOCAL,  
NATIONAL, REGIONAL,  
AND INTERNATIONAL  
CONTEXTS





Reporting and advocacy are the final and crucial stages in the monitoring process. This phase involves drafting and analysing information, corroborating monitoring findings, expressing concerns related to the issues of ECCE, building visibility and public opinion, engaging in dialogue with the key duty bearers, and proposing recommendations for corrective action.<sup>231</sup> This section provides an insight into the key principles you need to adhere to while preparing a report, and some basic tools to design your advocacy plans. This also highlights a few advocacy strategies that might be useful in your work.

## 5.1. Drafting your report

### Structure and content of the report

The structure and content of the report will vary depending on the advocacy goal and the intended audience. For instance, if you are writing a [shadow report](#) to a [UN treaty body](#), or providing information to other [human rights mechanisms](#), you may follow the structure based on the reporting guidelines provided by these bodies. However, certain elements are crucial. The structure of the report should include, Introduction, Methods, Findings, Conclusions, Recommendations, Appendices and Glossary. Other important aspects include a) ensuring accuracy and credibility, b) grounding your analysis in human rights standards, c) making your report advocacy-oriented, d) considering the tone and language and importantly e) adapting the report to the advocacy audience.



For more details on the structure, content and guidelines for drafting your report, refer to [Step 6 of the RTE monitoring guide](#).



For more details on reporting principles and standards, refer to OHCHR, 'Chapter 13 on [Human Rights Reporting](#)' in *Manual on human rights monitoring* (OHCHR 2011).

## 5.2. Design your advocacy plan

[Advocacy](#) is a process directed towards creating a change. It involves putting the problems identified during ECCE monitoring on the agenda and influencing decision-makers toward a solution. This process requires meticulous planning and different strategies aimed at decision-making at the local, provincial (sub-national), national, and international levels.

Therefore, depending on the purpose and scope of ECCE monitoring, it is important to design an advocacy plan. The plan should be SMART – Specific, Measurable, Achievable, Relevant, and Time-bound – and linked to the organisational capacity and availability of resources. Below are some important steps you may consider while planning your advocacy.



What are the major problems identified during ECCE monitoring?

- What would be the ideal solution to these problems?
- Who are the decision-makers who can bring about change?
- Who and what influences these decision-makers?
- How can you get the attention of these decision-makers?
- Who else can support your cause? How can they support your cause?
- What are your strengths, weaknesses, opportunities and challenges?
- What is your timeline?

231 OHCHR, 'Chapter 13 Human Rights Reporting' in *Manual on human rights monitoring* (OHCHR 2011).

## 5.3. Define advocacy objectives, prioritise issues, and articulate solutions

Based on the ECCE monitoring report, define your advocacy objectives and prioritise issues that you wish to find solutions to in the short term and long term. You may prioritise issues based on what community members think are most urgent and require immediate attention. Prioritisation should be also done by grading issues in an order of importance, based on the availability of resources and the time required to sort them out.



Tools such as the **Problem Tree/Solution Tree Analysis** can help analyse the issues identified and clearly define your advocacy objectives. For details about these tools, refer to the Amnesty International toolkit: [Strategies for human rights defenders, p.8-11](#)



### Advocacy Objectives

Key Problems	Required Solutions	Targeted Advocacy Audience	Advocacy Strategies	Time Frame

## 5.4. Identify and map advocacy audiences with whom you want to share the report

Based on the problems identified and solutions required, map out the decision-makers and respective state authorities who have the power to bring about a required solution.

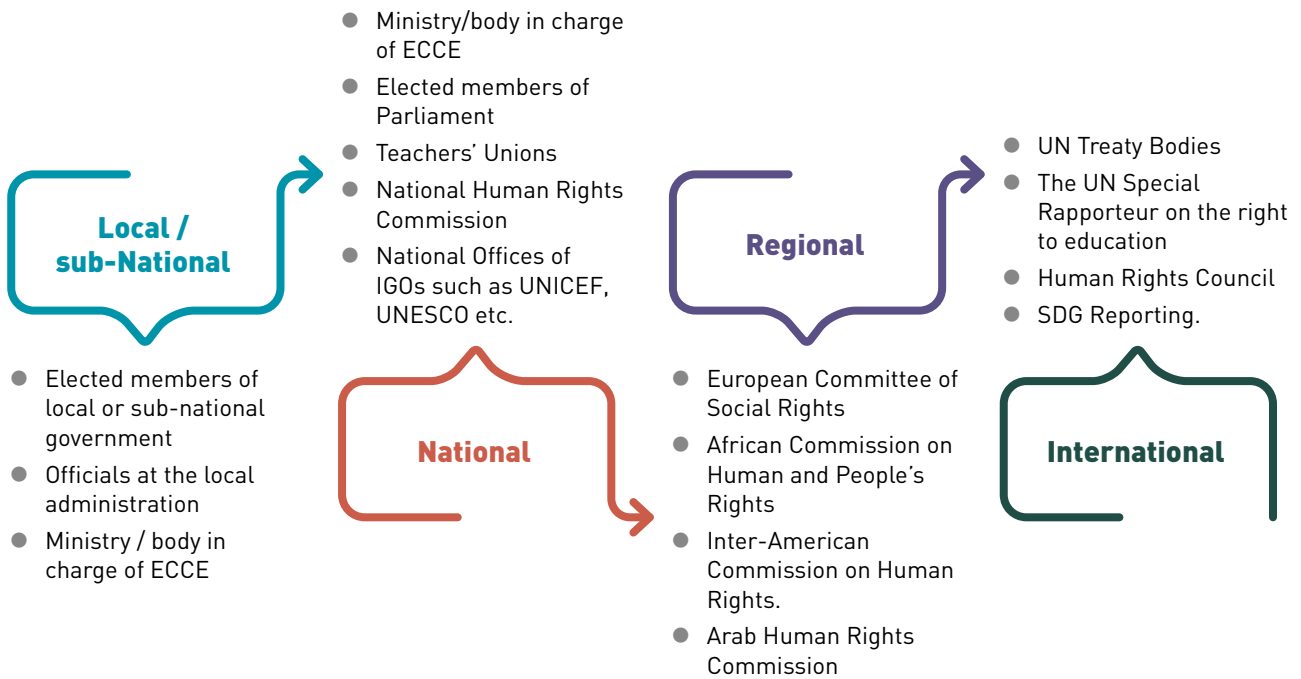


You may use **stakeholder matrix and influence mapping tools** to identify the advocacy audiences and strategies you plan. For details about these tools refer to the Amnesty International toolkit, [Strategies for Human Rights Defenders, p. 13-16](#)

While mapping the advocacy audience, be sure to include:

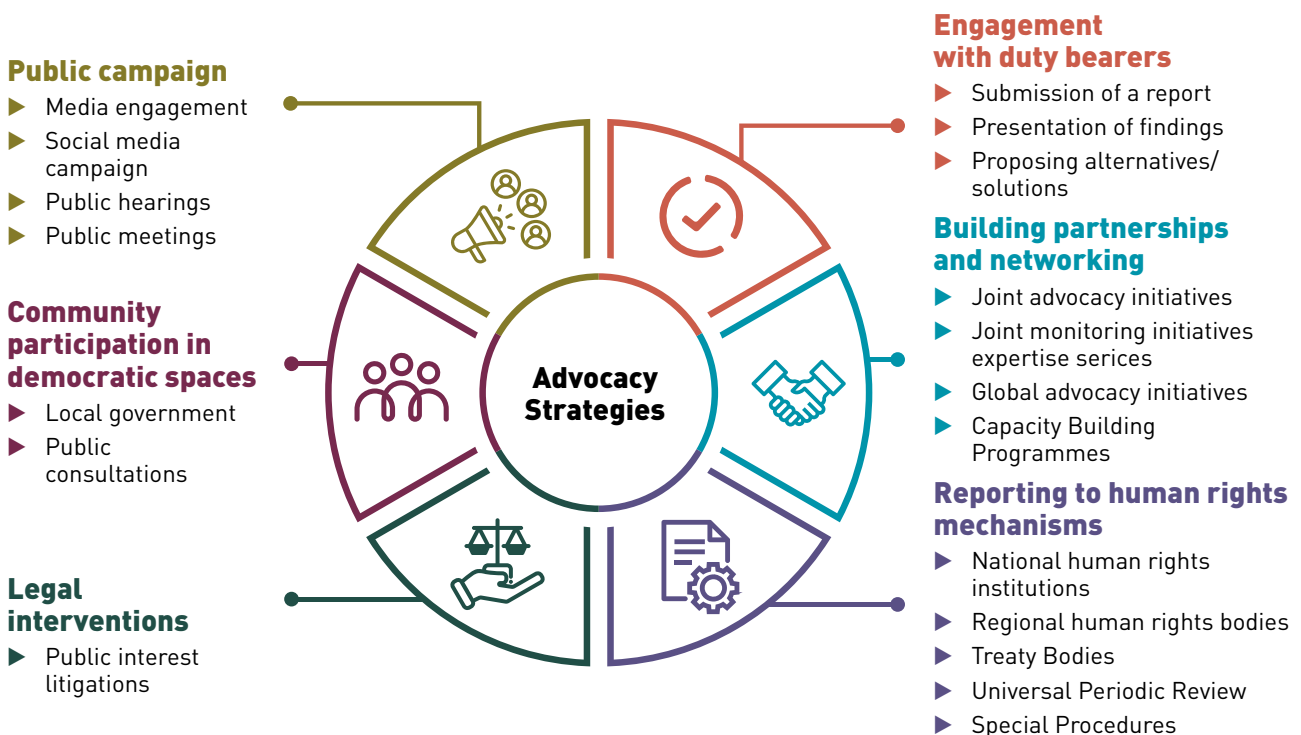
- ▶ Decision-makers like parliamentarians and other elected leaders at different levels of government
- ▶ Bureaucrats (administrative authorities) who are responsible for the implementation of policies
- ▶ National and international human rights institutions that monitor human rights situations
- ▶ People who can influence decision-makers like the media, teachers' unions, civil society organisations, etc.

Some human rights violations and omissions can be addressed by the relevant authorities themselves, but some might require direct advocacy with policymakers like parliamentarians. For example, an issue related to service delivery like a shortage of ECCE personnel, infrastructure facilities, etc., can be addressed by bureaucrats in the local administration. However, issues related to policy interventions and budget allocation should be taken up with policymakers. Similarly, depending on the decentralisation of governance and devolution of powers, target your advocacy action either at the local, sub-national, or national level. For example, in some countries, advocacy with the local governments may yield quicker results as they play an effective role in the planning and implementation of policies. At the same time, the power and functions of local governments may be limited in certain areas. Therefore, depending on the problems identified and the respective powers of decision-makers, map out decision-makers at different levels of governance. Additionally, you may also target national and international human rights institutions and people who can influence those in decision-making positions such as civil society organizations, influential elders, the media, and the public.



## 5.5. Select advocacy strategies and approaches

The advocacy process involves various strategies aimed at influencing decision-making at different levels. It includes awareness-raising and communication, community engagement, social marketing, litigations, campaigns, and many other tactics depending on the local situation. It can involve several specific, short-term, and long-term activities to reach the desired impact. The following are some of the strategies that could be adopted to influence duty-bearers. These strategies are interrelated and are essential in making a sustainable change.





### 5.5.1. Community participation in democratic spaces

Empowering communities to capitalise on all democratic spaces is key to the advocacy process, as it is a powerful way of achieving sustainable change. In some countries, local governments may provide ample opportunities for community participation in the political process. In such a scenario, encourage the community to attend these forums and present the key concerns and recommendations.

### 5.5.2. Engagement with duty bearers

Taking appointments with targeted officials/policymakers and making an effective presentation of the report is an important step in advocacy efforts. Based on the mapping of the targeted advocacy audience, plan your meetings. You may consider holding meetings with relevant parliamentary committees (e.g. education or human rights committees, etc.) to present your findings, as well as working with individual parliamentarians who support your advocacy messages so that they use their leverage to put pressure on policy-makers.

Engagement with duty bearers can also include regular dialogue and interactions at different occasions and forums, consistent follow-up, and negotiations. Community leaders should ideally be involved in this process.



For more details on direct advocacy with duty bearers, refer to OHCHR, 'Chapter 31 [Advocacy and Interventions with National Authorities](#)' in *Manual on human rights monitoring* (OHCHR 2011).

### 5.5.3. Partnership and networking

Networking is key to mobilising support in various aspects including expert advice/services, joint advocacy campaigns, mobilising public pressure and connecting with decision-makers, reporting to human rights mechanisms, etc. Facilitating organisations can explore opportunities for involving a large number of people representing diverse interests, such as civil society organisations, academia, legal experts, ECCE teachers' unions, labour unions, and other relevant stakeholders at local, national, and global levels.

### 5.5.4. Public campaigns

Campaigns are an integral part of advocacy that seeks to engage the wider public in taking action on the issues you have identified and to put pressure on the government for a change in the policies and practices. A combination of various effective tactics like regular media engagement, public hearings, poster and signature campaigns, appeals and petitions, social media campaigns, public meetings, and webinars could be explored.



For more information on campaign planning, refer to Amnesty International [Campaigning Toolkit](#) and [Activist's Toolkit](#).

### 5.5.5. Legal intervention

Legal intervention can bring about sustainable policy change and, depending on the nature and gravity of an issue, explore judicial and quasi-judicial mechanisms to litigate the right to early childhood care and education. At the regional level, the European Court of Human Rights and the Interamerican Court of Human Rights can be reached.

### 5.5.6. Reporting to human rights mechanisms

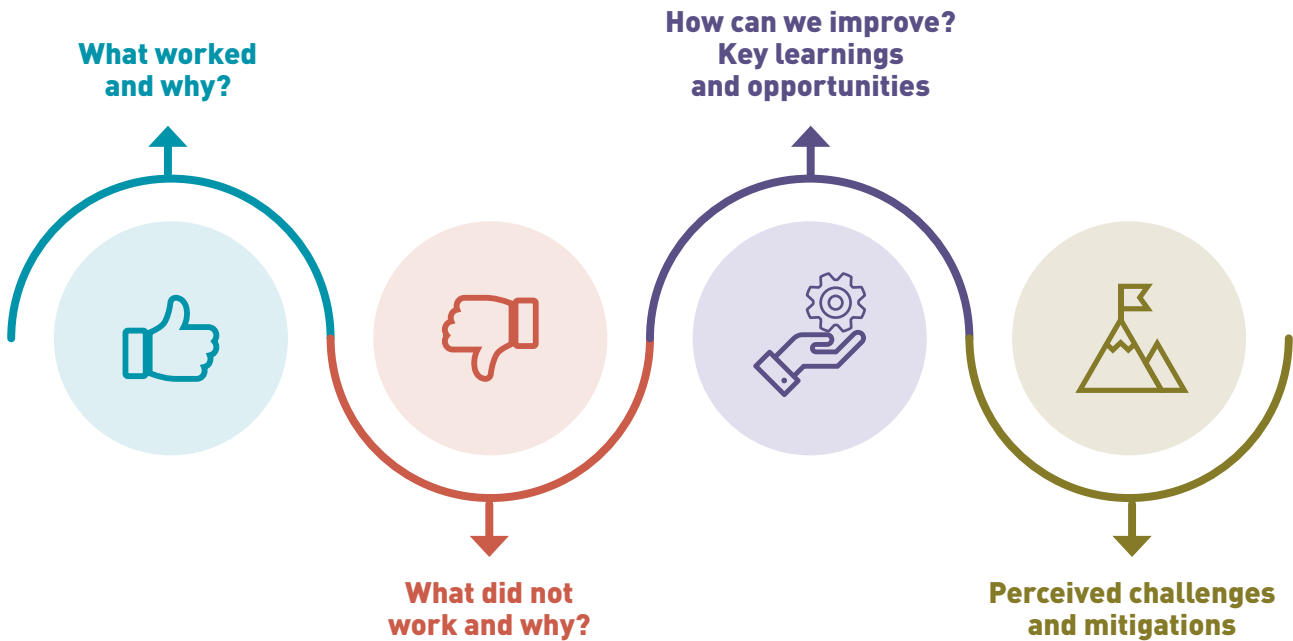
Various human rights mechanisms at the national, regional, and international levels monitor the implementation of children's rights, including their right to education. You may choose to report violations to these institutions.



For details on reporting to [International human rights mechanisms](#), such as UN Treaty Bodies, Universal Periodic Review, and UN Special Procedures refer to [the ISHR academy website](#). In particular, for reporting ECCE-related issues to the Committee on the Rights of the Child (CRC), refer to Child Rights Connect's webpage on [Engaging in the Reporting Cycle of the UN Committee on the Rights of the Child and their CRC reporting guidelines](#).

## 5.6. Evaluate outcomes and follow up

Constantly evaluate your advocacy efforts through self-assessment of your advocacy plan, to review if the perceived strategies and plans act in favour of your goal. If a strategy does not work, it may be necessary to try multiple approaches until the goal is reached. Hence, constant monitoring and periodic evaluation are essential to make necessary changes to the advocacy plan. The plan must connect to the outcome of the progress made in achieving your goal. While it can be done through different methods, a simple retrospective analysis could work well. Based on the analysis, draw a follow-up plan.



# Monitoring Early Childhood Care and Education

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## From a Human Rights Perspective

This guide is part of a series of thematic guides providing practical advice on monitoring various aspects of the right to education from a human rights perspective.

For more resources on protecting the right to early childhood care and education, see our [Early Childhood Care and Education issue page](#).

For more resources on monitoring the right to education, see our [Guide to Monitoring the Right to Education Using Indicators](#) and other thematic guides on [‘Education under attack’](#) and [‘Higher Education’](#).

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