



Expert workshop ‘Clarifying the legal framework of ECCE rights: Key components and obligations’

Meeting report

An **expert workshop** was organized on the **20th of July 2023** to foster a discussion around the components of early childhood care and education (ECCE) rights and the areas of ECCE that require a stronger footing in the international human rights framework. This report presents the key findings and contributions shared by the participants during the three-hour discussion.

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Introduction

Early childhood care and education (ECCE)¹, which begins at birth, provides the foundation for lifelong learning. ECCE plays a tremendous role in the development of both individuals and societies, and in realizing economic, social and cultural rights. It is also proven to be an efficient factor to foster inclusion and equality, especially when access to ECCE is guaranteed for all. Through ECCE, children from disadvantaged, marginalized or vulnerable households and communities are better prepared to start school on an equal footing with their peers, leading to an overall improvement in educational achievement and enhancing social equity and cohesion. Moreover, as Janusz Korczak argued, children must be recognized as human beings “here and now” and therefore the value of ECCE is not only for their future but right from the initial stages of their lives.

Even though ECCE rights, and more specifically the right to pre-primary education, are implicitly recognized in international human rights law and developed further in its interpretations, notably through UN General Comments and the UN Committee’s Concluding Observations, the specific components of what these rights entail, and specifically the right to education from birth, are yet to be explicitly enshrined in the international human rights normative framework.

The reality is that disparities remain in accessing ECCE, both between and within countries and regions. Despite the global increase in children’s enrollment in pre-primary education one year before primary school, the proportion is still low in sub-Saharan Africa and in Northern Africa and Western Asia as the rate was only about 50% ([GEM report, 2021](#)). These inequalities are exacerbated by conflicts, economic crises, health emergencies (such as the COVID-19 pandemic), displacements, chronic marginalization and gender stereotypes. Given the numerous challenges and disruptions faced by the ECCE sub-sector, and more broadly by the right to education, there is an imperative need to strengthen and further clarify the States’ obligations regarding the right to ECCE.

Thus, the ‘Global advocacy group on ECCE Rights’, an informal group of various organizations working on ECCE rights and legal frameworks composed of: UNESCO, the [Right to Education Initiative](#) (RTE), the [UN Special Rapporteur on the Right to Education](#), the [World Organization for Early Childhood Education](#) (OMEP), the [Oxford Human Rights Hub](#) (Oxford University), [Human Rights Watch](#) (HRW), the [Latin American Campaign for the Right to Education](#) (CLADE), the [Global Campaign for Education](#) (GCE), [Education International](#) (EI), the [Initiative for Social and Economic Rights](#) (ISER), organized a workshop to foster a

¹ As noted in the Thematic Report ‘Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change’, there is not one single internationally agreed upon definition of ECCE. However, the report formulated the following working definition: “ECCE shall refer to an umbrella term for all policies, programmes and/or services aimed at the holistic development of the child, below eight years of age, in all developmental domains and across all sectors, and includes education (including pre-primary education), child health, nutrition, water, sanitation and hygiene and protection as well as involving all actors (primary care-takers, educators, community, etc.).” ([UNESCO et al., 2022](#), p. 5).

discussion with human rights and ECCE experts on areas of ECCE rights that deserve a better footing in the international human rights framework.

This report presents the main issues and considerations raised during the discussion as well as additional inputs and contributions provided in a follow-up survey which was shared with participants.

Background

The past two years have been marked by important progress in the area of ECCE and reflection on the implications in terms of normative framework and related rights implementation. UNESCO brought together 40 key actors in ECCE for three high-level meetings resulting in the [Global Partnership Strategy for Early Childhood \(GPS\)](#) in 2022. This led to the [Second World Conference on ECCE \(WCECCE\)](#) in November 2022 in Uzbekistan. The international community gathered at the WCECCE also discussed ECCE rights and normative framework during a specific session based on the analysis of a Thematic Report produced for the event entitled '[Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change](#)' (hereafter, 'Thematic Report'). This paper unfolds the various parameters related to ECCE rights areas that would need to be considered while reflecting on how to better strengthen enforcement of ECCE through the normative framework. In that regard, with the adoption of the [Tashkent Declaration](#) states committed to "Examine the feasibility of supporting and enshrining the right to ECCE in a legal international instrument including in the context of the [Evolving Right to Education Initiative led by UNESCO](#)"². This workshop discussion with the ECCE experts strengthens this discourse and takes it forward.

Key takeaways from the discussion

- An effective way for states to ensure equal access to all children is to legally guarantee free, compulsory and inclusive pre-primary education.
- ECCE is a State responsibility and States should prioritize public ECCE services and regulate the services of non-state ECCE providers based on principles of equality and non-discrimination.
- States must foster inclusive and non-discriminatory quality ECCE services for all children from birth to 8 years old, by ensuring early childhood interventions for all children and providing particular attention to the first years of a child's life as well as vulnerable children, including migrants, refugees, children from indigenous and minority communities, rural children, children living in poverty,

² The 'Evolving Right to Education Initiative' aims to explore how the international normative framework could better enforce the right to education throughout life in the context of today's realities and the ways forward in addressing the twin crises of equity and relevance. In the support of this Initiative UNESCO has been building the arguments through a research policy paper as to a potential expansion and clarification of the international human rights instruments including on ECCE.

children subject to ethnic and racial discrimination, girls and children with disabilities.

- Quality ECCE requires ensuring the professionalization and both pre-service and in-service training of ECCE personnel. The working conditions of ECCE personnel should be regulated by adapting the ILO Policy guidelines on the promotion of decent work for early childhood educational personnel to national contexts with equal wages, social security benefits, job description and other career perspectives. Inclusion and child rights must also be reflected in ECCE personnel recruitment and their training.
- Parents and other caregivers (which include grandparents, relatives, members of the community) are the first educators to provide ECCE services. States should involve parents as equal partners in the decision-making process, while ensuring protections for children's fundamental rights, and provide supports that facilitate parenting and child rearing.
- Gender-sensitive approach is highly needed. The ECCE work is disproportionately feminized and deeply intertwined with unpaid care work. States should provide an adequate duration of paid leave to all parents, including those working in the informal sector, and encourage men's take-up of leave. States should provide measures that reduce the burden of parenthood solely on mothers and develop opportunities for parents to support each other.
- The development of locally and culturally appropriate ECCE services, with the involvement of community members, is essential as it ensures that cultural perspectives and values are reflected and transmitted through ECCE, while reducing the risks of marginalization and discrimination against indigenous and minority groups.
- States need to increase their investment in ECCE and improve the effectiveness of their budget spending, including by preparing detailed costed plans for ECCE provision.
- Accountability and monitoring mechanisms should be strengthened with adequate data management systems. All domestic and international human rights mechanisms should be explored including optional protocol 3 of CRC to address gaps and barriers.
- ECCE rights that are implicitly and explicitly guaranteed in different human rights treaties and conventions should be collated in the form of a guiding principles. Further strengthening the international legal framework to explicitly enshrine ECCE rights should also be explored.

Structure and objectives

A three-hour long online workshop was organized on the 20th of July 2023. Aimed to build on the ECCE rights analyzed in the [Thematic Report](#), the workshop encouraged discussions and observations on areas of the international human rights framework that would benefit from greater clarity. In particular, this workshop focused on further protection for ECCE rights to ensure quality and inclusive education and services for all young children and explicit guarantees and state obligations that would require to ensure the full realization of ECCE rights in the evolving world context.

Objectives

The discussions are to inform:

- The first ever inter-agency Global Report on ECCE 2023-2024;
- The ongoing research work on expanding the scope of the right to education in the international normative framework;
- The drafting of Guiding Principles on ECCE rights a collective effort that is envisioned to synthesize all the State obligations guaranteed in the various international human rights instruments including the interpretations provided in the General Comments, Concluding Observations, Declarations, Guidelines, and other political commitments and/or instruments.

Structure

The online discussion was moderated by Gwang-Chol Chang, Chief of the Section on Education Policy (UNESCO). Following introductory remarks, Prof. Sandra Fredman took the floor to present her work towards elaborating Guiding Principles on ECCE³. The moderator then led a structured discussion, where approx. 30 experts (including civil society, academics, ECCE and human rights experts, see full list in the [annex 1](#)) shared their thoughts and insights around four specific guiding questions:

- What concrete measures would be further needed in the international normative framework to ensure equal access and inclusive ECCE for children from vulnerable groups, including migrants and refugees?
- What rights should be guaranteed for the ECCE workforce to ensure adequate working conditions and training based on child-centered pedagogy?
- What accountability and monitoring mechanisms are required to ensure a rights-based approach to ECCE, for both public and non-state actors?

³ The Guiding Principles aim to establish a set of requirements related to ECCE rights explicitly or implicitly present in international treaties and their interpretations, which will serve as a tool to be used by states to respect, protect and fulfill the right to ECCE.

→ Which conditions are required to equip parents and legal guardians in child-rearing responsibilities that take into account gender equality and their participation in decision-making processes?

Thematic areas addressed

1. Ensuring that all children have access to inclusive ECCE

The Convention on the Rights of the Child (CRC, 1989), the International Covenant on Economic, Social and Cultural Right (1966) and Convention on the Rights of Persons with Disabilities (2006) require the right to education to be directed to the full development of the child and proscribe discrimination of any kind. Given well-established evidence of the importance of ECCE to the development of the child, and the large disparities in provision of ECCE, it is clear that widely ratified international human rights obligations are highly relevant to ECCE. In addition, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) explicitly provides equal access to preschool (article 5). “Leave no one behind” being one of the central principles of the [2030 Agenda for Sustainable Development](#), also applies to ECCE as stressed in SDG4 target 4.2 which reads “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”. To ensure equal access to ECCE services, states must adopt targeted measures to eliminate direct, indirect and intersectional forms of discrimination.⁴ Experts highlighted the particular attention required to realize equal access for vulnerable and marginalized communities, such as those living in remote or rural areas.

- **Free and compulsory pre-primary education**

Implementing at least one year of free and compulsory pre-primary education, as recommended by the [Education 2030 Framework for Action](#) (para. 12), is an effective step towards equity and inclusion in ECCE. The Committee on the Elimination of Discrimination against Women reiterates this by stating “Education must be affordable for all ... and should be free and compulsory from preschool through secondary school and progressively made free through the tertiary level” ([General Recommendation No. 36 \(2017\)](#), para. 36). Besides the importance of pre-primary for a child’s development, when free and compulsory, it allows to redress inequality by providing an equal start for all children by removing an important financial barrier. One participant noted that globally, in 1999, only 31% of children were enrolled in ECCE, but with the adoption of free and compulsory education at the country level, the rate of enrollment has significantly increased. A global study found that free and compulsory pre-primary education is also associated with higher rates of primary

⁴ “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’; ‘Intersectional discrimination refers to a situation where several grounds operate and interact with each other at the same time in such a way that they are inseparable” ([UNESCO, 2019](#), pp. 82 and 86).

school completion, with the greatest impacts in lower-income countries ([Earle et al., 2018](#)). It was therefore highlighted that there is a need for a legally binding instrument to guarantee free and compulsory pre-primary education for all. To this end, one participant noted that 73 states expressed support for strengthening the right to education, including through one year of free pre-primary education (see the [Human Rights Watch article here](#)). The urgent need to increase the evidence-based advocacy work on free and compulsory pre-primary education and its benefits to advance human rights was also raised. As one survey respondent highlighted, given the widely different local contexts, any obligation should not translate into a schooling obligation for children below the age of three. However, the obligation of states to protect and promote the right to care and education through formal and non-formal programs aimed at the youngest children and their families should be taken into account. Reconsidering 'foundational education' in the international human rights framework might also be envisaged in order to expand the understanding of current obligations.

- **Inclusive and non-discriminatory approaches to ECCE services to reach the most marginalized and those in emergency contexts**

Ensuring inclusion and non-discrimination in education requires measures to be taken at all levels of education, including prior to primary education. The need to have programs which cater to different cultures, local contexts and diverse family settings was an important point raised. This is particularly important to ensure respect for the right to self-determination of indigenous peoples, as enshrined in the [Declaration on the Rights of Indigenous Peoples](#) (2007), which, states that indigenous peoples must have access to education in, and with respect for, their own culture and language. As two survey respondents noted, mother tongue learning and intercultural approach are vitally important, which is especially important for migrants, refugees, indigenous people and minorities. Another issue highlighted during the discussion was the lack of training for educators and education support personnel in daycare to detect early signs of disabilities. As noted by the Committee on the Rights of People 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" ([General Comment No. 4 \(2016\)](#), para. 12(g)).

Moreover, experts underlined that in terms of inclusion, children from age 0 to 3 are often sidelined and noted that states should pay closer attention to this range of age; therefore, the State obligations towards this age group should be clearly articulated to ensure a holistic development of the child. In addition, another major issue that was emphasized is the cost of ECCE services and the systemic socioeconomic disadvantages that need to be addressed by states as part of the efforts to combat discrimination based on financial means.

Discussions also turned to migrants and refugees and, more broadly, crises and emergency contexts. Administrative procedures (for example the need to produce a birth certificate), which are an important barrier due to the lack of identification documents, need to be removed to ensure that ECCE is effectively reaching all children. As suggested by an expert through the online survey, building on the [Global Compact for Refugees](#) imposing states to enroll refugee and migrant children in ECCE services within three months could be envisaged. As crises and emergencies are becoming chronic, recognizing ECCE as a basic right, alongside water, nutrition, and shelter, was also highlighted as an important step. One

participant also noted the lack of ECCE workforce in the refugee camps. In such a scenario, potential community members need to be identified, adequately equipped and trained to ensure a holistic and integrated approach.

- **Emphasis on public education**

In ensuring equal access, the importance of public education was emphasized. An expert recommended that any international instrument on ECCE should include the public policy environment and areas of a whole government, whole system approach and multisectoral approach. Further, it was recommended to link up with existing instruments and integrate the [Abidjan Principles](#) (2019) that highlight the priorities of public education and the responsibility of states in ensuring equal access to all children.

2. Enabling conditions required to ensure the provision of quality ECCE

During the workshop, several aspects were raised in relation to ensuring quality ECCE. One expert pointed out that quality ECCE can be achieved only if the child's perspective is taken into account. As noted in the CRC, children's best interests shall be a primary consideration (article 3, para. 1). The participant also noted the importance of recognizing the bond and attachment that children have with their educators and caregivers. These bonds need to be nurtured and strengthened in a healthy way for the child's development. Amongst all the conditions required by the [World Health Organization's "Nurturing Care Framework"](#) (2019) to ensure the provision of quality ECCE, as noted by participants, adequate infrastructure and adequate nutrition, health care and safety provisions are essential.

- **Educators and ECCE personnel**

The experts also drew attention on ECCE personnel qualifications, training and working conditions. In 2015, States committed through the Education 2030 Framework for Action to "Devise clear policies, strategies and action plans for the professionalization of ECCE personnel by enhancing and monitoring their ongoing professional development, status and working conditions" (Para.37). As "it takes a village to raise a child", provision of ECCE needs to reflect this reality by considering the heterogeneity of the ECCE personnel. The first step to quality ECCE is ensuring good recruitment and training of personnel.

Another major key to quality ECCE is the professionalization of educators and caregivers' work. In some contexts, ECCE educators are not considered professionals, or even semi-professional. Experts insisted on extending state's obligations to create a national framework on ECCE work qualifications which defines ECCE workforce categories, working conditions, adequate wages, social security provisions including maternity/paternity leave for ECCE personnel, a proper job description and career development. This was underlined as an important aspect for ECCE workers' motivation and would enhance state accountability. Nevertheless, one expert noted that given the diversity of caretakers, not all ages will be supported by professionals, and specific guidance must cater to them (see part 4). Further, it was also recommended that ECCE personnel should be treated on par with other teaching professions, thus integrating [ILO policy guidelines on the promotion of](#)

[decent work for early childhood education personnel](#) in the national policy is key as it addresses the working conditions of ECCE personnel. Furthermore, care should be given to ensuring that ECCE responsibility should not be an additional task for social or health workers which may overburden them. Experts also recalled that the ECCE workforce is often engaged in low-income services and that adequate wage policies are central.

Regarding social security, ECCE personnel should be eligible for all benefits including the parental leave. One participant pointed out that having social security is not sufficient. Giving the example of a study conducted in six Arab countries related to ECCE workforce, while ECCE educators may be enrolled in social security, there is a need to ensure that it is of quality and that healthcare services are sufficiently available.

Also, participants recalled that the principle of inclusion applies not only to children but to parents, educators and caregivers. To foster inclusion but also intercultural and linguistically appropriate learning approaches, there is a need to ensure diversity in the recruitment, including by prioritizing ECCE personnel from indigenous, migrant and other marginalized groups. Participants further recommended the need to protect ECCE personnel from discrimination. A striking example was brought up in case studies in India, where ECCE personnel faced resistance from the so-called 'upper' caste people, as they hail from the Dalit community, which is considered lower in the caste gratification. When access to affordable and quality ECCE is not officially guaranteed, families and communities play a greater role in the child's upbringing. Policies on equal pay and affordable, gender-equitable parental leave should also apply to the informal sector. As noted by one participant "ECCE is a largely feminized workforce and the lack of implementation of equal pay policies in the informal sector is very detrimental to them".

- **ECCE pedagogy**

To ensure the acceptability and adaptability of ECCE as well as school readiness, one participant noted that teachers' training should be based on a comprehensive and holistic child-centered pedagogy, that values the cultural context (cultural values and aspirations, maternal language...) of each and every child. Educators and [education support personnel](#) should be trained to foster the overall development of the child, including their personality and skills, but also their well-being and, taking care of children from vulnerable backgrounds, especially those with disabilities. This was reiterated by a survey respondent, who noted that to achieve this, early childhood education should be provided by play, therefore ensuring both the child's participation and right to play.

An expert further noted that fundamental learning must include education for sustainable development and the adoption of lifestyles based on "human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development" (SDG4 Target 4.7).

3. Enhancing ECCE governance, while ensuring the interdependence of human rights

The importance to highlight the interdependence of human rights is particularly relevant when considering ECCE rights. As one expert noted, "ECCE does not exist in a vacuum", it is part of a wider system. In this respect, adopting "a whole-of-government, multi-sectoral and integrated approach to ECCE policy development, provision and coordination" (Tashkent Declaration and Commitments to Action, para. 14(i)) is essential for the implementation of ECCE rights. From health, social protection, family welfare, to education, ministries in charge of these sectors need to work in a coordinated manner to channel efforts to effectively respond to the diverse needs of young children and their caretakers.

However, the local contexts and specificities of each country need to also be factored in when elaborating regulatory and policy frameworks. Responsibility of ECCE services is not limited to the national level, but often falls to the more territorial, local, or municipal levels which, as noted by a participant, has repercussions on the effectiveness of funding streams and regulatory requirements. Clarifying the lines of responsibility, especially considering the need for a cross-sectoral approach, can help in effectively reaching all children and guaranteeing their rights.

- **Financing ECCE**

Securing adequate financing is a major issue to the implementation of ECCE services as, according to participants, these services are generally underfunded, and some states have even reduced their investment in ECCE as a result of the COVID-19 pandemic. This in turn has led to a shortage of ECCE personnel. The [Tashkent Declaration and Commitments to Action \(2022\)](#) recalled "... the Incheon and the Paris Declarations' commitments to public funding in education, increase financing for ECCE to a level sufficient to achieve SDG Target 4.2, in particular, working towards the allocation of at least 10 per cent of education expenditures to pre-primary education, and prioritize and reorient public expenditures for ECCE to focus on the poorest and most disadvantaged" (para. 1.VI). As suggested by a participant, costed plans for ECCE can help to foster discussions with the ministry of finance and justify the need for a certain budget which can demonstrate the benefits of ECCE for the economy as a whole. Besides, during the discussion, experts noted that budget spending and budget execution also need to be improved in order to ensure a more effective use of resources. With regard to this point, one survey respondent noted that financial accountability is essential to ensure that the money reaches those for whom it is intended.

- **Accountability and monitoring mechanisms**

Accountability mechanisms were discussed in relation to international frameworks. Experts suggested the importance of making use of access to justice pathways to address gaps and barriers to ECCE provision. Starting from national human rights mechanisms, independent national human rights institutions (including children's commissions), all regional and international mechanisms should be explored. Civil society should also be involved in producing shadow reports on ECCE to UN and regional human rights monitoring bodies as part of the periodic reporting process. Recalling the third Optional Protocol of the

Convention of the Rights of the Child (2011), one expert noted that it establishes a communications procedure, which allows to bring cases to the Committee on the Rights of the Child once domestic remedies have been exhausted or at least attempted. In the latter case, when domestic remedies take too long, individuals can bring their case to the Committee when there is an unreasonable delay (the Committee has already handed down in this regard). The expert suggested extending this rationale to ensure accountability for ECCE services. Highlighting a few country examples, the experts also emphasized the litigation route.

Global data on ECCE personnel and educators, including on their working conditions, was reported to be lacking. One participant noted the importance of having integrated ECCE monitoring and evaluation systems and that their experience could be shared to encourage other countries to do the same. This is closely linked to the need for effective coordination.

- **Regulating non-state actors**

The ECCE sub-sector generally is provided by a multitude of diverse actors, with, as noted by one participant, limited state supervision. When subsidies are provided by the state, the oversight is stronger, however, strengthening regulations across all actors are needed to create a healthy and safe environment for children and a government-led system.

In accordance with the [Abidjan Principles](#) –which as stated by a participant could be used as a guide for the regulation on non-state actors– States should define the public service obligations of non-state actors involved in education, in order to ensure their contribution to the realization of the right to education in a manner compatible with human rights laws, avoiding the reinforcement of inequalities and other adverse effects.

Non-state actors also have an important role in contributing to understanding ECCE and the critical importance of the early years through ongoing research and should disseminate this knowledge widely to communities –parents, educators and professionals – in order to continuously improve early care and education in all communities.

4. Engaging the State to support parents and legal guardians in their childrearing duties

The CRC recognizes the crucial role that parents, legal guardians, immediate and extended family and communities have in the lives of young children with the primary responsibility to promote children's development and well-being and with the child's best interests as their basic concern (article 18(1)). As such, policy makers must involve parents in decision-making processes related to ECCE by adopting both a child and caretaker-centered approach. One participant cautioned that parents may not be in agreement with the human rights and intercultural approach, highlighting the need to guarantee the principle of the "best interest of the child" (Article 3 of the CRC) comes first. Regular consultations with facilitators and members of the community will be needed to negotiate conflicting views.

In fact, a common misconception on ECCE is that it only depends on formal institutions. In reality the large majority of children in their early years depend heavily on their family, especially on their mothers, but also grandparents, relatives, neighbours and the community. This was highlighted by participants who noted that states must take into account this reality in the design of ECCE policies which should have the obligation to provide support for caretakers, particularly those identified as most in need through evidence mapping. Ensuring an adequate duration of paid parental leave for all, including in the informal sector, is one way to ensure that parents can fully concentrate on providing the best possible care to their children while meeting their financial needs.

An expert insightfully asked “how do we create opportunities for parents to connect and receive support from other parents?”. This stressed the need for nurturing a sense of community amongst parents. Besides, through the survey, one expert noted that there may be a certain level of reluctance among communities with regard to the state ‘interfering’ in family matters, who added that ‘confidence-building and buy-in from the community’ is required. Creating this relationship of trust would enable to support and inform families and caregivers on how to protect and guide young children, in particular on the safe and smart use of new technologies in a context where they are increasingly present in all areas of life and society. In this respect, States should also reinforce the national legal framework to protect young children in the digital context.

- **Gender equality**

Highlighting the essential role of parents in ECCE naturally brings out gender equality issues. Gender stereotypes and gender norms still strongly permeate distribution of care work, the ECCE workforce and unpaid work. The normative framework has an undeniable part to play to disrupt gender inequality in ECCE. States should enhance their efforts to involve fathers in care work, including by providing equal parental leave for both parents and encouraging or incentivizing men’s take-up of leave. As an expert stated, “parents need to be treated as equal partners by teachers, the education system and so on.” A survey respondent noted that daycare and drop-in centres can also support parents.

During the workshop, the issue of adolescent mothers was discussed and brought up other gender-sensitive considerations. An expert mentioned that in some communities, girls are expelled from school if they are pregnant and often this pregnancy is a result of violence against them. Whether it is their right to education, or right to work, girls and women must not forgo their rights to take care of young children. In such a scenario, it is essential the right to education of adolescent girls is protected by ensuring child care services for them and providing free secondary education. One expert noted that some states may limit women’s right while simultaneously advocating for supportive ECCE measures. These two aspects should be aligned and work in tandem. Another expert also mentioned the importance to make sure that parents are actually old enough to be parents and recognized the importance of marriage laws to protect against child marriage. Gender-based violence was also brought into the discussion. In that respect, states must put in place adequate measures including through the adoption of domestic violence laws, to eradicate such forms of violence, which have negative repercussions on the environment in which the children develop.

Other recommendations in relation to supporting parents include guaranteeing social security benefits to those who are in the informal economy, especially the racially and ethnically marginalized communities, gender sensitization education from pre-primary.

Next steps: considerations for the ECCE framework

Beyond the thematic areas of ECCE, the participants also raised suggestions, thoughts and considerations regarding the modalities as to reinforcing the international human rights framework, which contribute to the ongoing work on the UNESCO Evolving Right to Education Initiative which covers the right to education comprehensively.

Prof. Sandra Fredman presented her preparatory work and rationale behind the initiative to develop ECCE Guiding Principles. Based on [previous work](#), the Guiding Principles will aim to establish a set of requirements related to ECCE rights explicitly or implicitly present in international treaties and their interpretation instruments. The research currently gathers all existing requirements in a unique document. Once fully developed, the Guiding Principles will serve as a tool to be used by states to respect, protect and fulfill the right to ECCE. The need to collate ECCE rights that are implicitly included in the international human rights instruments also emerged in the discussion.

Besides the Guiding Principles, experts also discussed additional modalities. A new independent human rights treaty, an additional Optional Protocol to the CRC, or a non-legally binding instrument were among the options raised.⁵

The choice of the right instrument to develop will have inevitable consequences on its monitoring and accountability mechanisms. An expert mentioned reporting and monitoring fatigue amongst UN Treaty bodies and suggested to take this reality into consideration. One proposal to reduce the burden on states and the workload for the Committee was that a new Optional Protocol could be drafted to allow Member States to incorporate their reporting into their regular reviews before the Committee on the Rights of the Child, without an initial report (as currently required by the first two optional protocols to the CRC).

Some diverging views also emerged regarding the potential revision of the international human rights framework. On one hand, some believed that the right to ECCE is already implicitly recognized and expressed concerns that adopting a separate instrument which explicitly recognizes this right could lead to states to justify their lack of ECCE guarantees by explaining that they are not party to the instrument. Conversely, one expert noted that enshrining an explicit right can enhance state compliance, as an explicit guarantee could

⁵ A Working Group on Children and the Right to Education has been established within Child Rights Connect to provide Geneva-based support for advocacy initiatives aimed at strengthening the right to education.

facilitate bringing cases before the court and avoid instances where states do not interpret current international human rights instruments as guaranteeing ECCE rights.

Conclusion

The expert workshop provided a valuable platform to convene an important number of experts on ECCE and human rights holding complementary perspectives and expertise, to actively engage in an open discussion on critical areas of the international human rights framework that require further clarification.

Consensus emerged on the need to provide further guidance for States and the exchanges provided important contributions to further reinforce the considerations to be taken into account to bolster efforts to enhance ECCE rights.

Addressing ECCE rights requires multiple measures that include fostering inclusivity, guaranteeing free and compulsory pre-primary education and equipping educators and the ECCE personnel with adequate training and working conditions. Recognizing the role of caregivers, whether they are parents or members of the local community, in their child-rearing duties must be accompanied by appropriate support. Governance structures must ensure a multisectoral and holistic approach to ECCE and consider the interdependence of human rights as well as gender equality considerations, in the elaboration of national ECCE frameworks.

While there are areas of ECCE rights that deserve to be further unpacked, the dynamic discussion advanced the collective reflection and will advance ongoing work on strengthening ECCE rights.

Annex 1: Participant list

1. Faye Goddard, Human Rights Officer at Office of the High Commissioner for Human Rights (OHCHR)
2. Sandra Fredman, Professor of Law at Oxford University
3. Mercedes Mayol Lassalle, World President at World Organization for Early Childhood Education (OMEP)
4. Delphine Dorsi, Executive Director at Right to Education Initiative (RTE)
5. Rajakumari Michaelsamy, Programme Manager –ECCE at RTE
6. Bede Sheppard, Child Rights Deputy Director at Human Rights Watch (HRW)
7. Gina Pancorbo, Coordinator of Research, Policy and Advocacy at Education international (EI)
8. Nelsy Lizarazo, General coordinator at Latin American Campaign for the Right to Education (CLADE)
9. Vernor Munoz, Head of Policy, Advocacy & Campaigns at Global Campaign for Education (GCE)
10. Farida Shaheed, UN Special Rapporteur on the right to education
11. Elisabeth Lule, Executive Director at Early Childhood Development Action Network (ECDAN)
12. Tatiana Kazim, Legal researcher at Equality Education Lab Center (EELC)
13. Magrab Phyllis R., UNESCO Chair on Sustainable development, Early Childhood, Inclusive Education and Gender, Georgetown University, Washington, D.C. (United States)
14. Hasina Ebrahim, UNESCO Co-chair for Early Childhood Education, Care and Development at the University of South Africa
15. Ann Marie Skelton, Member of the UN Committee Rights on the Child (CRC) and UNESCO Chairholder
16. Jody Heymann, Professor, and Director at World Policy Analysis Center, University of California, Los Angeles
17. Mathias Urban, Director of the Early Childhood Research Centre (ECRC) at Dublin City University (DCU), Ireland.
18. Nirmala Rao, Director of the Consortium for Research on Early Childhood Development and Education (CORE), Faculty of Education, The University of Hong Kong
19. Liana Ghent, Director at International Step by Step Association (ISSA)
20. Ghassan Issa, Director at Arab Network for Early Childhood Development (ANECD)
21. Gilles Petreault, Representative to UNESCO at OMEP-World
22. Lisbeth Gouin, Representative at OMEP-World
23. Gwang-Chol Chang, Chief of Section at UNESCO
24. Rolla Mourné, Right to education Specialist at UNESCO
25. Rokhaya Diawara, Programme Specialist at UNESCO
26. Sonia Guerreiro, Programme Specialist at UNESCO
27. Sharlene Bianchi, Associate Project Officer (right to education) at UNESCO
28. Yufang Ruan, Intern at UNESCO
29. Yeliz Inci, Intern at UNESCO

30. Eleonor Rosenbach, Communications Manager at RTE
31. Manahil Khan, Intern at RTE

Annex 2: Resources on ECCE rights

Thematic reports and research on ECCE rights:

- [Building and strengthening the legal framework on ECCE rights: achievements, challenges and actions for change; thematic report](#) (UNESCO et al., 2022)
- [Right to pre-primary education: a global study](#) (UNESCO, 2021)
- [Recognising Early Childhood Education as a Human Right in International Law](#) (S. Fredman, G. Donati et al., 2022)
- [Report of the UN Special Rapporteur on the right to education: Early Childhood Care and Education](#) (UN General Assembly, 2022)
- [Global the Global Partnership Strategy for Early Childhood](#) (UNESCO, 2022)
- [Early childhood Care and Education as a gateway to inclusive education: an analysis of UN Special Rapporteurs' Reports](#) (RTE, 2022)
- [Compilation of International Instruments - Early Childhood Care and Education](#) (RTE, 2020)
- [Monitoring progress toward meeting the United Nation SDG on pre-primary education: an important step towards more equitable and sustainable economies](#) (N. Milovantseva, A. Earle, and J. Heymann, 2018)
- [Is free pre-primary education associated with increased primary school completion? A global study](#). (A. Earle, N. Milovantseva, and J. Heymann, 2018)
-

International normative framework and guidelines:

- [Tashkent Declaration and Commitments to Action for Transforming Early Childhood Care and Education](#) (UNESCO, 2022)
- [Committee on the Rights of the Child: GENERAL COMMENT No. 7 \(2005\) Implementing child rights in early childhood](#)
- [Moscow Framework for Action and Cooperation: Harnessing the Wealth of Nations](#) (UNESCO, 2010)
- [ILO Policy Guidelines on the promotion of decent work for early childhood education personnel](#) (ILO, 2013)

Other useful resources

- [UNESCO's website: Initiative on the evolving right to education](#)
- [Research policy paper for the Initiative on the evolving right to education](#) (UNESCO, 2023, working document)
- [HRW Blog post: More than 70 Countries Pledge to Strengthen Right to Free Education](#) (HRW, 2023)
- [Paper: Bringing the Right to Education into the 21st Century](#) (J. Toddres and C. Alexander, 2023)
- [ILO Global Care Policy Portal](#)
- [Report: Care work and care jobs for the future of decent work](#) (ILO, 2018)



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Expert workshop ‘Clarifying the legal framework of ECCE rights:

Key components and obligations’

The online expert workshop gathered 30 participants to discuss ways to strengthen and clarify the normative framework in respect to ECCE.

Amongst the issues addressed, participants emphasized the need for a strong legal framework on inclusivity and equal access to ECCE services and clearer ECCE personnel rights to improve their recruitment and training. They stressed the importance of integrating a child-centered, holistic and multi-sectoral approach to ECCE policies and measures. Parents and caregivers were an essential part of the discussion, as participants highlighted their central role in the child’s development.

The discussions provided insights on how to guide states regarding their legal obligations related to ECCE rights.

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