

General Comment 7

Implementing Child Rights in Early Childhood

YOUNG CHILDREN AS ACTIVE SOCIAL PARTICIPANTS

INTRODUCTION :: The Convention on the Rights of the Child (CRC) reminds us that children, whilst retaining their entitlement to the full range of human rights, are often marginalised or excluded, and represent a special case requiring additional safeguards. However, within the constituency of children, particular groups remain vulnerable to further risk factors requiring additional measures for State ratification. For example, the two Optional Protocols to the CRC on “*children in armed conflict*” and “*the sale of children, child prostitution and child pornography*”. Additionally, the Committee on the Rights of the Child have also adopted eight General Comments guiding States on specific issues such as, HIV/AIDS, the aims of education, on violence against children, and last year, “*General Comment 7 (GC7) on Implementing Child Rights in Early Childhood*”.

GC7 recognises that in implementing the CRC States parties have often overlooked young children as rights holders (GC7 para.3). The Comment seeks to redress this by clarifying State obligations for CRC implementation with respect to all children “*below the age of 8*” (GC7 para.4). In the introduction the Committee declares; “*This general comment arises out of the Committee’s experiences of reviewing States parties’ reports. In many cases, very little information has been offered about early childhood, with comments limited mainly to child mortality, birth registration and health care.*” (GC7 para.1)

In contrast to the emphasis on this limited set of usual suspects in State reports GC7 presents an ecological and holistic view of young children as competent social actors actively participating in families, peer groups, communities and society (GC7 para.5). Young children regarded as active meaning makers with “*evolving capacities*” (CRC Art.5) requiring age-appropriate guidance and support whom, both as individuals and as a constituency, have a voice which must be given due consideration. Parents/Caregivers and States are reminded to balance control and guidance with respect to the evolving capacities of the young child, and of the obligation to facilitate genuine participation of young children in the processes affecting their development.

To consider GC7 further we make reference to the CRC’s four fundamental principles; non-discrimination (Art.2); life, survival & development (Art.6); the “*best interests of the child*” (Art.3); and, the right to express an opinion and have those opinions considered (Art.12).

FUNDAMENTAL PRINCIPLES :: The four fundamental principles, as with all the CRC articles, are to be regarded as universal, interdependent, and indivisible. For example, we cannot consider genuine participation in isolation when: to ignore views and voice is discriminatory; to deny agency inhibits full personal development; and when adults decide without appropriate, or even any, consultation what is best for the child.

GC7 recognises that young children are, by virtue of their age, discriminated against, marginalised and excluded. GC7 reinforces the non-discriminatory language of the CRC (Art.2) identifying young girls as particularly vulnerable but referring also to discrimination in relation to disability, HIV/AIDS, ethnic and social caste, refugee & asylum status, those born out of wedlock, and those affected by multiple dimensions of discrimination (GC7 para.11).

Secondly, with respect to the best interests of the child, GC7 emphasises the CRC (Art.3) obligation to consider those best interests in relation to all decisions and actions which affect child development. At an individual level GC7 reinforces the issue of participation in decisions relating to the care, education and health of the young child. However, GC7 also reminds States that young children, as a specific constituency, must be considered more widely in policy making with respect to the indirect impacts of environmental, transport, and housing policy (GC7 para.13).

Thirdly, with respect to CRC (Art.6) and life and development GC7 acknowledges early childhood as a time of particular vulnerabilities. The Comment identifies specific threats to positive development from the physical effects of preventable malnutrition and disease to the detrimental psychosocial impacts of neglect and abuse. Measures to address these vulnerabilities, for example, in relation to improving peri-natal care, reducing infant mortality, and general steps to improve child well-being are called for. The question of well-being is considered holistically encompassing both the physical and psychosocial development of the child. GC7 again emphasises the interdependence of rights in relation to well-being and development through the implementation of the rights: to health; to education & play; and to social security (GC7 para.10).

Lastly, we consider specifically the right to express a view and to have those views given serious consideration. GC7 reinforces this principle and

General Comment 7

Implementing Child Rights in Early Childhood

YOUNG CHILDREN AS ACTIVE SOCIAL PARTICIPANTS

identifies the young child as “*an active participant in the promotion, protection, and monitoring of their rights*”(GC7 para.14). Discriminatory views of young children denied voice and agency on the basis of age and immaturity, as incompetent and empty vessels passively subject to socialisation processes, and as undeveloped and in need of training, are rejected. The Comment also points to the multiple languages or paths of communication that are available to children and to adults either willing or able to listen. It is argued therefore, that young children are able to communicate many thoughts, feelings and wishes long before verbal or written forms of language are available to them. In facilitating that communication GC7 calls on States to develop policy that allows for appropriate consultation with young children; that encourage families and caregivers to anchor the child’s view in their activities; and that trains parents, professionals and other authorities in facilitating that participation.

The conflict between adult attitudes and childhood capabilities is addressed in GC7 with respect to the notion of the “*evolving capacities*” of the child as identified in the CRC (Art.5). Evolving Capacities are referred to as “*the process of maturation and learning whereby children progressively acquire knowledge, competencies and understanding*”. GC7 is very clear on the interpretation of this article in relation to young children. Evolving Capacities is an “*enabling principle*” requiring parents, caregivers and professionals, with appropriate State support, to adjust levels of direction, guidance and control, with respect to the child’s emerging interests, wishes, and capacity for autonomous decision making. Evolving Capacities are not an endorsement of authoritarian practices which restrict autonomy and self-expression justified by appeals to the incompetence and immaturity of children or the need for socialisation (GC7 para.17).

In essence GC7 embraces the notion of the young child no longer powerless, voiceless or invisible, but as a positive participating social actor, actively “*being*” in the here and now rather than solely as a “*becoming*” for the future (GC7 para.14).

IMPLEMENTATION :: With regards to the care and protection of young children GC7 focuses on parental/caregiver responsibilities and the States’ obligation to support those caring environments. In this regard the Comment restates the CRC definition of family as the “*fundamental group*” and the “*natural environment*” for growth and well-being but

recognises that the concept of family extends well beyond the “*nuclear*” model. Parents and caregivers are identified as principal actors in the construction of identity and the development of skills, knowledge and behaviours, and as duty-bearers in the realisation of the young child’s rights (GC7 para.15). States are therefore reminded of their obligation to support these caregiving environments and their facilitation of child participation.

On health, in addition to provisions such as sanitation, immunisation, and clean drinking water, GC7 calls for age-appropriate health education for young children allowing them to participate actively in healthy lifestyles and ultimately in the realisation of their own right to health (GC7 para.27). With respect to social security GC7 (para.26) refers to CRC (Art.27) and the entitlement to a standard of living adequate to the “*physical, mental, spiritual, moral and social development*”.

On education GC7 reiterates the aims of education expressed in General Comment 1 (GC1), to “*empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence*” (GC1 para.2). Human rights education which facilitates the young child’s practice of rights and responsibilities making them active participants in the realisation of their rights is called for (GC7 para.28).

In meeting these obligations GC7 calls on States to implement properly resourced, human rights based, coordinated strategies and training, which set professional standards for age-appropriate practice.

SUMMARY :: GC7 has been drafted to reflect the concept of child participation as a cross-cutting issue. As such, the emerging vision, which runs like a golden thread through the whole document, is one of an actively participating and socially competent young child. This young child is ecologically situated: within family and caregiving environments; in relationships with peers; as part of a community; and as a member of society. This young child is to be considered holistically: as a being whose emotional, social physical and cognitive capacities are evolving in various social & cultural settings. GC7 presents a vision of the young child which embraces holistic and ecological considerations and requires us to reconsider young, active, participant children in the broadest possible sense, both as individuals and as a constituency.