

## Committee on the Rights of the Child

Day of General Discussion on  
"Implementing child rights in early childhood"

Geneva, 17<sup>th</sup> September 2004

### **Written contribution of the German League for the Child (Deutsche Liga für das Kind)**

#### **Introduction**

From birth children are independent subjects and bearers of their own rights. It is vital to them that their basic needs in respect to physical, cognitive, emotional and social development be satisfied. The term „children’s well-being“ summarizes these basic needs and derives from the conception of the human dignity and human rights of the child.

Among the basic needs of children are the need for continuous nurturing relationships; physical protection and safety; experiences tailored to individual differences; developmentally appropriate experiences; limit setting and structure; stable, supportive communities; and the need to protect the future for the humankind (Brazelton and Greenspan 2000).

Children need parents who take care of them and who render appropriate assistance and guidance in their children’s exercise of their rights in a manner consistent with their evolving capacity. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

Children need an encouraging environment for their development – an environment where they feel accepted and cherished and where they are able to develop their potential skills. Love of children lies at the root of a society’s future.

Early childhood is a crucial period for the entire life. Deficiencies and missed opportunities during these early years can only with enormous efforts – if at all - be made up at later stages of life. A good start is the prerequisite for a child’s health, well-being and success later in life.

The United Nations’ Convention on the Rights of the Child and its Optional Protocols are the most important binding set of international legal standards for the protection and well-being of the world’s children. At the 2002 World Summit for Children in New York the General Assembly officially adopted the International Plan of Action "A World fit for Children". It specifies a number of important goals, strategies and actions by means of which the UN Convention on the Rights of Children can be implemented in the next few years. Consideration and further development of these two international instruments are of outstanding significance in an increasingly

globalized world. The well-being of each child and the well-being of all children are becoming more and more intertwined.

## **Recommendations**

### **(1) on article 6 (right to life and development)**

In order to ensure to the maximum extent possible the survival and development of children early childhood has to be taken into account as a period in life which is particularly sensitive and crucial for a child's development. Therefore, it is necessary to work out concepts and programmes on both national and international levels.

In the International Plan of Action "A World Fit for Children", the States commit themselves to "Development and implementation of national early childhood development policies and programmes to ensure the enhancement of children's physical, social, emotional, mental and cognitive development" (paragraph 36e).

The German League for the Child recommends the Committee to make the following request to the States:

**In their periodic reports issued in accordance with article 44 of the UN Convention on the Rights of the Child, the States Parties should specify which concepts and programmes concerning early childhood they have developed and what progress has been made in implementing them. They should indicate factors and difficulties, if any, which prevent them from implementing the actions or reaching the goals to be achieved.**

### **(2) on article 18 (responsibility for the well-being of the child)**

Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. In carrying out their child-rearing responsibilities parents need to be supported by the community.

Establishing and further developing quality-controlled day care facilities for children is an important way to support working parents in particular. These child care facilities should be developed according to the needs and financial resources of families. Provided that relationships are emotionally stable children may benefit from day care facilities even in their first years of life. Such facilities can serve as a complement to the family's upbringing, education and care by orienting their activity towards the child's well-being.

The German League for the Child recommends that the Committee proposes the amendment of article 18, paragraph 2 and 3 of the UN Convention on the Rights of the Child as follows (amendments are underlined):

**Article 18 (2): For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the upbringing, education and care of children.**

**Article 18 (3): States Parties shall take all appropriate measures to ensure that children of working parents in particular have the right to benefit from services and facilities for the upbringing, education and care of children for which they are eligible.**

### **(3) on article 24 (health care)**

Among the basic rights of all children is the highest attainable standard of health. Each society that wishes to be prepared for the future is urgently dependent on the health of its children. According to the definition of the World Health Organization (WHO) health denotes "a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity".

In numerous countries the spread of life-threatening diseases has been contained over the last few years. In their place, however, new menaces to health have emerged: diseases which do not reduce life-expectancy but seriously affect children's quality of life and their potential of a sound development. Among these "new childhood diseases" there are in particular early disturbances of the parent-child-relationship and of interpersonal relationships as well as regulation disorders (e.g. excessive crying, sleep and feeding disorders); there are chronic illnesses (e.g. neurodermatitis, asthma), psychosomatic and environmentally induced illnesses (e.g. allergies, respiratory diseases), lack of physical activity and being overweight; disorders of (language-) development and behaviour as well as psychosocial dysfunction. All of these are caused by an unfavourable combination of constitutional factors, adverse behaviour with respect to health, lack of information and disadvantageous living conditions. The resulting consequences, especially for children during their first years of life, are manifold and complex. Hence children are affected in their physical, mental and cognitive well-being and health.

The German League for the Child recommends that the Committee proposes the amendment of article 24, paragraph 1 of the UN Convention on the Rights of the Child as follows (amendments are underlined):

**Article 24 (1): States Parties recognize the right of the child to the enjoyment of the highest attainable standard of physical, mental and cognitive health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.**

### **(4) on article 28 (education)**

Education starts with birth and equally comprises emotional, social and cognitive processes of learning. Particularly the first years of a child's life are sensitive periods in which development and learning take place. These sensitive periods should not remain unused since they do not recur any more at later stages.

At the 2002 World Summit for Children in New York the States committed themselves to "expand and improve comprehensive early childhood care and education, for girls and boys, especially for the most vulnerable and disadvantaged children" (paragraph 39a).

The success of early-childhood facilities and services for the upbringing, education and care of children is narrowly connected with the introduction of quality standards and their evaluation.

At the 2002 World Summit for Children in New York, the States therefore committed themselves to "develop and implement special strategies for improving the quality of education and meeting the learning needs of all" (paragraph 40,6).

The German League for the Child recommends that the Committee proposes the amendment of article 28, paragraph 1 of the UN Convention on the Rights of the Child as follows (amendments are underlined):

**Article 28 (1): States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:**

**a) make available facilities of upbringing, education and care of children in their first years of life. These facilities shall be tailored to the needs of this age group and shall be available and accessible to every child. The States Parties shall take appropriate measures such as providing services free of charge and offering financial assistance in case of need;**

**(...)**

**g) define binding quality standards for all educational institutions according to established methods and take appropriate measures to evaluate and improve the quality of the institutions regularly.**

### **The German League for the Child**

The German League for the Child, which was founded in 1977, is a nationwide interdisciplinary network of numerous associations and organizations concerned with topics of early childhood (age 0-6 years). Among the over 250 member organizations are scientific societies; pediatric- and child psychological associations; family- and youth welfare associations; and service clubs.

It is the aim of the League to promote mental health and psychosocial well-being of children and to enhance their rights and potentials of development in all spheres of life. The League is – among other functions – a member of the “National Coalition for the Implementation of the UN Convention on the Rights of the Child in Germany” and of the “World Association for Infant Mental Health” (WAIMH).

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### **References**

A World Fit for Children (2002). The outcome document of the Special Session. New York

Brazelton, T Berry and Greenspan, Stanley (2000). The Irreducible Needs of Children. What Every Child Must Have to Grow, Learn and Flourish. Perseus Books, New York

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## Appendix

Recommendations of the German League for the Child to the Committee on the Rights of the Child on the occasion of the Day of General Discussion on "Implementing child rights in early childhood", Geneva, 17 September 2004

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On article 6:

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On article 18:

The German League for the Child recommends that the Committee proposes the amendment of article 18, paragraph 2 and 3 of the UN Convention on the Rights of the Child as follows (amendments are underlined):

**Article 18 (2): For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the upbringing, education and care of children.**

**Article 18 (3): States Parties shall take all appropriate measures to ensure that children of working parents in particular have the right to benefit from services and facilities for the upbringing, education and care of children for which they are eligible.**

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On article 28:

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**a) make available facilities of upbringing, education and care of children in their first years of life. These facilities shall be tailored to the needs of this age group and shall be available and accessible to every child. The States Parties shall take appropriate**

measures such as providing services free of charge and offering financial assistance in case of need;

(...)

g) define binding quality standards for all educational institutions according to established methods and take appropriate measures to evaluate and improve the quality of the institutions regularly.