Policy and Pedagogy with Under-three Year Olds:
Cross-disciplinary Insights and Innovations 4

Frances Press
Sandra Cheeseman *Editors*

(Re)conceptualising Children's Rights in Infant-Toddler Care and Education

Transnational Conversations

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Policy and Pedagogy with Under-three Year Olds: Cross-disciplinary Insights and Innovations

Volume 4

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The last two decades have witnessed an explosion of research that links traditional child development knowledge on optimal development of very young children to insights from a range of other disciplines, including neurological science, early childhood pedagogy, health studies and critical psychology. At the same time growing numbers of children in the Western world are spending significant periods of their earliest years beyond the traditional domain of the home, creating a new reality of shared education and care that draws across disciplines in expounding a pedagogical encounter with the very young. This series aims to bring together the range of contemporary theoretical, methodological, disciplinary and creative approaches to understanding this new reality for very young children in group-based infant and toddler settings. It will generate texts that incorporate comprehensive state of the art reviews of research to inform policy and pedagogy as well as promote and provoke innovative directions across disciplines. By bringing different disciplines to bear on the educational experience of the very young, this series will showcase new methodologies and theoretical approaches to understanding the very early years of life, pose theoretical challenges as well as opportunities, and assert the importance of multiple and dynamic perspectives.

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Foreword

This book is dedicated to my dear friend and colleague, the late Associate Professor June Wangmann. Throughout her long career, June was a teacher, teacher educator, and mentor to thousands of early childhood educators. But above all, June was a fierce and highly effective advocate for each and every child's right to high quality early childhood care and education (ECEC) in Australia and beyond. Therefore, it is fitting that a groundbreaking exploration of the rights of infants and toddlers be dedicated to June. Even before the United Nations Convention on the Rights of the Child (UNCRC), June understood that children's rights begin at birth and must not only be acknowledged but acted upon. She did not need the imprimatur of the UNCRC to propel her activism, but it did give her a larger platform from which to articulate her stance.

It is a privilege to be asked by the editors, who were also dear friends of June, to contribute to this volume. As a citizen of the United States of America—the only country in the world that has failed to ratify the United Nations Convention—I am humiliated but also humbled by this honor. Resistance to the UNCRC in the USA reveals several fundamental principles inherent in the concept of *granting* rights. Opposition has been largely political, including the unfounded notions that ratifying the UNCRC might lead to giving children more rights than their parents or threatening religious freedoms. These are gross misrepresentations of the UNCRC, but no less effective. Opponents recognized that with rights come responsibilities and accountability. If children have the right to early education and childcare, for example, then the State has the responsibility to provide it. Thus, implications for both politics and policy have contributed to the failure of the USA to ratify the UNCRC—an unfortunate threat to the welfare of children in a country that prides itself on its Constitutional Bill of Rights.

The Context of This Book

Respect for children and acknowledgment of their rights are not new concepts for early childhood educators. What is new in the UNCRC is the emphasis on policy that has the potential to strengthen its impact despite the fact that implementation remains difficult and varies widely, as described in this book (Chap. 3 [Pardo and Jadue-Roa]; Chap. 9 [Recchia et al.]).

Recognition of children's rights in the field of early childhood education predates the 30-year-old Convention, notably by the Reggio Emilia approach to early childhood education (Edwards et al., 1998). The foundation of the Reggio Emilia approach is the Image of the Child as "rich in resources, strong, and competent," requiring that children be seen as individuals with *rights* not just needs (Rinaldi, 1998, p. 114). Furthermore, this emphasis on rights requires that children be given opportunities to reach their full potential. In Reggio Emilia, children who are elsewhere designated as having disabilities or special needs are considered "children with special rights," terminology that transforms not only their image but also the opportunities they must be afforded (Acton, 1993). It is an understatement to say that the schools in Reggio Emilia, Italy, are internationally recognized and highly influential. For decades, encounters with the Reggio Emilia approach have challenged the thinking of early childhood educators throughout the world. The schools have flourished in Reggio because of public policies and funding (Spaggiari, 1998). They are widely supported by families and the community who tend to share the cultural values at the heart of the philosophy. This system of early childhood education clearly reflects its social, cultural, political, and historical context.

While much has been written about children as citizens with rights (Hall & Rudkin, 2011; Howe & Covell, 2005), this book explores new ground by focusing on the rights of infants and toddlers. It explores how the rights of children in the first years of life are conceptualized and reconceptualized in countries throughout the world and from diverse cultural perspectives. Authors address pressing questions such as: How does recognition of the rights of children under age two transform their lived experiences in childcare and early childhood education programs? How can teacher educators prepare future teachers to implement a rights-based infant-toddler program and necessarily change students' preconceived notions of the competence of very young children? How is a rights orientation instantiated in policy such as quality standards or national curriculum? Not surprisingly, the conclusions reached from research by an international array of scholars reflect the cultural contexts in which they live and study.

From their different contexts, the authors in this book tackle defining the concept of rights for the unique population of children under two. Of greatest value to practitioners, authors describe specific teaching practices that respect and support babies' rights. They illustrate how infants and toddlers would experience a world in which they are understood as individuals, their point of view is respected, and they have agency. Typical descriptions of high-quality programs, whether in standards or curriculum, are teacher-centric. They state what teachers should do to help children

reach specific goals. By contrast, reconceptualizing a program from the perspective of children's rights requires analyzing experiences from the child's point of view, and then identifying the implications for adult interactions and the curriculum. (Examples abound in Chaps. 2 [Long], 4 [Salamon and Palaiologou], 5 [Cheeseman et al.], and 7 [Degotardi and Han], 11 [Malcolm]).

Over the last 40 years, two intersecting trends have characterized the early childhood field. The first is the exponential increase in research about child development and learning beginning at birth and its implications for practice (Center on the Developing Child at Harvard University, 2016a, b; National Academies of Sciences, Engineering, and Medicine [NASEM], 2015, 2018). This expanded knowledge base has contributed to a sense of increasing *certainty* about effective pedagogy and policy. At the same time, an ever-expanding understanding and recognition of the fundamental impact of sociocultural, political, and historical contexts in the lives and experiences of children has occurred. So while knowledge of babies' development contributes to increased confidence in making decisions about what is in their best interests, awareness of the role that children's cultural worlds play reveals contradictions and displaces all certainties. In fact, it calls into question the veracity and applicability of the research itself given that it reflects a cultural point of view, most often a Eurocentric one (National Association for the Education of Young Children [NAEYC], 2019, 2020).

For me, these two intersecting themes converge in this book. First, its conceptualization of children's rights aligns with and reinforces the current science of child development. The second theme is a more cautionary one. A call to recognize, respect, and act on infant and toddler rights must consider how sociocultural contexts and uneven power and privilege influence all human development and experience.

The Science of Child Development and the Rights of Infants and Toddlers

The UNCRC identifies four principles of young children's rights: survival, protection, development, and participation. The right to have one's basic survival, health, and nutrition needs met—and to be protected from harm and abuse of all kinds—seems self-evident. However, ample evidence now reveals just how critical these rights are for infants and toddlers. We know that early experiences, particularly during the first 3 years of life, shape brain architecture (National Scientific Council on the Developing Child, 2020). Similarly, considerable research identifies toxic stress as the biggest threat to children's developing brains. Toxic stress occurs when children experience intense, frequent, and/or prolonged anxiety, such as abuse, neglect, violence, or economic deprivation (National Scientific Council on the Developing Child, 2014). Such prolonged stress can impair brain growth and have lasting negative consequences for physical and mental health.

Children's development and participation rights have long been valued in early childhood education, especially the right to play and self-initiate activity. But a continually growing body of research adds further support. For example, these rights have the potential to mitigate toxic stress because we know that resilience can be built. Again, the building blocks align with children's rights. They include (Center on the Developing Child at Harvard University, 2017):

1. Supportive relationships with at least one adult (generally a parent but may also be a teacher or caregiver)
2. Opportunities to strengthen adaptive skills and self-regulatory capacities
3. A sense of self-efficacy and perceived control
4. Connections to faith, hope, and cultural traditions

Several chapters in this book beautifully describe infants and toddlers exercising their rights to participation. The child-centric role in participation, sometimes called *serve and return*, is key to building brain architecture (Center on the Developing Child at Harvard University, n.d.). Just as in a game of tennis, serve and return refers to the back-and-forth interaction between a caregiving adult and a child, in which each response is contingent upon the response of the partner. The critical factor, however, is that the baby *serves*—that is, initiates the interaction or game, so to speak. And the adult *returns serve* by watching, listening, interpreting, and responding to the child's communication. In addition, the *point* ends when the baby loses interest and turns her attention to something else. In other words, just like the server in a game of tennis, the infant has the advantage and can hold serve. Participating in serve and return not only builds communication and social skills, but is especially valuable for promoting agency and self-efficacy. Of course, its success depends on adults' respect and responsiveness to infant and toddler initiative.

Fundamentally, development and participation rights for infants and toddlers require that adults learn to experience the world from the child's point of view. This book provides numerous examples and tools to do just that. They require that we respect even the youngest infant as a unique human being. We are challenged to trust babies' competence to engage in uninterrupted play, exploration, and learning, and to involve them in care routines. Actualization of babies' rights depends on adults' observing, listening, and sensitively responding to babies' communications and actions.

Children's Rights in Social and Cultural Contexts

The second theme I identified is that this book is a powerful reminder of the role of sociocultural contexts in development and learning. Like every aspect of human existence, infant and toddler development, and therefore their rights and experiences, occur in and are influenced by social, cultural, political, and historical contexts. A counter example to the premise of this book is an anthropological review of 200 cultures (over time) that identified some cultural groups that do not even

consider babies to be persons until they reach a certain age or have had a particular experience (Lancy, 2013). Similarly, dominant theories and assumptions have been challenged by research. For example, attachment theory and the privileging of individualism over collectivism are not universal *norms* (Iruka et al., 2020; Keller & Otto, 2013). Clearly, what is often considered high-quality ECEC reflects Eurocentric cultural values and research. Infants' and toddlers' right to participate, to play, to initiate and exercise agency, needs to be considered not only in relation to their capacities but also to expectations for behavior in their cultural world.

Also described in the chapter on toddler classrooms in India (Chap. 10 [Palkhiwala and Mevawalla]), contradictions often arise between what is presumably known about high quality, developmentally appropriate practice for young children, and the expectations and adaptive behaviors in their cultural contexts. In short, what is *appropriate* is always culturally defined. Navigating the inevitable tensions that arise requires adopting a posture of cultural humility. It requires listening and learning—the same behaviors necessary for working effectively with babies and toddlers.

Reading this book has caused me to reflect on my own professional journey. For more than 40 years, my work has focused on improving the quality of early childhood education by advocating for developmentally appropriate practices for children from birth through age 8 (Bredekamp, 1987; Bredekamp & Copple, 1997; Copple & Bredekamp, 2009). While employed by the NAEYC in Washington, DC, my work involved developing guidelines for developmentally appropriate practice (DAP) as well as an accreditation system. The NAEYC has revised its position statement on DAP every 10 years since 1987, with the fourth revision being released in November 2020 (NAEYC, 2020).

Each iteration of the statement is designed to reflect current knowledge about child development and learning, and to address specific issues and challenges facing the field at the time. Regularly updating such guidelines is essential given the rapidly expanding research base (NASEM, 2015, 2018). On the one hand, the DAP documents have been embraced and found to be helpful in improving the quality of programs. On the other hand, they have been subject to widespread, legitimate criticism from the outset (Dahlberg et al., 1999; Mallory & New, 1994). The most frequent critique is that these documents promulgate a Eurocentric perspective as the *norm*, with differences from this presumed norm perceived as deficits (Souto-Manning & Rabadi-Raol, 2018). Such criticism is of deep concern given the wide range of cultural, racial, and linguistic diversity in the USA. Moreover, children of color and multi-language learners are most often ill-served by educational institutions that perpetuate white privilege and power (NAEYC, 2019; Souto-Manning & Rabadi-Raol, 2018).

Relevant to children's rights, the NAEYC (2019) published *Advancing Equity in Early Childhood Education*. It states: "All children have the right to equitable learning opportunities that enable them to achieve their full potential as engaged learners and valued members of society" (para. 3). They emphasize that achieving equitable opportunities for all children requires dismantling biased systems that afford privilege and power to some and are unjust to others. Equitable does not mean the *same*

or *equal*. Equity requires adaptation: some require more, others less. In addition, equitable practices require culturally relevant education and authentic relationships with families and communities (Iruka et al., 2020).

The NAEYC 2020 statement on DAP is fully aligned with the equity statement. It explicitly calls for moving away from defining *quality* as *one* "best practice" which may foster inequities. In fact, DAP is the result of teachers making intentional decisions that consider three interrelated sources of information that must be considered in sociocultural context. First, educators should draw on current research while recognizing its limitations and potential Eurocentric biases; second, educators should consider what they learn about individual children, ensuring they identify differences as strengths rather than deficits or simply needs; and third, educators should consider the sociocultural context of children and the funds of knowledge inherent in their families. Additionally, educators must consider their own cultural perspective and implicit biases, and the cultural context of the program as a whole. Given that infant and toddler rights will always be interpreted though a cultural lens, tensions will inevitably arise among these considerations and will need to be negotiated to ensure equitable learning opportunities for all.

Conclusion

Having played a central role in these discussions for decades, I have learned several lessons. First and foremost, I have learned that it is essential to never stop learning, because what we think we know is always changing and is subject to challenge. But most of all, I have learned to listen. During the early years of my professional life, my typical response to heated criticism was to become defensive. After a while, I realized that when I am in a defensive mode, I am too busy thinking about what I am going to say to listen to what the other person is saying. As I read these chapters, I kept remembering what I learned about listening. To me, the overarching message of this book is that babies and toddlers have the right to authentic, culturally relevant experiences, and to genuinely be seen and listened to. And that educators and families have those rights as well.

This book calls on us, the *viewers*, to see, in all the meanings of the word, that babies and toddlers are competent people with rights—not just to survive and be protected but to thrive and actively participate. The first early childhood education course I ever took, many years ago, was taught by Dr. Carol Seefeldt. She became my role model and primary mentor. Of her many wise words, I vividly remember these, "Whenever you do something for children that they could do for themselves, you are *stealing* from them." If instead we are honest—seeing infants and toddlers as competent, and defining quality from a child's point of view—they are more likely to begin their educational journeys as joyful, engaged learners and citizens.

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In our work and home lives, the pandemic has brought into sharp relief existing inequalities both within and across nations. These inequalities have a profound impact upon children's lives, their daily experiences, life chances, and opportunities, and further underscore the importance of a shared commitment to the realization of children's rights.

We are grateful for the insights of the book's contributors into how the rights of infants and toddlers can be manifest in early childhood settings. For what we do in these earliest years is foundational.

Contents

Chapter 1
Conceptualising and Reconceptualising Infant-Toddler Rights in a Changing Early Childhood Landscape

Frances Press and Sandra Cheeseman

Abstract As increasing numbers of infants and toddlers attend formal early childhood education and care (ECEC) services there has been a commensurate growth in research concerning their experiences, and a growing interest in how we think about and enact their rights. This book draws together research and reflections from early childhood researchers and scholars from across the globe to consider the rights of infants and toddlers in early childhood programs. Commencing with a discussion of key developments leading to the adoption of the United Nations Convention on the Rights of the Child in 1989, this introductory chapter reminds us that the formalisation of children's rights is interwoven with the emergence of international networks and the global flow of ideas. Following, the introduction provides an overview of the particular contributions of each chapter and commentary. The book's chapters and commentaries arise from different national contexts and are informed by diverse theoretical and/or methodological paradigms. Nevertheless, they are unified by a common commitment to the actualisation of infant and toddler rights. Collectively, the book's contents explore changing understandings and manifestations of infant and toddler rights in ECEC settings.

Keywords Children's rights · Infants and toddlers · Early childhood education and care · History · Transnational · Conceptualise

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Introduction

Distinct variations in the shape and scope of early childhood programs, as well as the contextual specificity of terms that describe various stages in childhood in different national contexts, require us to explain our use of the term *infants and toddlers*. By infants and toddlers, we refer to children under 3 years of age. We are aware that, even in countries with well-developed early childhood education and care (ECEC) systems, the provision of such services for infants and toddlers is highly variable, with efforts to attain universal or widespread access in the years before school often focused upon older children. Nevertheless, there are increasing numbers of babies and very young children in formal ECEC, as well as commensurate growth in research concerning their experiences.

Similarly, while children's rights have been an important topic for scholarship, much writing to date has focused on older children and little has been written that specifically addresses questions concerning the rights of children under the age of three in early childhood programs. In addition, of the key texts that do address the rights of very young children (see, for example, Alderson, 2008), little is grounded in research.

This book contributes to filling this gap. It is concerned with the rights of infants and toddlers in early childhood programs, and it draws together research and reflections from early childhood researchers and scholars from across the globe, including contributions from or concerning Australia, Chile, England, Germany, India, Ireland, New Zealand, Scotland, the United States (US) and Finland. Its chapters and commentaries examine and explore changing understandings and manifestations of infant and toddler rights in ECEC settings. We hope this book will extend readers' understandings of rights or provoke new thinking—not only in terms of how rights are (re)conceptualised but also how the rights afforded in policy can be meaningfully translated to practice.

Throughout the book, there is a unifying commitment to the concept of children's rights and a desire to consider how these rights might be enacted for the youngest children in early childhood programs. However, beyond this shared commitment is diversity. The research, thinking and commentaries contained within this book come from a range of national and cultural contexts, and diverse theoretical perspectives. Although possibly discomfiting, we believe this adds richness.

While mindful of the limitations of telling a linear story, we commence this introductory chapter by providing an overview of key developments preceding and subsequent to the adoption of the United Nations Convention on the Rights of the Child in 1989 (hereafter, the Convention or UNCRC). This formalisation of children's rights is interwoven with the emergence of international networks and the global flow of ideas going back at least two centuries—ideas concerning the nature of human rights, the nature of childhood, the position and status of children in society, the role of the family and the state, and the role and nature of education. This history alerts us to the shifting emphases on how rights are understood, the impact of national and international dialogue and coordinated action, and the development

of ideas. In reviewing this history, we have been struck by the way in which debates that often appear as contemporary have been rehearsed in one way or another throughout this time.

In the final section of this chapter, we touch upon the various ways that the contributions to this book, and the history of research and scholarship, might provoke us to (re)consider, (re)frame, (re)conceptualise, honour and enact the rights of infants and toddlers in the contemporary landscape of ECEC.

The Convention's Antecedents

The vulnerability of children and their need for adult protection foregrounded the development of organisations and legislation that historically laid the groundwork for the UNCRC (Fass, 2011). An early example of such legislation was Britain's *Factory Act 1833,* which regulated the employment of children in textile mills. It restricted the ages children could be employed in the mills, limited children's working hours and required children to attend school for a small number of hours per week (Nardinelli, 1980). Established soon after, the Children's Employment Commission (1840–1842) investigated the ages and conditions of children working in coal mines. The resultant *Mines and Collieries Act 1842* prevented boys aged under 10, and all girls, from being employed in coal mines and reduced children's working hours (Lahiri-Dutt, 2020).

While such legislation was significant, equally so was the public attitude it represented. The industrial revolution was dependant on child labour and there were many who argued against the need for, or indeed benefit of, interventions designed to protect working children. However, as the conditions in which children worked became widely known through reports such as those produced by the Children's Employment Commission, public sentiment was stirred by humanitarian impulses—not only to protect children from inhumane and arduous working conditions, but also to seek to "'bring all the labouring children … within the reach and opportunities in education'" (Lord Ashley, as cited in Heesom, 1981, p. 81). Such concerns were not confined to Britain, and similar movements were evident throughout Europe and the US (Fass, 2011). From this time on, attention to matters concerning child welfare increased, facilitated through the formation of international congresses and networks that provided forums for international dialogue (Moody, 2015). These networks, in turn, were instrumental in supporting the development of national policies related to children's education, health and welfare.

By the early twentieth century, a discourse of children's *rights* was emerging. In 1909, Swedish author and teacher Ellen Key published *The Century of the Child.* Key called for specific rights for children, appealing to parents and society as a whole to take responsibility for children's quality of life. According to Macinai (2016), the following three principles were central to Key's "nascent culture of children's rights" (p. 73): first, the child's right to be loved; second, the child's right to choose his/her own parents; and third, the child's right to be naughty. Key argued

that married couples needed to think seriously about their responsibilities to children before starting a family, that children had a right to a family that properly cared for them, and that children had a right "to be left to the dangers and joys of naughtiness" (Key, 1909, as cited in Macinai, 2016, p. 78). For Key, naughtiness was a judgement made by adults upon children who exercise their own free will rather than obey adults (Macinai, 2016).

Less than a decade later, a radical, emancipatory view of children's rights was embodied in the draft Moscow Declaration on the Rights of the Child in 1918. This attempt to articulate and formalise children's rights included their right to choose their closest educators, to secede from their parents "if they reveal themselves as bad educators" (Liebel, 2016, p. 6) and to free association (Liebel, 2016). The Moscow Declaration was not adopted, but a significant inroad toward international cooperation and action for children came shortly after, in 1919, with the formation of the International Labour Organization (ILO). The ILO successfully adopted the first legally binding international treaty to regulate child labour (Fass, 2011; League of Nations, 1920).

The Geneva Declaration of the Rights of the Child (1924)

The ILO (established in 1919), the newly formed League of Nations (established in 1919) and the Save the Children International Union (established in 1920) all played a crucial role in harnessing the international cooperation and action required to successfully reach the next milestone in the formalisation of children's rights, the 1924 Geneva Declaration of the Rights of the Child (Coppock & Phillips, 2013; Kerber-Ganse, 2015). Instigated by Englantyne Jebb and the Save the Children International Union, the adoption of the Geneva Declaration by the League of Nations was triggered by the need for international intervention on behalf of the millions of children who were left orphaned, hungry and displaced following the devastation of World War I. Despite the evident desperation of these children, Moody (2015) argues that their plight was not sufficient in itself to result in such an agreement. Rather, the formation and work of international networks and organisations focused on questions of human rights and the promotion of peace were pivotal to the Geneva Declaration's realisation.

The Geneva Declaration made a moral appeal to governments to meet "the minimum requirements of mankind for its children" (Englantyne Jebb, 1929, as cited in Kerber-Ganse, 2015, p. 278), and its driving force was the protection of children. The first human rights document to be adopted by an international, intergovernmental body, the Geneva Declaration's framing of children's rights emphasised adult responsibilities to children. Echoing the tenor of some present-day debates,

Englantyne Jebb's contemporary, Polish pedagogue Janusz Korczak,[1] called for a greater emphasis on children's participation rights. He argued that the "child's primary and irrefutable right is the right to voice his thoughts, to active participation in our considerations and verdicts concerning him" (Korczak, 1919, as cited in Gawlicz & Starnawski, 2018, p. 202). Although Korczak supported the Geneva Declaration, he was critical of its appeal to goodwill, advocating instead for a Magna Carter of children's rights. In later writing, *The Child's Right to Respect* (1929), Korczak also articulated his opposition to the corporal punishment of children (Council of Europe Commissioner for Children's Rights, 2009).

The Geneva Declaration was a significant international statement of principle but it was not a treaty. It did not define the rights and obligations of government signatories; therefore, it did not *entitle* children to rights. However, the devastation of yet another world war consolidated and renewed international efforts to protect and provide for children. Once again, international networks provided platforms for action (Moody, 2015).

Reframing Rights: The Declaration of the Rights of the Child (1959)

In the midst of World War II, the Inter-allied Conference of Educational Experts developed the *Children's Charter for the Post-War World.* This statement comprised six "basic and minimum rights of children to be secured and guarded, above and beyond, all considerations of sex, race, nationality, creed or social position" (as cited in Veerman, 1992, p. 456). This was followed in 1945 by a call from the ILO for the adoption of a Children's Charter:

> the permanent need is 'for coordinated measures to insure for all children normal and healthy conditions of life which favor the full development of their talents and aptitudes and permit them to develop into workers enjoying equality of opportunity on their entering into employment'. (Goodrich, 1945, p. 435)

Against this background, an early action of the newly formed United Nations (UN) (the organisation that superseded the League of Nations in 1945) was to consult on the question of whether to "reaffirm the Declaration of Geneva or adapt it, creating a United Nations Charter on the Rights of the Child" (Moody, 2015, p. 21). This eventually led to the adoption of the Declaration of the Rights of the Child in 1959. Unlike the Geneva Declaration—which had been drafted by a non-government organisation (Save the Children Fund International) and then adopted by the League of Nations—the 1959 Declaration was a formal document of the UN. Bringing the

[1] Korczak's commitment to children was profound. In 1942, during World War II, Korczak, the staff and the children from the Warsaw orphanage he ran were transported to the Treblinka extermination camp. Korczak was purportedly offered the chance to escape but he refused, insisting that his place was with the children.

Declaration into the normative framework of the UN lay the groundwork for the development of the UNCRC some 20 years later (Moody, 2015).

The United Nations International Year of the Child (1979)

To mark the 20th anniversary of the Declaration of the Rights of the Child, the UN declared 1979 to be the International Year of the Child. Importantly, the International Year of the Child commenced the 10-year process that led to the adoption of the UNCRC, spurred on by the submission of a draft Convention by the Polish Government in the preceding year (Lindkvist, 2019). Over the subsequent decade, a working group that included member states of the Commission on Human Rights, and organisations such as UNICEF, collaborated on drafting the Convention.

By this time, the discourse of children's liberation had gained greater currency (Lindkvist, 2019). In 1971, Mendel's *Decolonizing the Child* argued that children were a social class (Moody, 2015). In 1976, *The New York Times* declared that children were "'the last minority' in the human rights movement" (Margolin, 1978). Although not all children's rights advocates were supporters of children's liberation, such debates reinforced considerations of children's fundamental freedoms in children's rights discourse.

A parameter established for the drafting of the Convention was that it should be the product of consensus (albeit adult consensus). In their account of the dialogue and debates evident in the drafting of the UNCRC, Quennerstedt et al. (2018) highlight the diverse perspectives that were brought to bear in its development—perspectives that were often in tension. The debates and discussions that took place during the following 10-year negotiations resulted in a significant shift toward the Convention encompassing civil and political rights as well as children's right to protection and the fulfilment of their basic material needs (Quennerstedt et al., 2018).

The United Nations Convention on the Rights of the Child (1989)

The UNCRC was adopted in 1989 with almost universal ratification. The multifarious and interrelated rights contained within the Convention afford children rights to protection, provision and participation. *Provision* rights refer to those "goods, services and resources" necessary for children's survival; *protection* rights guard children from "abuse, neglect, exploitation and discrimination", and *participation* rights offer children the opportunity to be active contributing "members of their family, community and society" (Alderson, 2008, p. 17).

While there is widespread agreement that children have rights, evidenced by the Convention's near universal ratification, the enactment of children's rights can be

complex and contested. For those working within ECEC contexts, honouring children's rights involves negotiating the boundary between adult responsibility and children's agency, and between collective and individual rights. Enacting young children's rights necessitates that adults be alert and attuned to the competence, capacities and agency of the very young as well as their dependence and vulnerability.

About this Book

In this book, researchers and scholars from a range of backgrounds and cultural contexts draw upon their research to consider how the rights of infants and toddlers can be manifest within the context of ECEC. In inviting contributions, we not only wanted to present research from different national contexts, we wanted to present a range of perspectives and create a sense of cross-national dialogue. To this end, we invited commentary on paired chapters[2] from early childhood academics from outside the cultural context in which the research was based. It is evident from the history of the UNCRC that international dialogue and joint action has been critical to the development of recognition of children's rights. We see this book as a continuation of this tradition—it is an attempt to foster reflection and dialogue across borders, cultural contexts, and disciplines and theoretical paradigms. We hope that this book will help readers reflect upon and illuminate the assumptions that inform decisions and actions, and to be provoked to consider alternative perspectives.

Affirming and enacting the rights of infants and toddlers requires adults to recognise and respond to children's vulnerability, and their need for care, protection and nurturing, while also recognising and respecting their autonomy. The complexity involved in striking this balance is evident throughout the history of children's rights—with the conceptual expansion of rights from those focused primarily on protection and provision, to encompass the rights of children as citizens and agents. Grappling with these questions also requires us to be conscious of our own images and positioning of children and also, perhaps, to become aware of the potential fluidity of our views as we seek to navigate various boundaries and "the disparate perceptions of children as rights holders" (Quennerstedt et al., 2018, p. 54). Arguably, this is particularly acute in relation to infants and toddlers because of their dependence on adults for the realisation of many of their rights.

Much of this chapter has explored the historical developments and debates that eventuated in the development and codification of children's rights in the UNCRC. Thus, it may seem incongruous to open the book with a foreword by Sue Bredekamp, an author located in a country that is one of the few nations that is not a UNCRC signatory. This decision partly rests in our personal journeys. During the

[2] Chapters 11 and 13 are the exception to the paired chapter commentaries: Chap. 11 concludes with Wren's commentary, while James's commentary pertains only to Chap. 13.

editing of this book, June Wangmann, a very dear friend and colleague to us both, died. June was a mentor to many in the early childhood sector and during her life was a fierce advocate for improving the quality of Australian ECEC. June made it clear that children's experiences in ECEC matter, and she worked tirelessly as an academic, community leader, senior public servant and board member to ensure that the quality of early childhood programs improved. This was a passion and commitment June shared with Sue Bredekamp. June and Sue forged a strong and enduring friendship as they worked in their different national contexts to change the early childhood landscape and so, in part, Sue's foreword also serves as our tribute to June.

The US, Bredekamp's home country, has to date refused to become a party to the Convention. This refusal reminds us that rights are hard won. They cannot be taken for granted. As Bredekamp's foreword shows, the recognition and enactment of rights, although supported by the UNCRC, also rest outside it, manifest in personal, organisational and communal commitments and actions. Bredekamp's contribution also highlights the ways our understandings of how we enact rights shifts and changes, in response to new knowledge and understanding, changing contexts and, often, challenges to our taken-for-granted assumptions.

Even when children are recognised as rights holders in public policy, the journey from recognition to enactment is not assured. Both Long (Chap. 2), and Pardo and Jadue-Roa (Chap. 3), highlight the role of ECEC educators as duty-bearers in relation to the UNCRC and emphasise the necessity of attention to children's rights in teacher preparation programs. Beyond becoming familiar with the Convention as a rights document, students need support to grapple with the complexities of rights and the reality of uncertainty. How to positively enact and honour the rights of all children? How to determine the right course of action when rights are perceived to be violated? Mitchell's accompanying commentary alerts us to the tension between collectivism and individualism in such considerations.

Nevertheless, the rights of very young children to protection, and provision of the services and infrastructure needed for their healthy development, are relatively uncontested (albeit not universally honoured). The right of very young children to participate is widely acknowledged, but is perhaps more fraught. Much scholarship on children's rights in early childhood programs focuses upon children's right to participate in the decisions that affect their lives and thus upon children's *voice*. Many of the chapters in this book focus upon this right, addressing some of the challenges that can surround facilitating the participatory rights of infants and toddlers, in a meaningful way. Salamon and Palaiologou's contribution (Chap. 7) causes us to pause and consider the asymmetries of children's participation rights—especially in relation to the very young. The quest for young children's participation is reliant upon adult action and interpretation in ways that may render their genuine participation illusory. Instead, Salamon and Palaiologou advocate for ethical praxis. Ethical praxis emphasises permeability—the capacity of the educator to relate to and be emotionally responsive to infants' and toddlers' lived experiences. Such praxis takes into account infants' and toddlers' developmental capabilities, acknowledges their agency and values emotional responsiveness.

Further to this examination of the potential of the notion of praxis, Cheeseman, Press and Sumsion (Chap. 7) invite a closer look at infants' participation in curriculum. A relatively new phenomenon to the ECEC arena, the formalising of curriculum documents and the inclusion of the youngest children has had little examination from the perspective of infants. Honouring the right of infants to have a say in their learning cannot be simply assumed to happen. A reconceptualising of the curriculum encounter is required to notice and foster the subtle and often overlooked invitations that infants contribute to express their learning desires and interests. Reconceptualising Shier's (2001) framework for participation can help to illuminate the hidden, silenced and easily overlooked opportunities for greater participation rights of infants in the curriculum encounter.

As Rutanen and Sevón observe in their commentary on these two chapters, new vocabularies can help us to better understand the participation rights of very young children and embrace the uncertainties, unpredictability and responsiveness that are inherent in working with infants and toddlers. They propose that, together, the ideas of *ethical praxis* (Salamon and Palaiologou) and *encounter* (Cheeseman, Press and Sumsion) provide powerful insights into how adults can better understand their role in the participatory relationship. Rutanen and Sevón challenge us to think about the future of early childhood teacher education programs, and how well we honour the agency and leadership capabilities of the youngest children in our work with emerging teachers.

A number of chapters in the book address issues concerning communication. The reliance on language as the premise for expressing views privileges the verbally capable. When children do not utter readily recognisable words, this presents specific challenges. Tures's chapter (Chap. 8) directly addresses language development, recognising the importance of children's language in the realisation of their rights in the present and in the future. Tures's research underscores the need for a sociocultural approach to children's language development to support "children to make sense of the world and to think through practices that are mediated through language" (p. 88). The findings from Tures's research emphasise the need for sensitivity and attunement on the part of educators, and respect for what the child brings, including their topics and interests. Tures advocates a dialogic approach to language development, which requires educators to step back while children take the lead—when this happens, children's agency is also at work. Language programs that rely on adult-chosen vocabulary banks fail to afford children their right to express their views and perspectives or pursue their own interests. Not all things well intended by adults can be considered in the best interest of the child.

Degotardi and Han (Chap. 9), too, recognise the dialogic nature of children's language development, and they emphasise the role of language "in the socialisation of children as knowers and thinkers" (p. 101). For Degotardi and Han, agency is both cognitive and motivational. Recognition of children as agentic thus entails interacting with them as knowers and thinkers, and this may require a conscious shift in educators' attunement, especially in relation to the verbal and non-verbal cues of infants and toddlers. The research of Degotardi and Han asks educators to widen the scope of their attention, not only to encompass an awareness of young

children's communication about what they need, physically and emotionally, but also to what they *know*.

The commentary by Street and Sirri highlights the ways in which these chapters extend our thinking about children's language development, and challenge educators to become aware of the filters they apply to what they notice and respond to. Like Mitchell, Street and Sirri remind us that the interactions between children and their educators are but one dimension through which children's rights are recognised. Factors such as poverty, socioeconomic inequality and lack of infrastructure (access to good quality early childhood education, allied health and so forth) can cause and compound the developmental challenges children may face. Inequality erodes rights. Thus, the recognition of children's rights also depends on the policies of the state. Government policy is pivotal in ensuring children's rights are honoured collectively.

Cronin and McLeod (Chap. 11), and the commentary by Wren, turn to a range of articles in the UNCRC that they group together as *communicative rights*. These authors emphasise the importance of children's communication—not only as a means of asserting their right to participate, but also as a conduit for the expression of their other rights. Hence, when children face challenges to their speech and language development, the consequences can be long ranging and far reaching. Using the example of cleft palate, Cronin, McLeod and Wren emphasise the need for ECEC settings to be sites of multidisciplinary practice for successful early intervention. In Chap. 13, Recchia, Fellner and Fincham cause us to reflect deeply on the ethics and dilemmas of inclusive practice in a multidisciplinary context. They draw upon the reflections and insights of educators who are compelled to examine their own practices and beliefs in relation to inclusion and a commitment to honouring the rights of all children. This contribution addresses the complexities of multidisciplinary collaborations, the provocations that arise when one's own professional perspective can no longer be taken for granted, and the ethical dilemmas present when competing interpretations of rights come into play. James's commentary takes this further, illuminating the need for *border crossing*, alerting us to be aware of the spaces that enable permeability (professional and theoretical). The disruption and discomfort that arises in this process can be creative, not only giving rise to new ways of being and acting, but also seeing and knowing.

Our final chapters invite us to reconsider the most fundamental of assumptions about infant-toddler rights. Palkhiwala and Mevawalla (Chap. 15) illuminate the complexity of rights as they share narratives of the experiences of infants and toddlers in Mumbai, India. Children's access to rights are underpinned by complex political, economic, cultural and socio-historical factors that can engender rights talk as mere words that have little to no impact for children in some social groups. Through narratives, the authors challenge the universal gaze of rights and call for critical consciousness of hidden and silenced oppression. They invite us, in a reconceptualising of infant-toddler rights, to work from the bottom up, to co-construct culturally relevant yet pragmatic values-based rights that do not exclude or perpetuate oppression.

The decision to finish this book with a chapter on love was intentional. Malcolm's (Chap. 16) notion of *love-led practice* might be regarded as somewhat at odds with the way the work of early childhood professionals is described in policy and guidance documents. The UNCRC references love, but it is framed within the family. When suggested as essential to the work of ECEC practitioners, love generates debate and contention. Considered by some to be inappropriate, the very nature of love in the professional context remains contested. Malcolm argues that love is not only a fundamental right of young children but a very necessary component of healthy development. Love in the context of ECEC is an essential conversation that must continue. This chapter provides the invitation to re-conceptualise our most fundamental assumptions about infant-toddler rights, and to critically examine how policy and guidance documents may be inhibiting what Malcolm presents as a fundamental right of all children.

In the final commentary, Harrison draws from these two provocative chapters that span cultural and ethical diversity to challenge assumptions of what might be considered *best* for children. From oppression to love, we are reminded of the profound complexity of ECEC in a global context and the diversity of ways in which rights can be conceived. Importantly, the need to listen to children and allow ourselves to be challenged by what we hear is paramount.

Concluding Remarks

Taken together, the contributions in this book provoke us to make the unconscious, conscious; the unspoken, heard; and the uncertain, the source for further conversation. These chapters and commentaries encourage all those working with infants and toddlers in early education and care settings to examine the assumptions that underpin their practices and, in new ways, to bring the enactment of children's rights to the fore. Collectively, the chapters ask us to pause, to observe, to listen, to step back. However, the recognition of rights also requires political action. This chapter was completed during the global COVID-19 pandemic, which is exacerbating inequalities within and across nations. The capacity of many families to provide security for their young children is under strain. The ability of families to gain access to education and health services for their children may also be threatened, either by the closure of these services, their under-resourcing or the digital divide. Children and families face social isolation as well as economic precarity. Hence, in closing we emphasise the need to advocate for and recognise the indivisible nature of children's rights to provision, protection and participation.

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Chapter 2
Children's Rights Education for the Early Childhood Education and Care Student

Sheila Long

Abstract Children's rights education is an approach that takes the United Nations Convention on the Rights of the Child (UNCRC) as its starting point for guiding educators' decision-making processes, pedagogies and practices. Celebrating its 30-year anniversary in 2019, this international human rights treaty can and should be understood by governments, policymakers, activists, educators and children alike. Since it was adopted in 1989, there have been consistent calls for training and education on children's rights for all professionals who work with and for children. This chapter draws upon empirical findings from the author's doctoral study (Long, Children's rights education in the early years: an exploration of the perspectives of undergraduate students. Unpublished doctoral dissertation. Queen's University Belfast, Belfast, 2017) and a selective review of the literature on children's rights education (CRE) to position the early childhood education and care (ECEC) student as a future duty-bearer under Article 29 of the UNCRC. To consider the implications of this crucial relationship for the rights of infants and young children in ECEC settings, the author also draws upon relevant commentary by the monitoring body of the UNCRC – the Committee on the Rights of the Child, contemporary legal scholarship and, finally, the literature on CRE and human rights education. This commentary is used to examine the meanings a group of undergraduate students – in a BA (Hons) Early Childhood Education and Care program in one higher education institute (HEI) in the Republic of Ireland – ascribe to children's rights and the ECEC practices they choose to illuminate their views. The findings reveal gaps in knowledge and understanding of the children's rights framework which suggests the need for CRE that is deeply contextualised to ECEC. More intentional teaching can enable students to understand and apply a child-rights based approach to the care and education of babies and young children.

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Introduction

Early childhood, as defined by the United Nations Committee on the Rights of the Child (hereafter, the Committee) spans the child's first 8 years of life, incorporating infancy, the preschool years and the early years of primary school (United Nations Committee on the Rights of the Child, 2006). It is commonly argued that early childhood education and care (ECEC) is not an explicit right under the United Nations Convention on the Rights of the Child (UNCRC), particularly as Article 28 refers to compulsory primary education. However, the Committee has interpreted the right to education as beginning at birth and closely linked to the achievement of young children's maximum development, as guaranteed in Articles 6 (2) and 29 (1) which outline the aims or qualities of that education (see appendices for full text of these and subsequent articles). These rights act as enablers or multipliers for other rights and so have particular implications for the civil, social and political rights of babies and very young children (Lundy & Tobin, 2018).

Children's rights education (CRE) is a right under Article 29 (1). Article 29 requires the explicit teaching of children's rights in ways that model respect for child rights as enshrined in the UNCRC (Jerome et al., 2015; Kapai et al., 2014). As a cornerstone of CRE, the succinct and unambiguous language of Article 42 obliges States Parties (governments) to make provisions for the dissemination of the UNCRC to both adults and children. States Parties commit to making the principles and provisions of the UNCRC widely known, by appropriate and active means, to adults and children alike (Article 42, UNCRC, 1989).

This particular obligation, however, tends to be more commonly recognised by governments for primary and secondary school aged children and their educators (Jerome et al., 2015). From a child rights perspective, this narrow approach is problematic, as babies and young children also have the same rightful entitlements as older children, recognised by the UNCRC (Freeman, 2000). Largely absent from these debates are the perspectives of ECEC students. This chapter makes a contribution to addressing this gap.

The lack of impact of the UNCRC on ECEC programs, curricula and practice in some contexts has been noted (Di Santo & Kenneally, 2014; Pardo & Jadue, 2018; Robson, 2016). The responsibility of educators – in this case, ECEC educators – to educate young children as holders of human rights has not been given sufficient attention in research (Brantefors & Quennerstedt, 2016; Quennerstedt, 2016). Furthermore, research suggests more needs to be known about the extent to which, or in what ways, ECEC educators gain knowledge and understanding of children's rights to enable them to enact these rights in their everyday practice with babies and young children (Pardo & Jadue, 2018; Brantefors & Quennerstedt, 2016; Robson, 2016).

Children's Rights in Early Childhood

The UNCRC has been widely recognised as a driver of the paradigm shift in childhood research (Lundy & McEvoy, 2012), transforming the image of the child from an object to a subject of rights. This shift has been widely embraced by ECEC scholarship. Participation has emerged as a particularly strong theme in the literature, and understandings of Article 12 have been used to inform and advance methodologies and ethical frameworks for participatory research and practice with young children (see, for example, Bae, 2010; Kanyal, 2014; Mayne et al., 2018). However, a preoccupation with the participation rights of young children, in particular in early childhood research, has been noted by Quennerstedt (2016). Quennerstedt argues that such a narrow rights orientation could weaken the connection between viewing children's rights as part of the overall international human rights system. This, in turn, could hamper national contexts, reducing the wider range of children's rights knowledge and capacities available for ECEC educators to consider.

Children's Rights Education

There is now a growing body of literature on effective CRE, which has built upon earlier human rights education models (Jerome et al., 2015; Kapai et al., 2014). CRE should be understood in a broad sense, far beyond the subject of a lesson plan. It entails teaching and learning about the provisions and principles of the UNCRC, as well as the *child rights approach*, to help empower both children and adults to take action and put children's rights into practice in their day-to-day lives – at home, at school, in the community and, more broadly, at the national and global levels. CRE is learning *about* rights, learning *through* rights (using rights as an organising principle to transform the culture of learning) and learning *for* rights (taking action to realise rights) (UNICEF, 2014).

Although designed for all kind of contexts, this definition raises interesting questions about the purpose, content and methods of CRE for babies and young children. What might be considered appropriate for educators and the children they work with needs to be defined by the profession itself, and contextualised to local conditions, cultures and resources (Jerome, 2016). In early childhood, motives for teaching and learning about rights include encouraging involvement (Bae, 2010; Theobald et al., 2011) and developing children's agency (Smith, 2007). However, other emphases for CRE have been identified, which have not, to a great extent, been the focus of early childhood research. These include awareness-raising, citizenship, respect for rights and social change (Brantefors & Quennerstedt, 2016). CRE is also necessary for the professionals who work with children. The complexity of the task requires more explicit, transformational models or frameworks for educators themselves (Waldron et al., 2011), and more systematic engagement from the wider

ECEC community, in order to prepare ECEC students for their role as future duty-bearers (Pardo & Jadue, 2018).

The Child Rights Approach in Early Childhood

For ECEC educators, knowledge about how the UNCRC interacts with national law, policy and practice is central to CRE – and this exposure should be comprehensive and interdisciplinary. Definitions and terms commonly referred to in ECEC literature – such as the child rights-based approach, best interests, evolving capacity, views of the child, non-discrimination, life, survival and development – tend not to be firmly grounded in the UNCRC or legal scholarship, but rather draw on alternative disciplines, which are then appraised for their application to local contexts. Definitions, which include discussion of government obligations, can be derived from the human rights-based approach and should consider the following elements as central: education and care must further the realisation of child rights as laid down in the UNCRC and other international human rights instruments; and children' rights standards and principles must be used to guide behaviour, actions, policies and programs. This approach simultaneously builds the capacity of babies and young children as rights-holders to claim their rights, and the capacity of duty-bearers (state actors) to fulfil their obligations (UNICEF, 2014). However, there is a risk that such definitions may lead to a top-down approach to CRE by state actors, which would be insufficient for a full realisation of children's rights.

Consistent with high quality ECEC, the child rights-based approach includes respect for young children's participation, their best interests, development to their fullest potential and non-discrimination. Central to understanding the importance of this approach for babies and young children is the principle of evolving capacities. This principle, derived from Article 5 which relates to adult guidance, has been emphasised by the Committee as the process whereby children progressively acquire understanding about their rights and how they can best be realised. This core concept, with strong links to child development and growing maturity, plays a balancing role between autonomy and protection, and it is directly related to all other rights (Lundy & Hanson, 2017). For example, in early childhood contexts, while children must not be expected to perform or take responsibility at levels beyond their capacity – such as learning to read, making decisions about their future, or crossing the road – they are entitled to take responsibility for and participate in decisions and activities over which they do have competence (Lansdown, 2005). CRE for ECEC educators is therefore necessary to build the capacity of future duty-bearers, in the first instance ECEC students, so that they can build the capacity of babies and young children to progressively engage with their rights and the rights of others (Jerome et al., 2015). In this way, babies and young children can learn about their rights in an appropriate and active way, in a rights-compliant environment, where the climate and all the practices and pedagogies of the educators are grounded in the children's rights framework (Lundy & McEvoy, 2008).

The Irish Context

Although CRE is underpinned by clear principles, its implementation is shaped by the diverse national contexts and professional groups to which it applies. This can and should lead to radically different processes and outcomes (Jerome, 2016). Since it ratified the UNCRC in 1992, the Irish Government has made steady progress in actions to ensure the realisation of rights for all children at legislative, policy and institutional levels. A referendum in 2012 resulted in the incorporation of the principles of participation and best interests into the Irish Constitution; although somewhat narrow in scope, this has given rise to enforceable rights and duties. Despite this limited incorporation of the UNCRC, all professionals who work with children in Ireland require comprehensive knowledge of these two principles at a minimum to understand their implications for their particular practice contexts (Long, 2019).

It is in the policy sphere, however, where the UNCRC has had most of its impact on ECEC in Ireland. It has helped to shape the contemporary image of the child as an active participant in ECEC and laid out a *blueprint* for how adults can respect and support them (Hayes, 2013). There has been significant incorporation of the principles of participation and best interests in particular – in national policy frameworks (Department of Children and Youth Affairs [DCYA], 2014, 2015, 2018), curricular frameworks (National Council for Curriculum and Assessment [NCCA], 2009), quality frameworks (Centre for Early Childhood Development and Education [CECDE], 2006), practice guidance (DCYA, 2016; NCCA, 2019) and associated inspection processes (Department of Education and Skills, 2016). A particular focus of this chapter is the national early childhood curriculum framework, *Aistear*, although not on a statutory footing for all children. Envisaged for children from birth to statutory school age, the framework is richly informed by a plurality of value systems, and it embraces diverse curricula and traditions. It also assumes a common understanding or image of the child that reflects contemporary thought on children as active citizens, as competent and confident learners, as agents with the ability to shape their own identities and worlds and, finally, as rights-holders (Hayes et al., 2013; Waldron et al., 2011).

In general, curricular frameworks tend to include quite limited or abstract references to human rights (Tibbitts & Fernekes, 2011). In the Irish context, however, *Aistear* presents a clear curriculum entitlement for a situated children's rights education.

> Help me to learn about my rights and responsibilities. Model fairness, justice and respect when you interact with me. Involve me in making decisions. Let me share my views and opinions with you about things that matter to me. (NCCA, 2009, p. 8)

In the above quote the dual imperatives of Articles 29 (1b) and 42 are made visible while the principle of participation is partially reflected. These education rights can provide children and ECEC educators who are committed to its values, with an ever-open window of opportunity for transformation (Lundy, 2012). However, the language in the quote is problematic from a rights perspective as, for example, rights are not conditional, and care should be taken by educators that it is neither

suggested nor taught that children's rights are dependent on children fulfilling certain responsibilities (Jerome et al., 2015; UNICEF, 2014). To do so could obscure the meaning of entitlements of rights-holders and obligations of duty-bearers, along with other vital components of the child rights-based approach (Jerome et al., 2015). The possibility of some dilution or blurring of concepts demonstrates that constitutional or policy change alone, without accompanying CRE, may leave miseducation unaddressed, hampering full implementation of the UNCRC in practice.

The Study

Located in the children's rights paradigm, the findings of the study (Long, 2017) presented in this chapter had the following feature of children's rights research (Lundy & McEvoy, 2012): in its design it sought to explore government assumptions about the implementation of the UNCRC in ECEC. Such framing, particularly if derived from the text of the UNCRC, along with the commentary, recommendations and concluding observations of the Committee, can also potentially lead to findings that enable governments to meet their reporting obligations under the UNCRC.

Aim

A central principle of a rights-based approach is that actions should contribute to the development of the capacities of duty-bearers – that is, governments and state actors (including future educators) – to meet their obligations, and of rights-holders (babies and young children) to claim their rights. The aim of this study, therefore, was to investigate whether, to what extent and in what ways a group of ECEC undergraduate students in one higher education institution (HEI) in the Republic of Ireland were informed about and understood children's rights through their education. Five focused research questions drove the study:

1. What do a group of ECEC students in one HEI in the Republic of Ireland know and understand about children's rights?
2. How do the ECEC students conceptualise the child in ECEC contexts?
3. Where have this group of ECEC students acquired the knowledge, practices and values required to implement the UNCRC, particularly Articles 28, 29 and 42?
4. Do the ECEC students value children's rights as a knowledge and skills base for their practice with young children?
5. How do the ECEC students frame their role in relation to educating others about children's rights?

Method

As an exploratory study designed to access one group of ECEC students' knowledge and understandings related to children's rights, a methodology that was capable of capturing the richness of participants' interpretations was required (Creswell & Plano Clark, 2011). The research adopted a predominantly convergent, parallel, mixed methods approach comprising a specially designed quantitative questionnaire and focus group discussions (FGDs). For the questionnaire, a series of 21 closed-ended questions asked respondents to provide information based on their qualifications, direct experience with children, knowledge of children's rights instruments, institutions, programs, sources of knowledge on children's rights, attitudes and beliefs about the relevance of children's rights in early childhood, and views on the role of adults in educating other adults and children about children's rights. Three open-ended questions required students to define children's rights, child participation, and how they think children's rights are viewed in early childhood. The topics for the five FGDs were broadly related to exploring students' views of babies and young children as rights-holders, students' views on the enactment of children's rights in early childhood, pedagogies and practices that could support CRE for ECEC students, and students' views on their role in supporting the CRE of both adults and children.

Participants

A purposive sample of ECEC students were selected (see Table 2.1). 144 registered students across Years 1, 2 and 3 of one BA (Hons) Early Childhood Education and Care program were invited to participate. The response rate for the questionnaire was 53.47% ($n = 77$), and respondents were fairly evenly distributed across the three stages of the program. All of the respondents identified as female, and the mean age of the sample was 21.61 years ($SD = 4.23$), with a range from 18 to 38 years. Of the sample, 3.9% ($n = 3$) were international students.

For the qualitative strand, 32 self-selected participants took part in five FGDs, which consisted of the following groupings: Year 1 students, Year 2 students, Year 3 students, students with previous qualifications, mature students (over age 23).

Table 2.1 Research participants

Stage of BA (Hons) Early Childhood Education and Care program	% (n)
Year 1	28.6% ($n = 22$)
Year 2	36.4% ($n = 28$)
Year 3	35.1% ($n = 27$)

Data Analysis

Data from the questionnaire were analysed statistically using SPSS 22. For each of the 70 items on the questionnaire, means and standard deviations were calculated. Aggregate as well as Year 1, Year 2 and Year 3 frequencies were compiled. A number of cross tabulations were also carried out to analyse any relationship between variables such as students' age, previous studies, direct work experience with children and stage of study. The qualitative data generated by the FGDs were analysed thematically, using a six-step inductive process proposed by Braun and Clarke (2006). Three open-ended questions included in the questionnaire were also analysed thematically.

Findings and Analysis

The study found that a BA (Hons) Early Childhood Education and Care program was a firm foundation upon which to embed an appropriate form of CRE for students (see below for further discussion). The interdisciplinary nature of their studies exposes students to a wide range of ECEC knowledges, skills, values and practices through lectures, workshops and professional practice placements. In addition, these findings also shed light on some of the ways babies and very young children experience their rights in everyday routines and rituals in ECEC contexts and the pivotal role of the ECEC educator in realising their rights.

Finding 1

In line with government obligations under Article 42 of the UNCRC, all children and adults need to know about their rights; thus, it is assumed that ECEC students will have gained some awareness of the UNCRC through their primary and secondary school education. ECEC students' exposure to information on the UNCRC and on rights-based concepts, practices and pedagogies as part of their initial practitioner education is presented below. Respondents were asked to self-rate their knowledge of children's rights. For statistical purposes, response categories were combined for analysis. The groups *High* and *Very High* were combined into a *High* knowledge category, and the groups *Neither High nor Low* and *Low* and *Very Low* were combined into a *Low* category. In general, across the years, students from Years 1 and 2 rated their knowledge of children's rights as neither high nor low, or low or very low, while students from Year 3 rated their knowledge as high or very high (see Fig. 2.1).

While there was some evidence of differences across the years, this was not statistically significant, and because this was a cross-sectional study, no evidence of progression over the 3 years of the undergraduate program could be tracked. 40.9%

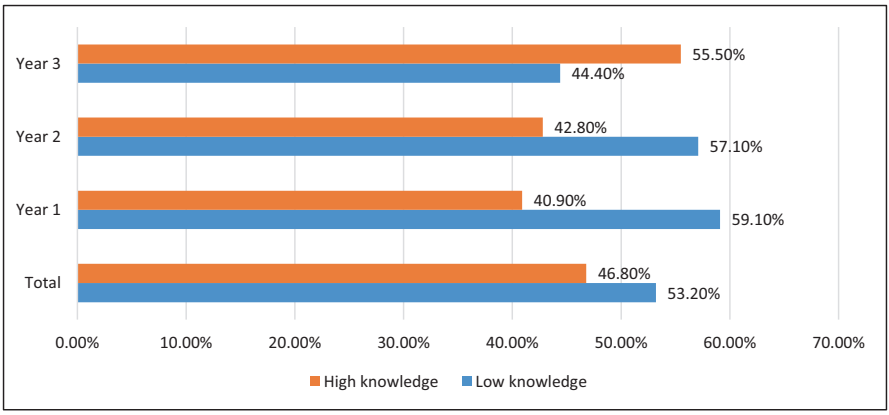

Fig. 2.1 Students' self-rated knowledge of children's rights across the ECEC program

of Year 1 students rated their knowledge of children's rights as high or very high, while 42.8% of Year 2 students rated their knowledge as high or very high and 55.5% of Year 3 students rated their knowledge as high or very high. A chi-square test was conducted to examine whether there were any statistically significant differences in levels of self-reported knowledge of children's rights across the different years involved in the study. Interestingly, 15% more Year 3 students reported high levels of knowledge compared to Year 1 students; however, no statistically significant differences were found [$\chi^2 = 1.313$, $p = .519$].

Final year students, as might be expected, reported much greater knowledge of children's rights. This could be attributable to exposure to more ECEC settings for supervised professional practice, or the content of the Year 3 modules which included a module dedicated to ethics, and the possibility to carry out a research project with children. In addition, for Year 3 students, the ability to critically analyse children's rights within the UNCRC, the European Convention on Human Rights and the Irish Constitution, is an expressed learning outcome of the module Legal Issues for Early Childhood Education, which possibly accounts for their high level of self-reported knowledge of children's rights. However, in the FGDs this particular group of students were unsure of the application of theory to practice. One student suggested her need for more time to recognise and confront contradictions between theory and practice:

> I still haven't got my head around it … there is so much, everyone does something different, and I don't know which is good for the child [and] which is bad.

While the sources and nature of children's rights are vital for students to know from a legal, moral and ethical perspective, it appears that this participant may not have been afforded sufficient time and space to reflect on and reconcile what she had previously been learning with her experience in practice. Without this intention, students can remain uncertain about the implications of the UNCRC for their own practice.

Finding 2

In line with government obligations under Article 29(1b) of the UNCRC, education should be directed towards the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations. For babies and young children in ECEC contexts, the realisation of this right is very much dependent on the knowledge base of their educators. Without access to this ever-evolving body of international human rights law, and its history and underpinning philosophy, made accessible and meaningful for ECEC educators in their local contexts, it is likely that students will have some inaccuracies, dilutions and misconceptions of the elements that constitute a child rights-based approach. There is also a risk that ECEC students could learn about child rights in a way that could become detached from the UNCRC (Quennerstedt, 2016).

Students' ability to contextualise some of the principles of the UNCRC to early childhood practice points to their emerging competence in a rights-based approach. Grounded in human relations and interaction, in many respects ECEC students can have an implicit and emerging understanding of some children's rights at the interpersonal level, particularly given the theoretical and practical focus of their program and the values and principles of the national quality and curricular frameworks. For example, students in Years 2 and 3 had undertaken professional practice placements with young children, and so could identify some of the more salient children's rights issues from practice. The UNCRC is a legal articulation of certain core philosophical concepts, one of which is human dignity. One student articulated what dignity and respect in early childhood meant to her, by focusing on young children's personal space.

> I think it's like comparing against an adult's right. You wouldn't like someone coming up and wiping your nose or somebody putting on your coat for you … it's personal space at the end of the day, a child has a right to personal space, regardless of whether they are [aged] two or 20.

Other students in the FGDs were particularly sensitive to the intersection of dignity with issues of privacy. One student described how young children's right to privacy can easily be disregarded in a busy ECEC room, where young children can be moved around by adults without regard for their dignity, participation or evolving capacities. One student gave this example of adult–child interactions in caregiving routines:

> Changing the child's nappy in the middle of the room, or if they have an accident, or if they are taking their clothes off in the corner, but in front of everyone in the room … the child has no privacy.

Unsurprisingly, given the focus of the program, participants viewed treating children with profound dignity on the basis of their humanity as key. However, children's human rights are more than the values or aspirations that underpin them. What distinguishes the child rights-based approach from others is that it draws attention to the duty of the state to respect the right-holder's enjoyment of their rights; thus, a life of dignity for the child is realised through the provision of 54

children's rights standards to which the state is accountable, and empowering the child to claim these rights.

Four guiding principles of the UNCRC (non-discrimination, participation, best interests and survival of the child) are essential to inform a child rights-based approach, providing a flexible framework for ECEC professionals on which to base their pedagogical decision making. Students had an incomplete understanding of two of the guiding principles in particular (participation and best interests), which may impact on their ability to implement a rights-based approach in ECEC contexts, especially when faced with complexity and uncertainty. This was surprising given the level of incorporation of both these principles in the legal and policy domain in Ireland.

Understandings of the principle of participation by the ECEC students tended to fall into two broad categories: narrow or non-convention definitions and those that showed a nascent appreciation of the content of Article 12 and its meaning for this principle. Definitions which showed a limited understanding or imperfectly summarised the principle of participation (Lundy, 2007) tended to include terms such as "taking part", "being involved in activities", "having a go" or "ensuring nobody gets left out". Definitions that showed growing sensitivity to the language of Article 12 included this one:

> Children have a right to participate in all decisions and should be taken into consideration on their level of understanding of the issue.

What the findings suggest, however, is that when the principle of participation is reduced to such summaries, certain important elements such as "all matters affecting the child" and "who is capable of forming his or her own views" may get omitted or distorted. In addition, the guiding principle of participation also includes the right to information; however, building the child's capacity to understand issues was rarely mentioned by participants. In addition, little reference was made to the obligation of the adult, to take into account the young child's evolving capacity. The findings also suggest a continued uncomfortable relationship between welfare and rights, whereby some of the participants seem to have absorbed an uncritical understanding of the best interests principle as something inherent in the adult's understanding of what is best for the child in ECEC contexts. Frequently mentioned was the adult's responsibility "to seek what is best for children" or to provide "what the child needs". However, embedded in some explanations of the best interests principle were ideas that suggested paternalistic attitudes towards children, used to legitimise restricting children's participation in decision-making processes. One respondent explained their understanding thus:

> Children should be given choice in decisions in most but not all cases, where [the] adult knows best for the child.

Despite guidance and emphasis on the best interests principle in the national policy framework, it appeared to be difficult for students to define this principle and relate it to their practice. This is not surprising given the imprecise nature of the principle.

Indeed, this too was recognised by one participant as "sometimes it is hard for the adult to know what the best interests [of the child] are".

The right to life, survival and development of the child (Article 6) was closely conceptualised with the right to play, rest and leisure (Article 31). What constituted an appropriate balance between adult- and child-initiated play was a recurrent topic across the data set. Many expressed beliefs that young children learned through play in ECEC contexts, and they further differentiated play as what children freely choose to do, at their own level, while activities are something that "practitioners have set up for them to do". Students showed an appreciation for adults sometimes sharing the lead with children, in line with both Articles 5 and 6. One student described using her knowledge and expertise to plan appropriate learning experiences for children.

> Doing something to get them to learn and develop in specific areas … take playdough – that's certainly aimed at developing the fine and gross motor skills, and maybe their imagination and creativity, it's all there.

Participants were also cognisant of pressures on play with regard to time-keeping, parental expectations and the requirements of external agencies. They noted tensions between adult-made routines and adult concerns and priorities which can unintentionally disregard children's interests and learning and miss opportunities to build children's capacities to be involved in the decision-making processes of the setting. One questionnaire respondent replied:

> Early years services are so focused on time-keeping, and tend to neglect what the children want to do, whether it is to keep playing with water or not.

The extent to which babies and young children can claim their rights in line with their evolving capacity is very much dependent on their ECEC educators. The assumption that ECEC educators know about the children's rights framework and the child rights-based approach needs further examination. It is clear from these findings that misconceptions, misinformation, narrow interpretations and gaps can dilute the full meaning of a child rights-based approach during the professional formation of ECEC educators. Quennerstedt (2016) suggests a skew in the ECEC literature towards participation rights, and this may have contributed to an unintentional silencing of other important elements, and a less than full engagement with all the other principles and provisions of the UNCRC. As all rights are interconnected, interdependent and interrelated, this situation needs to be rectified.

As adults, studying in a program that will equip them to practise professionally in ECEC contexts, an assumption could be made that students will build on a foundation of knowledge about the UNCRC already acquired though primary and secondary school. However, for the most part, this study found there was insufficient evidence of comprehensive CRE at either primary or secondary level. When reading these findings, it is important to bear in mind the relationship between babies and young children as rights-holders and the government as the ultimate legal duty-bearer under the UNCRC. Any deficits highlighted also point to some of the (many) wider systemic issues in Ireland, which are outside the scope of this chapter to

address in full, particularly where insufficient measures have been taken by the government in recognising, respecting and resourcing this vital role. Nevertheless, babies and young children have the same rights as older children, though they will, of course, be exercised differently.

Conclusion

This chapter has shown some of the ways in which one HEI and one open-ended curriculum framework in the Republic of Ireland have provided a platform for students to learn about children's rights, and some of the barriers and tensions that can arise when students have a less-than-full appreciation of the children's rights framework as it applies to babies and young children in ECEC contexts. The study presented in this chapter indicates that it can be difficult to fully understand the implications of the UNCRC for professional practice without an interdisciplinary approach that incorporates intentional teaching about, through and for children's rights. ECEC students require a firm foundation in the children's rights framework and its synergies and overlaps with ECEC theory and practice. CRE as an approach can provide such a grounding. A central principle of a rights-based approach is that activity should contribute to the development of the capacities of governments and state actors (including future educators) to meet their obligations and of rights-holders (babies and young children) to claim their rights. From an educators' perspective, this requires a systematic children's rights model for the initial education of ECEC students. While there can be no one-size-fits-all model of CRE for early childhood, at a minimum, CRE for ECEC students should be comprehensive, interdisciplinary and interactive. It should be deeply embedded and contextualised to ECEC, and foreground a view of babies and young children as rights-holders from birth. Crucial for the realisation of all of the rights of children, ECEC students need a more explicit framing as future duty-bearers under the UNCRC. Initial education programs, including those in receipt of state funding, therefore have a responsibility to ensure that their students receive sufficient education to guide them to understand and apply a child rights-based approach to the education and care of babies and young children, and to help them become better acquainted with both the potential and limitations of the UNCRC in reality. More locally negotiated, comprehensive, systematic and interdisciplinary models for embedding CRE in HEI contexts are therefore needed to provide ECEC students with sufficient information and experiences to inform their own unique child rights-based approach to the education and care of babies and young children.

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Chapter 3
Fledgling Embeddedness of Child Rights Education into Early Childhood Education and Care Undergraduate Programs in Chile

Are There Any Possibilities for the Enactment of Infants' and Toddlers' Rights in ECEC Centers?

Marcela Pardo and Daniela Jadue-Roa

Abstract This chapter explores how early childhood education and care (ECEC) undergraduate programs in Chile have been embedding the child rights education (CRE) framework (UNICEF, Child Rights Education Toolkit. UNICEF, Ginebra, 2014), asserting the importance of teachers as duty-bearers under the United Nations Convention on the Rights of the Child (UNCRC) (UNICEF, Convention on the Rights of the Child. UNICEF, New York. Retrieved from https://www.unicef.org/UNCRC/, 2017). It draws on findings from the authors' 2014 study into the embeddedness of the child rights approach to undergraduate programs in Chile. Regarding children's rights, Chile has followed a noteworthy trajectory—not only has there been consensus within the diverse fields working with and for children, but it has also become a matter for public policies. Certainly, the National Plan of Action for Children and Adolescents has, since the 1990s, designed public policies that promote the respect, protection, and fulfilment of children's rights (Chile-Ministerio de Desarrollo Social & Consejo Nacional de Infancia, Plan de Acción Nacional de Niñez y Adolescencia 2018–2025, en el marco de la Agenda de Desarrollo Sostenible 2030 y las

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Observaciones del Comité de los Derechos del Niño al Estado de Chile 2015 [National Action Plan for childhood and adolescence 2018–2025, framed within the Sustainable Development Goals 2030 and the Observations of the Children's Rights Committee to the Chilean State 2015]. Ministerio de Desarrollo Social—Consejo Nacional de Infancia. Retrieved from http://observatorioninez.consejoinfancia.gob.cl/wp-content/uploads/2018/03/plan-de-accion-y-ODS-cuadernillo.pdf, 2017). Also, within the ECEC field, the official national curriculum for children has considered young children as rights holders, in alignment with the principles enshrined in the UNCRC (Chile-Ministerio de Educación, Bases Curriculares de la Educación Parvularia [National curriculum for early childhood education]. MINEDUC, Santiago, 2001; Bases Curriculares Educación Parvularia [National curriculum for early childhood education]. MINEDUC, Santiago, 2018a), while the current standards for the initial preparation of ECEC teachers also acknowledge the relevance of children's rights as a main reference for professional practice (Chile-Ministerio de Educación, Estándares Orientadores para Carreras de Educación Parvularia. Estándares Pedagógicos y Disciplinarios [National pedagogical and disciplinary standards for early childhood undergraduate programmes]. MINEDUC, Santiago, 2012). Despite this progress, the degree to which the CRE framework has permeated the undergraduate preparation of ECEC teachers remains uncertain. The chapter is organized into three sections: the first discusses the relevance of ECEC undergraduate programs in preparing teachers as duty-bearers under the UNCRC; the second contends that in the case of Chile, the embeddedness of the CRE framework is fledgling; and the third concludes by reflecting upon strategies to strengthen the embeddedness of the CRE framework into ECEC undergraduate programs in Chile.

Keywords Children's rights · Duty-bearers · Teacher preparation · ECEC Chile

Child Rights Education for Strengthening ECEC Undergraduates Programs as Duty-Bearers

As predicated in the UNCRC, the fulfilment of children's rights is the responsibility of *duty-bearers*.[1] The state is the main duty-bearer, being accountable to children for the respect, protection and fulfilment of their rights. Other non-state entities also have obligations; they are referred to as *moral* duty-bearers, rather than *legal* duty-bearers. Among primary moral duty-bearers are teachers for students; among secondary moral duty-bearers are institutions and organizations with immediate jurisdiction over the primary duty-bearers, for instance, school principals. University teaching programs are among tertiary moral duty-bearers, as they have a relatively distant jurisdiction with respect to children (Ljungman & Forti, 2005). The United

[1] Duty-bearers are entities that, under the UNCRC, have obligations to respect, protect and fulfill children's rights (Ljungman & Forti, 2005).

Nations Committee on the Rights of the Child has established the states' obligation to support training and capacity-building for moral duty-bearers, aiming not only to develop knowledge on how to develop its principles and provisions in practice, but also to promote attitudes and procedures that favor children's enjoyment of their rights. Moreover, this Committee has insisted on the inclusion of the UNCRC into curricula for professional preparation, after observing that duty-bearers tend to have insufficient knowledge and awareness of the UNCRC and the child rights approach (UNICEF, 2014).

The privileged instrument to develop knowledge, skills and values in relation to children's rights is termed child rights education (CRE), a component of human rights education that involves teaching and learning about the UNCRC and the child rights approach.[2] It encompasses embedding the UNCRC and the child rights approach in learning curricula and environments for children, and in the curricula and training of professionals working with children or working on issues affecting children. The content also extends to raising awareness of the UNCRC and the child rights approach through diverse channels—and building capacity to advocate for and implement the UNCRC and the child rights approach in daily life and professional practice (UNICEF, 2014).

Unfortunately, international research evidence suggests that CRE has not been systematically introduced into the curricula for professional preparation. For instance, Lundy et al. (2013) found that 12 countries[3] had only limited instances of systematic training for duty-bearers, despite the fact that representatives from governmental agencies with responsibility for children's rights, among others, widely recognized its importance. The situation seems to be similar regarding teacher preparation, which emerged more than two decades ago as a significant void in the promotion of teachers as duty-bearers for children's rights. For example, Osler (1994) recommended preparing teachers in the UNCRC, as a way to ensure that children may fulfil their rights. In accordance, Lansdown (1999) emphasized the need for teacher training in human rights education as a priority for the implementation of the UNCRC.

Showing the current validity of that concern, a study on teacher education in 19 Latin American countries[4] found that several of them have introduced references to human rights in national regulations for teacher education, even though teacher education institutions had delayed the adjustment of their respective plans of study

[2] The child rights approach "(i) Furthers the realization of child rights as predicated in the UNCRC and other international human rights instruments; (ii) Guides behaviors, actions, policies and programs in accordance with child rights standards and principles from the UNCRC and other international human rights instruments; (iii) Develops children's capacities as rights-holders to claim their rights and duty-bearers' capacities to fulfil their obligations to children" (UNICEF, 2014, p. 21).

[3] These countries were Australia, Belgium, Canada, Denmark, Germany, Iceland, Ireland, New Zealand, Norway, South Africa, Spain, and Sweden.

[4] These countries were Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

(Inter-American Institute of Human Rights, 2004). At the same time, the evaluation of the first phase of the World Programme for Human Rights Education (Office of the United Nations High Commissioner for Human Rights, 2010) found that despite the appropriateness of the overall approach to teacher training, it continued to be one of the most common challenges in national implementation of human rights, as it tended to be addressed unsystematically. Likewise, surveys on human rights education carried out in Australia (Burridge et al., 2013), Finland (Human Rights Centre (HRC), 2014), and Denmark (The Danish Institute for Human Rights, 2013), identified teacher training as one of the main priorities for the fulfilment of children's rights. Similarly, a survey on CRE commissioned by UNICEF (2016) across 26 countries[5] found that states generally do not ensure that teachers are trained in relation to human rights, in general, or to children's rights, in particular. Specifically, not even one of the participating countries in this study guaranteed that all teachers are prepared in children's rights and are familiar with the UNCRC and the child rights approach across their entire national training system.

Regarding ECEC undergraduate programs specifically, some international experience suggests that the UNCRC and the child rights approach have been variously embedded into curricula and training. Exemplifying this are the University of Oulu, Finland, and Stockholm University, Sweden—they have included courses expressly focused on children's rights (University of Oulu, 2013; University of Stockholm, 2015). Likewise, the Ontario Institute for Studies in Education (OISE) created, in partnership with UNICEF Canada, a guide aimed at enabling teaching students to develop children's voice and agency, and to advocate for children's rights (UNICEF—OISE, 2012). In Chile, the Catholic University at Temuco (located in the southern region of the country) offered a certification program—jointly designed with UNICEF Chile—for the faculty of all its undergraduate programs, including ECEC teaching programs (Universidad Católica de Temuco & UNICEF Chile, 2014).

The Case of Chile

This section discusses how universities have been embedding the CRE framework in their ECEC undergraduate programs, as an attempt to fulfil their role as duty-bearers. This analysis relies on primary data from our study ("Exploration of the Embeddedness of the Child Rights Approach into Undergraduate Programs in Chile"), which was carried out in 2014 under the UNICEF office in Chile.[6] The study collected data through a survey containing both close-ended and open-ended

[5] These countries were Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Hong Kong, Hungary, Iceland, Ireland, Israel, Italy, New Zealand, Norway, Poland, the Republic of Korea, Scotland, Slovakia, Slovenia, Spain, Sweden, Switzerland, The Netherlands, and the USA.

[6] In Chile, ECEC undergraduate programs confer a qualification to work with children aged between 6 months and 6 years, with no specific differentiation between age ranges. Available evi-

questions, and a multiple case study on 10 programs throughout the country. The survey was answered by 26 out of the 49 programs then existing in the country. The multiple case study explored 10 of those programs in-depth—which constituted a sample quite illustrative of the institutional diversity of the country's undergraduate ECEC programs. The study included semi-structured interviews with the heads of programs, along with an analysis of official documents (including the undergraduate profile, curriculum coursework and course programs).

Incipient Embeddedness of Child Rights Education into the Formal Curricula

Given the lack of evidence on whether the CRE framework has been embedded into the curriculum of undergraduate ECEC teaching programs in Chile, our study sought to explore this issue. An initial finding was that most survey respondents declared that their respective programs have embedded the UNCRC into a number of components of the formal curriculum: in particular, orienting principles, specific objectives, modules, course content, professional practice, and specialized bibliographies (literature). These are shown in Fig. 3.1.

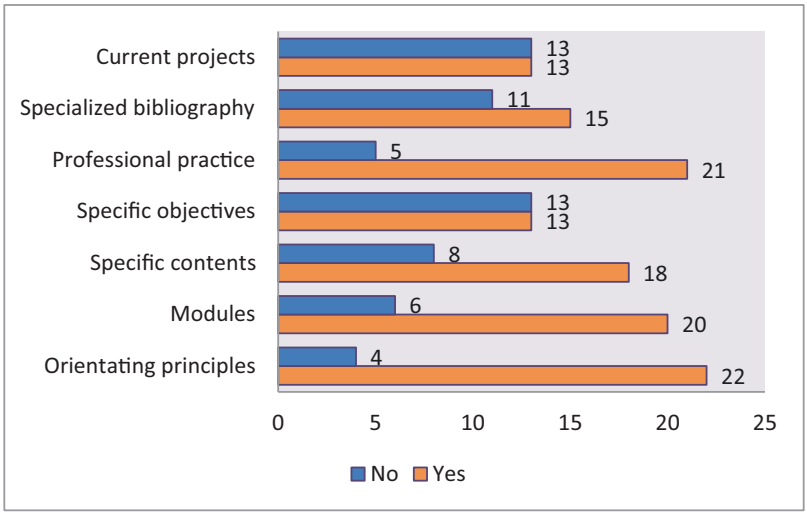

Fig. 3.1 Components of the formal curriculum of undergraduate ECEC teaching programs in Chile where UNCRC and the child rights approach have been embedded. (Source: Authors' elaboration based on results yielded by the survey applied in the study "Exploration of the Embeddedness of the Child Rights Approach into Undergraduate Programs in Chile")

dence has shown that these programs have heavily focused on working with 4- to 6-year-olds, neglecting younger children (García-Huidobro, 2006).

Nonetheless, a perplexing finding of our study was an apparent lack of comprehension of core concepts of the UNCRC and the child rights approach. Specifically, regarding participating programs' guiding principles, most survey respondents declared that their respective programs comprised both the UNCRC and the child rights approach. As reported, three topics were associated with these principles: (1) concepts that are part of the rights perspective (e.g. children as right holders); (2) principles of the early childhood education field (e.g. singularity and play), and (3) pedagogical principles established in the national curriculum framework for ECEC (e.g. curriculum principles). Specifically, the professional competencies established in each program's undergraduate profiles were underlined as a concrete expression of this idea. The program heads cited these competencies as: respect for children as right holders, social responsibility, relationship with the family, recognition of the sociocultural context, and tolerance for diversity. However, in spite of the reports provided by the participants in our study, we found no evidence in the programs' guiding principles where the UNCRC or the child rights approach were explicitly declared.

> P1: [Children's rights] are made explicit in the undergraduate profile; it also includes as a topic within several courses, and we expect that students know them. After that, we have a certain void as to how to assess, how to evidence that it is applied [in pedagogical practices].

In addition, half of the survey respondents reported that the UNCRC was embedded into their respective program's specific objectives. Suggesting perhaps a misunderstanding of the concepts underlying the UNCRC, two important issues emerged: (1) fewer participants specified objectives that referred directly to the UNCRC and the child rights approach, while (2) most of them referred to other objectives related to other social values (e.g. democracy and citizenship, social responsibility, ethics, and diversity in ECEC). The remaining objectives referred to the pedagogical work of ECEC teachers, with no mention of children's rights.

> P2: Those [children's rights] are included in all the courses. Students have to introduce children's rights into their portfolios, to analyze how children are being treated, how children are being regarded, how children's rights are being emphasized.

When referring to program modules, specific units, and selected bibliographies, most survey respondents reported that the UNCRC and the child rights approach were included in at least one of these elements, showing a diversity of ways of introducing them into the professional preparation of ECEC teachers. Nevertheless, analysis of the institutional official documents suggested a lack of explicit reference to the UNCRC and the child rights approach, and a minimal body of literature specifically focused on these issues. Moreover, those three curricular elements—i.e. modules, specific units, and selected bibliographies—were related to the following topics: history of early childhood education, history of childhood and culture, family and community, reflective practice and pedagogical knowledge, public policies, diversity and inclusion, and early childhood curriculum.

The data collected through interviews with program heads provided a different perspective on the matter, adding some concerns. For example, several program

heads posited that their respective programs had not necessarily explicitly or systematically embedded the UNCRC and the child rights approach. Rather, in their view these had been implicitly present in a number of curriculum activities throughout the whole coursework; they claimed that these ideas have become common knowledge for scholars of the field, who have tended to embrace it.

> P3: Somehow, it [children's rights] is a discourse that our professors have mastered and, therefore, they resort to it often in different courses … it is not part of any syllabus, but it is part of a shared discourse … it is something that our professors try, as a personal effort, to reflect since the beginning of their courses.

Adopting a more critical view of their own accomplishments, two program heads asserted that their respective programs had insufficiently embedded the UNCRC, putting forward two main reasons for this shortcoming. The first one was the constraints imposed by public policies for teacher preparation (particularly the Inicia test,[7] which assesses disciplinary and pedagogical knowledge), reducing their opportunity to allocate more time within the coursework to address other relevant areas. The second reason was the scarcity of both specialized scholars and bibliographic resources within their own programs. They claimed that a lack of these fundamental resources had hindered their ability to properly embed the UNCRC into the undergraduate preparation of ECEC students.

Moreover, we also found that some program heads resisted the very notion of children's rights, expressing apprehensions about it and being afraid that it may foster children who are individualistic and defiant of any authority.

> P3: I am concerned about rising up this sort of a child king, who has more rights than duties.

In addition, other program heads expressed a concern that children's rights are a notion not appropriate for the case of Chile.

> P4: They [children's rights] refer to very basic rights, unsatisfied basic needs (hungry, abuse, abandonment, mortality), and they blur in the reality of Chilean children. Because we do not have those problems. I feel that this [children's rights] has not instilled into public policies, what children's rights mean for Chilean children; we have the problem of having 45 children per class.

Awareness-Raising on the UNCRC Through Extra-Curricular Activities

As awareness constitutes a condition for the effective implementation of the UNCRC, our study explored whether or not undergraduate ECEC programs were promoting it. Remarkably, in accordance to most program heads' declarations, their

[7] Inicia is the national exam for undergraduate teaching students in Chile, which, in its current version, is administered in their penultimate year of preparation. Administered annually since 2008, it is currently a requirement for undergraduate graduation as well as for undergraduate teaching program accreditation (Chile-Ministerio de Educación, 2018b).

respective institutions had been regularly carrying out several activities aimed at raising awareness of the UNCRC, in order to promote a wider awareness of children's rights, as well as an understanding of children as rights holders.

A common feature of the examples provided is that all these activities had not been part of the corresponding formal curricula. Rather, they had been purposely conceived as extra-curricular initiatives aimed at complementing the designed process of student preparation. These activities had aimed to raise awareness of the UNCRC provisions and principles and the child rights approach among diverse actors of the local ECEC community, including, for example, families and representatives of organizations related to early childhood. For instance, several programs had held fairs and exhibitions in public locations in their respective cities, where information about the rights of children had been disseminated by distributing flyers or exhibiting banners. Also, one program had enriched their own yearly celebration of the so-called *Children's Day* with activities carried out in public places to promote the advocacy for children's rights.

> P5: This year we have carried out activities on children's rights in massively visited public locations. One of them was focused on child work. Students produced flyers for attendances; we produced banners containing the rights of children. This is not part of our formal curriculum, but we have been doing it. Students tell tales.

Adopting a different approach, two programs had carried out extra-curricular activities aimed at raising awareness among their own ECEC teaching students, as a complement to the regular preparation. The first program had fostered the preparation of their own faculty, in order to familiarize them with the UNCRC and the child rights approach, and also to be consistent with the UNCRC theoretical framework, the national laws and the educational system, so the faculty would be able to introduce these into the preparation of ECEC teaching students. The second program developed a workshop on the rights of children to be carried out annually, along with local organizations involved with early childhood, including ECEC and health providers, and the national service for childhood. Unfortunately, even though this experience had been conceived as part of the formal curriculum, eventually it was not supported by the authorities of the School of Education and it remained as an extra-curricular activity.

> P6: [Embedding children's rights] implied that our team had begun to prepare on Child Rights Education, because this is not as simple as wanting to do something, but it implies knowing the principles, current laws, conventions, etc. For example, some years ago, two professors earned a diploma certification on children's rights … we also had invited a UNICEF expert to do a workshop.

Nevertheless, it should be noted that two program heads expressed their concern over the impact of these activities, as they had the impression that students might not get as involved as expected, and, thus, might not be sufficiently committed to promoting the rights of children.

Practical Preparation of Students Mainly Focused on Violations of Children's Rights

Recognizing the relevance of building capacity for future ECEC teachers to advocate for and implement the UNCRC and the child rights approach in daily life and professional practice, our study explored how the UNCRC and the child rights approach have been grounded in the practical preparation of ECEC students. Interestingly, most survey respondents indicated that their respective programs had implemented different strategies and activities with this aim. Moreover, as explained, their overall expectation was that students would demonstrate the ability to integrate the UNCRC and the child rights approach into pedagogical practice during their professional internship,[8] which for them is the main evidence of the incorporation of the child rights approach in their undergraduate programs.

> P7: We mainly focus on practical work, which means that students have to search for and work in favor of children's rights … they have to infer the content of each right … For example, they have to arrange the environment of a classroom including children's rights, representing each right.

Hence, all program heads explained that their respective programs have promoted high quality and child-centered experiences for children, defined in terms of three main indicators: (1) focusing on the principle of play established in the national early childhood curriculum; (2) attending to diversity; and (3) including children's families and relating the learning experiences offered to their sociocultural realities. However, these responses suggest a difficulty in differentiating between the theoretical concepts and principles of the UNCRC and the child rights approach and those that are specific to the ECEC field, as the interrelations that need to exist between these spheres were not introduced in a coherent manner into the preparation of students. In addition, half of the program heads explained that, when responding to intern students' reports of situations observed in partner ECEC centers, their respective institution had prioritized the focus on the violations of children's rights observed by students during internship, over the universality of children's rights.

> P8: We focused [student's practical preparation] on the violation of children's rights: prevention of sexual abuse, drug consumption, family violence. Students carry out a project on those problems … not only attending violated children, but also preventing violation.

Nonetheless, one program head raised questions concerning their own efforts for student ECEC teachers to advocate for and implement the UNCRC and the child rights approach. Specifically, she expressed her impression that their formative activities had remained at the level of principles, without being specified at the level of pedagogical knowledge; thus, in her opinion, their efforts might be ineffective.

> P9: I think we need to improve in instilling an understanding [of children's rights], and that does not have a clear shape in undergraduate preparation, which implies discussion …

[8] In Chile, the professional internship is the last curriculum activity in ECEC undergraduate programs, being mandatory for graduation.

sometimes, we do not have the context or the support to better pinpoint the knowledge that ECEC teachers require in order to produce these social changes.

The Commitment of the ECEC Field in Chile to Embed Child Rights Education into ECEC Undergraduate Programs

This chapter positioned ECEC undergraduate programs as duty-bearers under the UNCRC and also explored how ECEC undergraduate programs in Chile have been embedding the CRE framework. In summary, our findings suggest that this process is fledgling, for in our study we observed that the three components of CRE had not been thoroughly fulfilled, despite all participating programs declaring that they had introduced the CRE framework to some extent into a number of components of their formal curricula. Specifically, we found that the formal curricula contained scarce explicit references to the UNCRC and the child rights approach, while some relevant misunderstandings of CRE were apparent in several examples. In addition, we found that all participating programs carried out activities to promote awareness-raising on the UNCRC and the child rights approach on a reasonably regular basis; however, these activities were offered exclusively through extra-curricular activities. Finally, we found that participating programs built student ECEC teachers' capacity to advocate for and implement the UNCRC and the child rights approach through the practical preparation, but they only focused on violations of children's rights. These findings suggest that participating programs have not been fulfilling their role as duty-bearers under the UNCRC, which, in turn, indicates that Chile may be following the same trend that the specialized literature had previously described for the international landscape.

Our findings lead us to recommend that ECEC undergraduate programs should explicitly undertake their obligations as duty-bearers, strengthening their efforts to embed the UNCRC and the child rights approach into formal curricula, and acknowledging CRE as the backbone of this process. Nevertheless, we believe that overcoming this challenge is beyond their own reach, and also requires the involvement of other key actors of the ECEC field in Chile. Firstly, the Ministry of Education, as part of the Chilean State, should be involved. As mentioned in the previous section, several program heads considered that recent public policies for undergraduate teaching preparation were a major obstacle to a better introduction of CRE in the preparation of student ECEC teachers. Thus, this Ministry—in fulfilling its own duties under the UNCRC—should play an active role in promoting the embeddedness of CRE into ECEC undergraduate programs, resorting to, for example, the instruments currently used to improve undergraduate teaching programs (e.g. Performance Agreements).

A second actor that should be involved in this effort are the United Nations agencies that are responsible for monitoring the implementation of the UNCRC by the Chilean State. As described in the previous section, participating programs had limited capacities for CRE (i.e. specialist scholars, and specialized literature). Therefore,

the involvement of the United Nations agencies seems to be necessary to build stronger capacity within ECEC undergraduate programs. Specifically, this may imply support in the form of workshops for faculty and students, suggested relevant bibliographies (literature), criteria to define protocols for action in cases of violations of children's rights during students' internships, and the promotion of a national network of research on CRE, as suggested by one of the program heads:

> P10: [UNICEF should provide ECEC undergraduate programs with] the possibility to prepare scholars on this issue [children's rights], by means of academic visits, doctoral programs, sharing experiences of preparation in different universities, establishing networks in Chile and Latin-America, in order to generate advanced knowledge.

Even though our study focused on ECEC undergraduate programs, it allows for a plausible answer to the question asked in the title of this chapter, regarding children's rights in infant–toddler care and education. Keeping in mind that, under the UNCRC, these programs have the obligation to prepare ECEC teachers as primary duty-bearers, our findings suggest that students from participating programs may have acquired limited knowledge and professional competencies in regard to the UNCRC and the child rights approach. Thus, it is likely that they have not been adequately prepared to respect, protect, and fulfil children's rights. Moving forward requires that this shortcoming is not understood as the sole responsibility of undergraduate ECEC programs, but as the commitment of the ECEC field in Chile.

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Chapter 4
Commentary on Chapters 2 and 3

Our Future Teachers: Duty Bearers, Activists and Advocates

Linda Mitchell

Both Long (Chap. 2), and Pardo and Jadue-Roa (Chap. 3), are concerned with initial teacher education for children's rights in early childhood education and care (ECEC). This is an under-researched area, and their chapters offer valuable insights and challenges for tertiary institutions and teacher educators in preparing ECEC students for teaching as *duty-bearers* under the United Nations Convention on the Rights of the Child (UNCRC). The chapter by Pardo and Jadue-Roa begins with a useful explanation of the concept of *duty-bearers* – and the role of the state as legal duty-bearer and of non-state entities, including teachers, as moral duty-bearers. These authors clearly establish the need for child rights education (CRE) to have a central place in initial teacher education. While the original UNCRC (1989) does not specifically mention ECEC, the UNCRC (2006) General Comment No. 7, following its concern that the reports of States Parties offered very little information on the rights of the young child, pointed out that "young children are holders of all rights enshrined in the Convention and that early childhood is a critical period for the realization of these rights" (Clause 1). It specifically argued for trained staff and professional training to enable "sound, up-to-date theoretical and practical understanding about children's rights and development" (Clause 23). As Pardo and Jadue-Roa note, the UNICEF *Child Rights Education Toolkit* (2014) also emphasised embedding rights in the curricula and training of professionals working with young children. Yet despite widespread acknowledgement that CRE needs to be embedded in teacher education, internationally a child rights approach is only sometimes

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present in ECEC teacher education courses. So the focus of both chapters helps to highlight an issue that is of significant importance and adds to the small body of literature on this topic.

Pardo and Jadue-Roa draw on their findings from a 2014 study of a child rights approach to undergraduate teacher education programs in Chile, and they also offer recommendations on ways in which ECEC programs can be strengthened to embed a child rights approach into initial teacher education curricula. Long discusses an empirical study of meanings that a group of undergraduate students in a tertiary institution in Ireland ascribe to children's rights. ECEC practices that illuminate these views are discussed. In this commentary, I comment on the contested relationship between rights and responsibilities, the value of exploring rights bearers' duties to support student teachers as *advocate activists*, and generally discuss the value of further research in this area.

Writing of *Aistear*, the Irish national curriculum framework, Long highlights "a clear curriculum entitlement for a situated children's rights education". She is critical, however, of the interweaving of rights and responsibilities as in the opening statement: "Help me to learn about my rights and responsibilities. Model fairness, justice and respect when you interact with me" (National Council for Curriculum and Assessment [NCCA], 2014, p. 8). Long portrays this language as problematic; she sees in this statement a suggestion that rights are conditional and dependent on children fulfilling certain responsibilities, a position that UNICEF (2014) warns strongly against. Yet this is not the way I read *Aistear's* curriculum statement, which seems consistent with UNICEF's (2014) view that

> If rights are to be taught alongside 'responsibilities', this must be framed in terms of actions or attitudes needed to respect other people's rights, not used as a punitive method of controlling children's behaviour through the threatened 'withdrawal' of rights. (p. 76)

However, the relationship between rights and responsibilities is a contested issue that came through also in the teacher educator interview responses in Pardo and Jadue-Roa's chapter on Chile. Here, some program heads were resistant to the idea of rights, portraying these as fostering children who are "individualistic and defiant of any authority". An example from New Zealand's ECE curriculum and writings from a Māori perspective offer some new thinking that could shed further light on this relationship between rights and responsibilities. New Zealand's curriculum, *Te Whāriki* (Ministry of Education, 2017) makes explicit reference to children's rights to protection, provision (e.g. equitable access) and participation.

> This curriculum acknowledges that all children have rights to protection and promotion of their health and wellbeing, to equitable access to learning opportunities, to recognition of their language, culture and identity and, increasingly, to agency in their own lives. These rights align closely with the concept of mana.[1]

[1] *Mana:* The power of being, authority, prestige, spiritual power, authority, status and control.

> This section [*A curriculum for all children*] sets out expectations of inclusive and responsive practice that acknowledges diversity. A fundamental expectation is that each service will offer a curriculum that recognises these rights and enables the active participation of all children, including those who may need additional learning support. (p. 12)

References to a child's rights to agency are included in sections related to infants, toddlers and young children. In these sections, responsibilities are portrayed as interwoven with rights, e.g. "[Children] are given opportunities to discuss their feelings and negotiate on rights, fairness, expectations and justice" (Ministry of Education, 2017, p. 34).

The New Zealand curriculum is underpinned by four principles that are intended to guide decision making and practice. The principle of *Empowerment/Whakamana* is particularly relevant to this discussion of rights and responsibilities.

> This principle means that every child will experience an empowering curriculum that recognises and enhances their mana and supports them to enhance the mana of others. Viewed from a Māori perspective, all children are born with mana inherited from their tīpuna.[2] Mana is the power of being and must be upheld and enhanced. (Ministry of Education, 2017, p. 18)

Māori academic Wally Penetito (2009) writes of the *creative tension* between individualism and collectivism and asserts that neither can be taken for granted: "Where one's *mana ake* (unique individualism) is encouraged to develop, *rangatiratanga* (self-determination) for the collective identity is also facilitated" (p. 23). They fully develop with each other in a *relational totality*. The discussion of a child rights approach could fruitfully explore these ideas of relational totality connecting individual rights and collective responsibility.

This book is about children's rights in infant-toddler ECEC settings. Both the chapters discussed in this commentary placed predominant focus on participation rights. Views of children and childhood are socially constructed, and there has been a long-held tendency to view children as passive recipients of adult care and actions, particularly infants and toddlers. This view presents children as dependent on the goodwill of adults, and is necessarily disempowering. Understanding discourses about children and childhood contributes to an ability to deconstruct and explain them, and so become more critical of them. In this respect, a child rights approach that recognises and supports children's agency, offers a welcome alternative to discourses and practices that are limiting. Recognising the competence, views and interests of infants and toddlers is complex and challenging. But, as Smith (2016) has argued, young children "have a great deal of understanding of the people, places, and routines in their lives, make choices and communicate their feelings and wishes, well before they can talk" (p. 47). It requires that relationships are warm, sensitive and responsive, that teachers notice, recognise and respond to children's interests so they can scaffold and extend them, and that teachers are open to finding out about the funds of knowledge that reside in families.

[2] *Tīpuna*: Ancestors; forebears.

Another crucial aspect of a child rights approach within initial teacher education programs is around provision of ECEC. This was not explored to any extent in the two chapters. While governments have a legal duty to provide access to quality ECEC for all children, as the chapter writers acknowledged, there are moral duties for teachers to advocate for quality ECEC and to speak out as advocates when access is limited, and practices are poor quality and disempowering. In a neoliberal world, the market rather than the state has become the provider of ECEC with subsequent inequities in access and quality (Press et al., 2018). From a child rights perspective, within ECEC initial teacher education programs, CRE needs to include teacher educators as duty-bearers developing within their initial teacher education provision, as well as providing an understanding of and commitment to teachers as *activist-advocates*.

Research evidence on initial teacher education for children's rights is very limited. In my view, the two chapters raise questions and challenges that will contribute to thoughtful consideration of ways in which initial teacher education providers can contribute to implementing children's rights in ECEC. Importantly, as Pardo and Jadue-Roa advocate, an integrated approach to mainstreaming children's rights into curricula for initial teacher education needs to occur, and it should involve key government bodies such as ministries of education.

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Chapter 5
Infants' and Toddlers' Rights in Early Childhood Settings

Research Perspectives Informing Pedagogical Practice

Andi Salamon and Ioanna Palaiologou

Abstract Globally, early childhood education and care (ECEC) settings are increasingly influenced by the United Nations Convention on the Rights of the Child (UNCRC) (United Nations, Convention on the Rights of the Child. United Nations, Geneva, 1989). The Convention emphasises that the best interests of the child is a central focus for actions and decisions concerning children. This includes the best interests of infants and toddlers. Enacting rights that emphasise children as participants in research and practices that involve them (Articles 3.3, 12, 13 and 36), has led to an exploration of methods and practices that support this aim. However, this chapter problematises the notion of participation in relation to infants and toddlers. Coming from UK and Australian perspectives (and experiences that have shaped the authors' epistemological standpoints), the authors argue that participation with infants and toddlers might be an illusion. They also address some of the asymmetries of the rights of children under the age of three in ECEC. In this chapter, the authors discuss how participation can be conceptualised in practice and research with infants and toddlers at two levels. Firstly, axiologically, the discussion evolves around the core principles of participation and questions how these axioms can be understood in practice and research with infants and toddlers. Secondly, ontologically, the authors discuss the asymmetries of children's rights in practice

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and research, and the role of participation. Finally, the chapter concludes by suggesting a changing in discourse, and makes the case that instead of focusing on how participation can be achieved with children under three in practice and research, the focus should be to achieve ethical praxis by acknowledging ethical permeability, relatability, Otherness and emotional capital.

Keywords Children's rights · Participation · Axiology · Ethical praxis · Permeability

Introduction

The United Nations Convention on the Rights of the Child (UNCRC) (United Nations, 1989), and its near universal ratification by state parties of the United Nations (UN), has promoted developmental, protection and participation rights as fundamental for children. Most countries that belong to the UN have changed aspects of their domestic policies, legislation and practices in order to uphold these UNCRC rights (Kilkelly, 2017). For example, in 2009 the Swedish government changed the name of its Child Policy to Child Rights Policy to demonstrate their commitment to implementing the rights of the child (Swedish Parliament/Riksdag, 2012/2013). Arguably, the UNCRC created a public debate that has affected how children are viewed, and prompted an ideological shift that sees children as agentic human beings with the right to be included and involved in all aspects of their daily lives. Subsequently, the UNCRC, and children's right to participation (European Court of Human Rights, 2014), has increasingly gained recognition in education systems and curricula, including in early childhood education and care (ECEC).

ECEC contexts worldwide work within a wide range of legislative requirements, adhering to regulatory standards and curriculum documents. These may be designed with reference to the requirements of the UNCRC to promote the best interests of children and uphold their rights to provision and protection. In Australia, for example, the Education and Care Services National Regulations (New South Wales Government, 2018) stipulates that children's dignity and rights should be considered through both the design of premises that appropriately facilitate supervision and through interactions between educators and children. Another example comes from England where the statutory Framework for Early Years Foundation Stage (Department for Education [DfE], 2017) emphasises safeguarding children and their welfare, at a time when photographing children is central to pedagogical programming and planning. Within the safeguarding policy and procedures are clear explanations of how visual data of children in ECEC settings are used, stored and communicated with parents, including policies for the use of mobile phones and cameras (DfE, 2017). These legislative efforts reflect an ongoing interest in upholding young children's rights to provision and protection.

At the same time, a shift in focus on the participation rights of very young children is increasingly expounded in early years contexts. Regulatory and curriculum documents mandate assessment of the child's "needs, interests, experiences and participation" in educational programs (NSW Government, 2018, Regulation 74), guided by the recognition of children's right to "play and be active participants in all matters affecting their lives" (Department of Education, Employment and Workplace Relations [DEEWR], 2009, p. 5). Similarly, in each of the UK's constituent countries' (England, Wales, Scotland, Northern Ireland) different curriculum frameworks, whilst the emphasis on areas of development might differ, key to all is an emphasis on play, play-based learning and children's voices. In all the UK's curricula, there is an emphasis on promoting children's rights and on valuing children's voices, no matter their age or evolving capacities (e.g. DfE, 2012).

This shift in focus on young children's participation rights is also reflected in national and institutional (e.g. universities) ethical guidelines for research with young children and young people. In particular, ethical concerns about research involving children centres on their capacity to understand the research process and "whether their consent to participate is sufficient for their participation" (Australian Research Council, 2015, p. 50). With an emphasis in the field of ECEC research on children being actively involved participants in research (Mesquita-Pires, 2012; Pascal & Bertram, 2012), there is a potential divide between ethical discourses and guidelines that seek consent of young research participants and how they are enacted in practice. Subsequently, researchers have started examining how they can conduct rigorous research that involves children (including infants and toddlers) as participants, that also informs and improves pedagogical practice (Gallacher & Gallagher, 2008; Harrison et al., 2017; Murray, 2017; Palaiologou, 2017; Powell & Smith, 2009; Salamon, 2017b).

The quest for rigorous research with children as participants is laudable but complex when research concerns infants and toddlers. Indeed, participatory research involving infants has been the focus of increasing interest and critique. Research that aims to capture infants' perspectives (Sumsion et al., 2014; Yoshida & Smith, 2008) and enhance their participation (Salamon, 2015; Sumsion et al., 2011), has aimed to capture infants' lived experiences in ECEC contexts. However, the true nature of infants' participation in research and ECEC is problematic. Researchers have highlighted that it is difficult to gain infants' perspectives (Elwick & Sumsion, 2013; Elwick et al., 2014), authentically incorporate infants' active involvement in research processes (Salamon, 2015) and demonstrate how infants can be participants with the means to influence and shape practice and research (Palaiologou, 2014). The problematic nature of infant and toddler participation is the result of an *illusion of participation*, grounded in the valuing of some rights over others. The following discussion examines this illusion and the accompanying asymmetry of the rights of children under three.

The Illusion of Participation

The World Health Organization (2007) defines participation as "involvement in life situations" (p. 9). Saxena (2011) extends this definition thus: "the essence of participation is exercising voice and choice", which is facilitated by "developing the human, organisational and management capacity to solve problems as they arise in order to sustain improvement" (p. 31). Within the social contexts of participation, "manifestation of individual agency" (Percy-Smith & Thomas, 2010, p. 357) is enabled. The key characteristics of participation are agency, empowerment, the ability to voice one's views, choice, involvement and decision making. However, it is important to consider whether the interests of researchers and partners align with such conceptions of participation (Kristiansen & Bloch-Poulsen, 2014), and to acknowledge the implementation of participation differs from one context to another. Researching and working with infants and toddlers has axiological challenges in terms of understanding the concept of participation, how the children are positioned in relation to adults in power, and how the children can exercise agency.

Axiological Challenges of Participation

Participation of children in decision making and in research is now the locus of a new sociology of childhood that underpins practice and research with children (Jones & Welch, 2010; Morrow & Pells, 2017; Powell & Smith, 2009; Punch, 2002). Contemporary research in early childhood education seeks ways "to bridge the gap" between capturing children's experiences of the world "as it is lived from their own voices and the rigour of scientific research and dispassionate explanation" (Smith et al., 2002, p. 11). Children are presented as agentic social beings within the idea of "children's agency in their own constructions of knowledge" (Murray, 2016, p. 718)—and infants and toddlers in particular, are being recognised for their sophisticated agentic capabilities (Elwick et al., 2014; Salamon, 2017a). Consequently, the field of early childhood research and practice is experiencing an increasing amount of research that examines participatory approaches. In an attempt to inform practice "against the backdrop of the objectification of children by traditional and psychological social research, participatory approaches appear emancipatory and democratic, respecting children's agency as individuals in their own right" (Gallacher & Gallagher, 2008, p. 499).

We argue that the core axiological challenge lies with an *adultomorphic* interpretation of children's participation that encompasses a passive agenda. Adults are most often the ones who determine the content and process of participation and communicate children's views to others. In that sense, participation can be tokenistic and can hide a controlling agenda behind the ensuing deliberation (Dahlstedt & Fejes, 2015). This *adultcentric* role in children's participation is also identified by Lundy (2007), who argues that in order to achieve participation in schools, adults should create conditions for children and young people to have a voice and listen to

and respect children's views, which ultimately act as factors of influence. In traditional systems of education, whether this occurs is often out of children's control. When we seek to listen to infants' and toddlers' voices this becomes even more problematic, because participation is often seen as the verbal ability to articulate one's views about the matters of participation that concern them so adults can respond and act on them.

Thus, we argue here for the use of ethics to critically examine young children's participation in ECEC research, to avoid an "easy classification" (Mazzei & Jackson, 2009, p. 4) of participation and voice that becomes "domesticated" by and for adult-centred purposes (p. 7), being treated in ways that are "too easy" (Lather, 2007), or merely involving another technique to be followed. Instead we should "seek the messy, opaque, polyphonic; a voice that exceeds easy knowing and quick understanding" (Mazzei, 2009, p. 50). We propose that participation should be examined as a "multidimensional social construction, which is subject to change" (Komulainen 2007, cited in Harcourt & Einarsdottir, 2011, p. 303), and is largely dependent on the social site of its practice. Following Mazzei (2009), for example, *messy* participation in Australian ECEC contexts may include deciding whether infants should sleep in outdoor environments while other children play. This might look different in the UK. Furthermore, we advocate that when infants and toddlers are involved in practice or research, we need to move beyond the term *voice*—as synonymous to participation—and engage with ethical axioms that capture the ontological standpoints of children's rights.

Ontological Challenges: Asymmetries of Children's Rights

As explained above, an emphasis on children's participation rights now underpins a frame of reference in ECEC practice and research (Bergold & Thomas, 2012; Christensen & James, 2000; Clark, 2011, 2014). However, children's rights—especially when it comes to children under three—are connected to some asymmetries that need to be considered when we try to enact them in ECEC.

The first asymmetry—which applies to all children's rights—derives from the debate as to whether children's rights are a part of, or different from, human rights in general. In the field of research and practice examining children's rights, there are some who support the idea that children's rights cannot be seen as separate from broader human rights (Alderson, 1999; Bennet & Hart, 2001; Bobbio, 1996). Others claim, however, that the "rights that children have, differ from the general rights of humans" (Brantefors & Quennerstedt, 2016, p. 2). Quennerstedt (2010) argues, for example, that within the UN (1966), rights are referred to as civil, political, economic, social and cultural, but within the UNCRC, children's rights focus on development, survival, protection and participation. This creates a divide in the discourse of human rights and children's rights and necessitates a view of children's rights as needing to be understood in the social and cultural worlds of their experiences, such as education, play and their evolving capacities.

The second asymmetry lies with the duty of care of adults. The UNCRC states clearly that it is the duty of adults to make sure that all children are aware of their rights and that "children [should] have the right to be involved and to be heard in matters that affect them" (Sandberg & Ärlemalm-Hagsér, 2011, p. 46). However, according to the Convention, children's rights "cannot exist unless they are transformed into a behavior …. only possible through education" (Akengin, 2008, p. 226). For infants and toddlers, this education is oriented by the educators *knowing best* how to create an environment where children are protected and their developmental rights can flourish. Given infants' limited verbal capacities, adults often translate what *knowing best* is into attempts to protect and support them. This raises the issue of whether there is a hierarchy of rights. According to the UNCRC all rights are equal; however, with infants and toddlers, adults have to use their judgement, align with rights-consistent practices and work within boundaries (e.g. codes of practice, legislation) to safeguard the under-threes. Arguably, this is likely to occur most often with infants and toddlers due to the construction, and at times the physical reality, of the youngest children as needy and vulnerable (Sorin, 2005; Woodrow, 1999). Ontologically, this places the under-threes in a situation where, in relation to their rights, they may not fully "**inhabit**" a rights-based life (Ingold, 2011, p. 145, emphasis in original), but, rather, live it through adults who work to ensure young children's rights are realised and fulfilled.

Thirdly, as previously mentioned, in recent years participatory rights have become synonymous with the concept of *voice*. While the appeal of participation (children's voice) has brought changes in research and practice, Ärlemalm-Hagsér (2014) cautions us that "children's right to participation is constrained with ambiguity and divergent views of how it is to be understood, as well as to be enacted, both in research, as in practice" (p. 104). The ambiguity and divergence exist in the potential differences between what an infant or toddler would consider their rights, and what an adult would, largely affected by cultural expectations. Listening to children under three and honouring their right to participation is driven by an adult agenda, which "may not mark a proper engagement with all the richness, strangeness and diversity of children's worlds" (Jones, 2008, p. 202). The power of the adult, when children try to express their own views (Alderson, 2013), is undeniable. Tensions exist when adults don't acknowledge or value children's voices by *knowing better* what is good for them (Warming, 2011), and when their duty of care to protect young children overrides the child's choice to participate. As emphasised in Article 3 in the UNCRC, those working with or researching alongside infants and toddlers, first and foremost have a responsibility to focus on children's best interests when making decisions regarding them. Children of this age are still in a developmental stage where they are often in need of provision that offers protection to safeguard their healthy survival. The rights of protection, survival and development are key, though, in some cases, they may be in asymmetry with the right to participation.

Changing Discourse: Ethical Praxis

As has been demonstrated in this chapter, the implementation of infants' and toddlers' rights has serious axiological and ontological challenges and tensions that require careful consideration in ECEC. We propose a shift in thinking about participation, and an attempt to conceptualise ethical praxis. As Palaiologou (2012) states:

> ethical praxis is concerned with the exercise of logic, moral judgment and sensitivity to the contexts of children's lives, involving the latter's culture, religion, social values and economic and political situation. Thus the researcher [and the ECEC practitioners] should firstly develop a full understanding of the nature of the projects and methods under the lens of a set of principles orienting the ethical praxis. (p. 35)

We suggest that participatory research and practice should be intermingled and interconnected with *eupraxia* (good praxis). Eupraxia, a key element in ethics, should allow permeability for professionals and researchers who are concerned with the rights of children. Although ethical procedures concerning children's rights may be in place, they can vary, be limited and can still exclude infants in terms of content and processes. Extending our thinking on ethical praxis (Salamon, 2017b; Palaiologou, 2012, 2014), we argue that three elements can be added in our (re) conceptualisation of the rights for infants and toddlers: ethical permeability and relatability, Otherness, and emotional capital.

The Case for Ethical Permeability and Relatability

Mouffe (1993) suggests that "instead of trying to erase the traces of power and exclusion, democratic politics requires that they be brought to the fore, making them visible so that they can enter the terrain of contestation" (p. 149). In relation to infants' rights, this terrain acknowledges the inherent axiological and ontological challenges outlined earlier and does not try to erase the adultcentric nature of upholding infants' and toddlers' participation rights in research and practice. Rather, we argue that an ethical terrain of research and practice with infants and toddlers be created based on permeability (emotional responsiveness to children) and relatability (emotional relatability to children and children's spaces) (Palaiologou, 2020). Ethical permeability, tuning in and responding to young children's reactions to adults' actions, and relatability—relating to the child's world rather than trying to understand it from a position of power (Palaiologou, 2019, 2020), are central to a line of thinking that makes the challenges of participation for under-threes visible, and better honours infants' and toddlers' true capacity for participation.

In that sense we argue for more nuanced ethical practices when researching and working with infants, as a need to contest the linear, hierarchical or circular approaches to participatory research and practice. Instead, we suggest that ethical praxis and its permeability (emotional responsiveness) and relatability (emotional relatability) should be firmly placed in research and practice agendas to explore

potentialities of an axiomatic understanding of what is required for conducting ethically sound practice and research. Research and ECEC contexts should seek other dimensions in the rights discourse for infants and toddlers: permeability and relatability, as a way of evaluating ethical practice and research, and the extent that outcomes of this evaluation will alter the spaces and lived experiences of children. Salamon (2015), for example, evaluated how the infants in a research study did not *stick to the plan* intended in the methods, or how methods (intended to promote participation) actually inhibited how the toddlers chose to participate and subsequently altered how the research was conducted (Salamon, 2017b). Ethical praxis and its permeability and relatability should be firmly placed in research and practice agendas to better uphold children's rights with regard to content and processes.

The Case of Otherness

Broadly, the idea of the *Other* separates one (or a group) as different, based on distinguishing characteristics, to the more powerful and popularly represented group. More specifically, the concept of *the Other* has been studied extensively (e.g. Jones, 2009; Lacan 1936/2000; Levinas, 1985, 1991). In Australian, New Zealand and UK contexts, there is commonly a demarcation and Othering of infant and toddler pedagogy, compared with the relatively more acknowledged (and politically resourced) age group of the preschool (3–5) years. On the one hand, this has helped (rightly) acknowledge the specialised nature of infant and toddler pedagogy (Dalli et al., 2011; Ministry of Education, 1996; Rockel & Craw, 2011) and professional development unique to educators' work with infants and toddlers (Elfer, 2012; Elfer & Dearnley, 2007; Goouch & Powell, 2013). On the other hand, this reflects Gottlieb's (2000) claim about the Othering of infants, where she outlines the lack of anthropological literature about infants, a hallmark of cultural anthropology being to study "'the Other'" (p. 124).

The notion of infants as Other has been given attention by early childhood researchers examining the increase in participatory research with infants that attempts to represent their experiences. For example, working to avoid any reductive theoretical or conceptual notions of infants and their worlds, researchers concluded that inherent uncertainties of studying infants "reconstructs such research as a site for ethical rather than epistemological practice" (Elwick et al., 2014, p. 198). This is important, highlighting the ethical responsibilities of researchers working with infants. As Salamon (2015) notes, however, positioning infants as a group with whom research can be so challenging has the potential to result in the challenge becoming the focus. Rather, focusing on the commonalities of infants as participants (to some degree), while considering their inherent and unique differences, can be beneficial in both research and pedagogical practice (Salamon, 2015). This view acknowledges common characteristics of participation of all subjects, recognising the unique and context-specific differences of participants, and acknowledging the subjectivity of the researchers or educators. Interrogating one's own practices and

understandings about ethical praxis is essential to changing discourses and engaging in ethically responsive ways to "the potential power imbalances" between researchers, educators and (all) participants (Salamon, 2015, pp. 1027–1028).

The Case of Emotional Capital

Although adults are the ones who are responsible for the organisation of the physical environment, learning experiences and what forms of assessment will be implemented, infants have an exceptional capacity for developing and using sophisticated social and emotional communication skills to guide engagement with adults in their lives (Salamon, 2017a; Salamon & Harrison, 2015). Thus, it is possible to consider degrees of participation of infants and toddlers, and a first step to supporting a more holistic view of infants' rights is understanding the ways infants do participate. Emotional capital has recently been theorised in relation to infants' evocative emotional communication and engagement skills as involving "intentional emotional practices, including facial expressions, gestures and vocalisations" (Salamon et al., 2017, p. 371). This understanding of emotional capital can help frame practitioners' understandings in ways that impact on infants' participation rights. For example, if educators understood the emotional communication of infants as the sophisticated and purposeful repertoire of skills that it is, they might see how much infants actually do participate in natural and less overt ways than a planned learning experience (aimed to enhance participation) may do. By enabling educators' understandings of emotional capital, it may be possible to better reconcile concepts of *voice* with the observable practices that infants engage in, often being the ones in control and wielding the power. In doing so, infants can be seen to act with great agency and engage in ways that are far from passive, though the challenge of adults' interpretations remains.

In ECEC literature, developmental theory has been critiqued for its relevance in a diverse world, where children's development is influenced by sociocultural factors that cannot be reduced to universal *norms* (Dahlberg et al., 1999; MacNaughton, 1997). The potential to "throw the baby out with the bathwater" and lose valuable developmental ideas, however, by dismissing developmental theory completely, may be a part of the tension between how protection and participation rights are promoted in early years learning contexts. Rather than dismiss the challenges developmental theory may present, researchers and practitioners can navigate Mouffe's (1993) "terrain of contestation" (p. 149), in a bid to uphold a wider range of infants' rights. By drawing on understandings of developmental learning, as emotional capital does, educators can potentially enact infants' and toddlers' protection rights by acting in their best developmental interests and minimising harm. Further, understandings of emotional capital can help educators recognise infants' natural and seamless capacity for participation and help them engage in healthy relational dynamics that support and foster the development of beneficial dispositions for learning (Salamon, 2017a).

Conclusion

To conclude, we do not claim that we have identified all the asymmetries of the rights of infants and toddlers, but what we argue here is that (as adults) we do need to recognise that the enactment of their rights has ontological and axiological complexities. Working with and researching children under three raises issues of power asymmetries between rights. Adults are the ones who are responsible for infants' and toddlers' routines, organisation of the physical environment, learning experiences, what forms of assessment will be implemented, as well as their safety. Children under three usually have very little say in any of these discussions, which can cause tensions with the participation rights of infants and toddlers.

As adults, we need to acknowledge and raise the issue that practice and research about children's rights with under-threes might need to be (re)conceptualised to build better understandings of how we can construct ethical research and practice, which looks at and interpret infants' and toddlers' lived experiences "so that ethics and participation in research [and practice] stand next to each other" (Palaiologou, 2019, p. 41). As has been argued in this chapter, we need to (re)coneptualise what it is meant by participation of children under three. We argue that when ethical praxis underpins infants' and toddlers' participation, adults are responsive (emotional permeability), relate (relatability), and are attuned with infants' and toddlers' different, yet similar, (otherness) life narratives. Through the lens of ethical praxis, it is concluded that the asymmetries in rights can be balanced by better understanding infants' and toddlers' developmental capabilities and agentic nature (emotional capital) and being emotionally responsive in their lives.

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Chapter 6
Reconceptualising Shier's Pathways to Participation with Infants

Listening and Responding to the Views of Infants in Their Encounters with Curriculum

Sandra Cheeseman, Frances Press, and Jennifer Sumsion

Abstract Much has been written about affording young children (including infants) rights to participate in matters that affect them. In particular, most early childhood curriculum guides that include infants, reflect contemporary images of infants as powerful learners, capable of contributing to their own and others learning. While these strong images of capable children may sit comfortably with curriculum approaches for older preschoolers, there is less clarity about how infants might have their agency and rights to be participants in curriculum honoured. This chapter presents three narratives, developed as part of a case study considering infants' encounters with curriculum. Drawing on the Levinasian idea of encounter (Levinas, Time and the other. Duquesne University Press, Pittsburgh, 1987), these narratives are an attempt to get closer to infants' perspectives and illuminate the ways in which these infants propose their learning agendas and invite others into the encounter. The narratives suggest that infants' contributions and key signals about their interests and ambitions for learning can be easily overlooked. As a way of overcoming these oversights, Shier's (Child Soc 15(2):107–117, 2001) principles of participation are considered as a possible framework for listening to infants and fostering their

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participation rights in curriculum. A reconceptualising of these principles, based on insights gleaned from the narratives, provides new ways of thinking about infants as protagonists and partners in their curriculum encounters. This chapter will invite conversations about hidden, silenced and overlooked aspects of the curriculum experience for infants and provide a framework for considering how infants rights to have a say in curriculum might be honoured.

Keywords Early childhood education · Curriculum · Shier · Infants and toddlers · Participatory learning

The increased participation of infants in non-familial childcare in Australia has been accompanied by an intensification of political and research interest in their childcare experience (Grieshaber & Graham, 2015; Sumsion et al., 2016). Along with this shift to increasing numbers of ever younger children in early childhood education and care (ECEC) settings, there has been a groundswell of interest in young children as rights holders and their right to have a say in matters that affect them, including their education. Among a growing number of international initiatives aimed at enhancing children's life outcomes has been the recent phenomenon of government-initiated curriculum or learning frameworks for ever younger children. These frameworks frequently call on educators to view infants as agentic and capable contributors to their own and others' learning. There is as yet, however, little written about how infants' right to have a say in their learning might be fostered.

This chapter is drawn from a study (Cheeseman, 2017) that examined the experience of infants in an Australian ECEC setting with a view to illuminating how their right to have a say about their learning and to contribute to the curriculum can be realised. The study aimed to better understand, as far as possible from the infants' perspective, how they experienced curriculum. It sought to get close to the experience of three infants – Clare, William and Hugh (aged between 6 and 28 months) – as they encountered curriculum in their childcare setting. Using a critical hermeneutics theoretical frame, this study sought to reveal the potential hidden, silenced or taken-for-granted aspects about curriculum for infants, alongside the use of narratives to reflect the infants' lived experiences.

It was acknowledged from the outset the impossibility of ever being able to claim to *know* what the infant is thinking or indeed desires (Elwick et al., 2014). This work, however, invites consideration of what cannot be completely known or understood about the *Other*. It accepts that errors might be made in assumptions about infants' internal drives and motivations. This work presents a case for an inquiring and speculative stance about what we cannot yet know about infants. Such a stance may afford opportunities for infants that they may not otherwise encounter.

With this in mind, the thinking of the Lithuanian-born French philosopher and phenomenologist Emmanuel Levinas (1985), offered the possibility of conceptualising curriculum for infants as *encounter*. Curriculum conceptualised as encounter recognises the infant as more than the object of the curriculum experience. Encounter situates the infant as a subject who influences and has a say in their learning.

Stemming from the broader theorising of encounter, Levinas' also offered the notion of the *benediction*. For Levinas (1999), "All encounters begin with the benediction, contained in the word 'hello'" (p. 98); the benediction is the invitation to encounter. The focus on the lived experience of the infants (their sayings) and the invitations (their benedictions) offered a way to come closer to the experience of the infant in the curriculum encounter.

The encounters represented in this chapter spark questions about how learning and curriculum are conceptualised when working with infants. In particular, these narratives expose the nature of *encounter* for infants – how they both respond to and influence others and share their ideas for play. Drawing on the video footage, still-frame photographs taken from the video footage, and field notes, a description of the context and events is presented along with a selection of the still-frame photographs which reflect the action. The images presented in this chapter are used with permission and taken from that study. The narrative analysis presented in this chapter focuses on how the infants' *benedictions* are indications of their capacity to participate and contribute to curriculum decisions, and to suggest, alter and set the direction of their own and other's learning. To further this work, we draw on Shier's (2001) principles of child participation, to examine how the small moments and subtle suggestions of these infants might be clues to honouring the agency, capabilities and participation rights of very young children.

Participatory Learning

Constructions of infants drawn from the prominent theoretical perspectives of attachment theory have often framed infants as the passive recipients of adults' intents or responses (Elfer, 2014; Trevarthen, 2011). The data presented in this chapter challenge this framing of the infant as passive and reliant on the appropriate actions of the adult to influence and enhance their learning. Instead, the data show multiple and diverse ways that these infants were agentic, opportunistic and sophisticated in suggesting and asserting their capacities as mediators of their learning. They were not merely the objects of adults' plans for their learning (James et al., 1998).

While much has been written about affording young children (including infants) rights to participate in matters that affect them, the narratives presented in this chapter highlight that images of infants as passive and subject to the actions and decisions of their educators may be interrupting the realisation of genuine participatory rights for very young children. As Sumsion et al. (2011) suggest, critical examination of taken-for-granted approaches attempt to "…dislodge us from the certainties of our habitual reference points and enable greater analytic richness…" (p. 117). This criticalist standpoint promotes a deeper understanding of how infants' capacities for participation might become central to the practices of educators working with the youngest children.

Originating from the traditions of sociocultural theory (Vygotsky, 1979), and more recently social constructivist thinking (Rogoff, 2003), participatory learning in the early childhood context highlights the importance of learning that occurs as a shared social process (Edwards, 2009). Moving beyond notions of social learning through observation of a more skilled or experienced other, or the opportunity to actively engage in an adult-directed activity, participatory learning emphasises the child's agency and autonomy – one who is listened to, acknowledged and can lead the learning process. Tomanovic (2003) suggests that participatory learning is characterised by openness and opportunities to express opinions freely, and that a sense of meaning is established through interdependence and reciprocity. Such notions – of openness, opportunity to express opinions, interdependence and reciprocity – may appear cogent and reasonable in the context of contemporary approaches to early childhood curriculum. When considered from the standpoint of infants, however, such notions, premised on a shared and equitable contribution, cannot be taken for granted. If ideals such as reciprocity, openness and interdependence are to be realised for infants, their contributions must be understood, identified and honoured.

In considering the place for participatory learning in the experience of infants and toddlers, Berthelson and Brownlee (2005) drew on the work of Shier (2001) who notes five ordered principles for genuine participation. Shier's principles begin from a premise of genuine child-led participation where the child's capacity and competence to contribute is unquestioned. In the case of infants, the premise of unquestioned competence cannot be taken for granted. Although much contemporary early childhood literature espouses a capable and resourceful child, one with rights and agency, the discourses that surround infants in early childhood settings often present them as vulnerable, with many needs and subject to the decisions and actions of the adults who care for them. The first challenge to participatory curriculum with infants is to see beyond the images of infants that often form the basis for working with them. Beyond this starting point, Shier (2001) suggests that the core principles for participatory approaches are:

1) Children are listened to.
2) Children are supported to express their views.
3) Children's views are taken into account.
4) Children are involved in decision-making processes.
5) Children share power. (Shier, 2001, p. 110)

Expressed as responsibilities of the adults, these principles are premised on an assumption of a child who is verbal, capable of coherently communicating their views and somewhat adept at negotiating both power and decision making. They equally place responsibility on the adult to *enable* the participation through their actions. Bae (2009), however, suggests terms such as "enhance" or "inhibit" (p. 394) rather than enable. Bae's terms may lend themselves more respectfully to fostering participation for very young children and also take the emphasis away from what the adult *does* to place more emphasis on what the adult *notices*. Bae (2009) asserts that an essential premise of participation is the creation of conditions for mutual actions and relational processes. As Woodhead (2005) argues, fostering children's participatory rights "…challenges familiar ways of thinking about adult-child

relationships and demands new role expectations for adults who take care of children" (p. 394). This is particularly pertinent in working with pre-verbal infants where much emphasis has traditionally been placed on the adult to take the lead.

In considering Shier's five principles in relation to infants, and in keeping with a desire to consider participation from the perspectives of the infants, we have reconceptualised Shier's principles and considered them, not from the perspective of what the adult might do, but what the infant might say if they were to communicate verbally. Once again Levinas' ideas about the face-to-face encounter (Levinas, 1987) have been useful in reconsidering these principles with infants in mind. Rather than approaching these principles full of notions of the adult as expert who enables and allows the child's contribution, a Levinasian shift requires the adult to be hesitant, cautious and watch closely for the individual and unexpected ways in which the infant might express their desires. From the perspective of infants, the principles might read more like the following:

1. I can communicate in many ways – you have to know how to listen.
2. I have views and opinions – I show them in many different ways.
3. My views are worth taking into account – if you wait and let me show you.
4. I can make decisions about my own capabilities – give me time and watch carefully what I choose.
5. I want to have a say – you may need to wait and watch carefully.

Understood in the context of what Clark et al. (2005) suggest are democratic and respectful relationships, characterised by an ethic and culture of listening, these five adapted principles offer a way for educators to consider infant participatory learning. As Rinaldi (2001) suggests, listening is "a metaphor for having openness and sensitivity to listen and be listened to—listening not only with our ears, but with all our senses (sight, touch, smell, taste, orientation)" (p. 19). This notion of listening with all the senses is a way of interpreting Shier's principles in relation to infants and honouring the many and diverse ways that they communicate and express their intents.

It is acknowledged that choosing to analyse the data using these principles is but one way of interpreting and reading these narratives and that there are many other possible interpretations and readings. In constructing the narratives, the intent was not to disregard other possibilities, but to sharpen the focus on the infants' participation.

Narrative 1: *The Wheels on the Bus*

[William: 8 months; Clare: 21 months; Helen: 27 months]

It is after lunch and a number of infants and toddlers are preparing for a sleep. Two of the older toddlers, Clare and Helen, are reading a book with their educator. Another educator and two toddlers are close by, but they are not directly involved in

Fig. 6.1 William turns his attention to the singers and raises his arms "up and down"

what unfolds. The book being read to Clare and Helen is a large picture book: *The Wheels on the Bus*. This book reading soon turns to singing of the familiar song of the same title, along with the actions that these children appear to know well. As the children and educator turn the pages, they sing a new verse with different actions.

William (far left in Fig. 6.1) is not directly involved in this game. He is sitting about two metres away and has been given some toys on the mat. He is not yet crawling and so his ability to move around the room is quite limited. It is not long into this singing game that William appears to join in (see Fig. 6.1). He turns his attention to the singers and seems familiar with the song. He begins the actions of raising his arms above his head and lowering them in a rhythmic way as the educator sings "up and down, up and down".

William's gaze indicates that he is focused on the singing game and while his actions are often slightly behind that of the toddlers, his rhythm and beat is consistent with that of the singing. The singing goes on for over two minutes, and although William dips in and out of paying attention to this game – often turning his attention to the other educator or to toys on the floor – he consistently comes back to the singing every time the toddlers sing the chorus, "up and down, up and down" (see Figs. 6.2 and 6.3).

Reflections on Narrative 1

This narrative provides an insight into hidden or perhaps taken-for-granted aspects of William's encounter. The actions and reactions of William during this sequence go completely unnoticed by either of the educators who are close by and focused on the other children in the group. This could suggest that William has learning desires and intents that might be obscured from or overlooked by his educators. He

Fig. 6.2 Sustained concentration to repeat the actions "up and down"

Fig. 6.3 William returns to the actions during the chorus

demonstrates quite extraordinary memory recall and musicality in matching his actions with the rhythms of the singing, and yet it became clear from discussion with educators after viewing this video that none of them have previously noticed William's interest in singing.

William's benediction is clear – if noticed. He is interested in the song and has the capacity to join in. Despite his invitation being overlooked, William shows a capacity to select what he might involve himself in. His learning is not bound by what was intended for him nor is his participation limited because he could not yet crawl over to the singers. Somewhat opportunistically, he takes advantage of the goings-on that are of interest to him.

In this sense, William's face-to-face encounter is supported by the actions of the educator who is singing, but not reliant on the educator to provide a direct response to him. William establishes his own learning agenda. The toys on the floor were the

intended experience for William, but his engagement in the singing activity is vastly different to what was intended for him. While we cannot be certain, he appears unconcerned at the lack of adult attention towards him personally and content to set his own direction for learning and involvement. This event does, however, represent a potential lost opportunity for the educator to follow William's lead and provide the possibility for a more extended involvement in the experience.

Narrative 2: Hugh and William – Cubby Play

[Hugh: 12 months; William: 9 months]

Hugh has been crawling for some time, however William has started crawling just a few weeks earlier. Both infants have been attending this setting for 6 months, so they are familiar with each other. It is rest time for most of the other children and Hugh and William have the playroom to themselves. There are two educators in the room but they are picking up and tidying the environment. Hugh crawls under the home corner table which has a colourful tablecloth that almost reaches the floor. He crawls under and immediately comes out on the other side of the incidental cubby (see Fig. 6.4). He pauses for a moment, sits and turns his body to go back under.

William has noticed this as he is sitting near to where Hugh first entered the area underneath the table. As Hugh reappears from under the table, William moves towards him and squeals. They almost bump heads as William nudges his face towards Hugh, almost like a kiss (see Fig. 6.5).

Once Hugh is outside the cubby, he sits. Hugh looks to the educator, who says from across the room, "Where's Hugh?". He grins widely and continues to engage her (see Fig. 6.6). William also looks to the educator and squeals, even more loudly than Hugh.

William reaches out to touch Hugh but misses. He crawls off away from the table while Hugh re-enters the cubby for the second time, taking exactly the same path as before. Each time he emerges, he looks to the educator, waves, smiles and vocalises.

Fig. 6.4 Hugh initiates a game under the table

Fig. 6.5 William joins in and bumps Hugh

Fig. 6.6 Both infants engage the educator with grins and squeals

William meets him again as he emerges, gently bumping him, also squealing (see Fig. 6.7). William follows many of the actions of Hugh but never goes under the table. I am unsure if this is because he is newer to crawling and this is an unknown space for him, or whether he is enjoying the anticipation of waiting for the moment when Hugh emerges.

William follows Hugh across the room, away from the cubby and they set up a high-pitched squealing that almost sounds like a song (see Fig. 6.8). They continue to crawl away, then turn to face each other, squeal their song and move on.

The episode ends when William seeks out an educator who is standing nearby. He holds her shoes until she picks him up. Hugh soon follows and the educator sits on the floor with an infant on each knee (see Fig. 6.9).

Fig. 6.7 William seeks to physically connect with Hugh each time he emerges from under the table

Fig. 6.8 The infants engage in a squealing exchange, looking towards each other as they take turns

Fig. 6.9 Both infants approach their educator

Reflections on Narrative 2

This narrative reveals these young infants' capacity to encounter each other in a shared game, with very little adult involvement. The infants include the educators only as reference points, from time to time seeking their attention through smiles, glances and vocalisations. Their benedictions in this case are directed to each other as they share subtle physical and verbal gestures that suggest they are playing the same game. Both infants show a desire to involve each other and regularly turn to check that the other is still engaged. Their synchronised vocalisations show a reciprocity and *serve and return* verbal pattern that is often attributed to adult–child interactions, yet these infants initiate and briefly sustain this pattern, without the involvement of an educator.

The sophistication of the collaboration, mimicry, anticipation, reciprocity, sensitivity, shared enjoyment and theorising is striking, but because the action moves so quickly it is easily overlooked. The gentle physical banter that is intentionally initiated by William shows considerable self-regulation, awareness of and sensitivity towards Hugh. In response, Hugh repeats William's actions, possibly encouraging the shared banter. This face-to-face encounter does not rely on an educator's active involvement. These infants show their capacity to initiate, sustain and change the direction of play, with only a little moral support from an adult. The educator's proximal interest and engagement allows the infants to establish their own ideas, suggestions and limits. Her role is important in enabling their agency to set the direction and tone of the encounter. They were clear when they wanted the physical closeness to the educator and signalled their desire to be held by her.

Narrative 3: Hugh's Encounter with the Microphone

[Hugh: 14 months; Clare 24 months]

Hugh is outdoors, sitting on the lap of his educator. They are under the canopy of the sandpit and the educator is singing the song, *There was an Old Lady Who Swallowed a Fly,* to Hugh and Clare. Hugh is listening and smiling at his educator, and while not singing or vocalising, he seems happy to be involved. He is soon distracted by a bird hopping on the canopy above and points and vocalises. The educator stops singing and immediately follows his lead (see Fig. 6.10).

She leans backwards to better see the bird above her and follows Hugh's pointing with her own. She talks with Hugh about the bird and as it flies away she moves her body, pointing to and showing Hugh where the bird has gone as its shadow has disappeared from the canopy (see Fig. 6.11). Hugh begins to vocalise more, and while his language is not always understood by the educator, she stays engaged and continues to follow his lead. He talks and points to other children playing, he notices the bird again and the educator again picks up on his lead. Once the bird has flown away she looks for other prompts to engage him in conversation.

Fig. 6.10 "Look, a bird"

Fig. 6.11 The educator follows Hugh's lead

The educator invites Hugh to wear a small Bluetooth microphone which is wrapped around his upper arm (see Fig. 6.12). He is taking part in data gathering (as part of this study) and the microphone helps to capture his vocalisations more clearly. The microphone is Bluetooth linked to a video camera that is capturing this episode.

The educator attempts to introduce new topics such as the images on Hugh's t-shirt. He does not respond to her prompts, but rather becomes interested in the microphone. He touches it and vocalises but the word is not recognisable. To this point his vocalisations have been mostly single syllables – such as "bird", "fish" and "car". The educator explains that it is a microphone and talks about it being on his

Fig. 6.12 Talking with Hugh about the microphone

Fig. 6.13 The "bub-in-nar"

arm – he repeats "arm" and after a minute of looking and talking about other things in the playground he touches the microphone again and the educator asks him, "What's this?". He vocalises, "bub-in-nar". She is confident that his three-syllable utterance is "microphone" and repeats the word back to him (see Fig. 6.13). He looks around the playground saying the three-syllable utterance a further two times but is seemingly distracted by other things going on. Perhaps he is re-visiting the sounds and enjoying what he can now say.

Fig. 6.14 "Oh, what's this? It has a blue flashing light"

After a few minutes, Hugh returns to look more closely at the microphone and the educator removes it from his arm suggesting he has had enough. Having now removed it from his arm, the educator shows it to him. She turns it over and together they notice that it has a flashing light. The educator says, "Oh, what's this? It has a blue flashing light" (see Fig. 6.14). Immediately, Hugh looks over to the video camera indicating that he realises the microphone and the camera are somehow connected. The educator continues to talk about the camera and the microphone explaining to him that another child is helping to operate the camera.

Reflections on Narrative 3

This narrative, in contrast to the earlier narratives, reports on a series of events that are initiated by the educator. What appears as randomly connected events highlights a relationship where the educator is actively responsive and seeking to follow the lead of the infant. Hugh dips in and out of interest in the many things going on in the playground. The outdoors is busy and the educator shifts her plan for singing to respond to his initial benediction or interest in talking about the bird. The educator not only ceases singing but moves her body in sync with Hugh as he attempts to draw her into his discovery of the bird shadow on the canopy. She physically and intellectually shifts with the infant – abandoning her agenda in order to enable him to take the lead. The interaction is sustained and, despite a shift in focus, Hugh goes on to offer further benedictions. Demonstrating an awareness of and interest in the video camera and microphone, he shifts the conversation. His interest is such that he

vocalises three syllables that reflect the word *microphone*, as a demonstration perhaps of his interest in the technology – a topic that might be considered to be beyond the interest of a child of such a young age. As the educator spoke about the camera and the microphone, her language was authentic and sophisticated – words that would perhaps be considered beyond the mentalising capacity of Hugh, yet clearly engaging him to the point that he attempts to repeat those words.

Discussion

The three narratives presented in this chapter focus on the ways in which these infants express their desires and intents to participate in their learning. Far from being bound by what educators have in mind for them, these infants show that they initiate, extend and sustain encounters for learning. Such a fine-grained consideration of the actions of these infants prompts further questions about infants' benedictions. How might these benedictions contribute to understandings of infants' capacity for participation in curriculum decisions? How might educators make space for *democratic moments* (Bae, 2009) based on the benedictions offered by the infants?

Reading across each of the narratives in this chapter and in light of Shier's adapted principles of participation, there is evidence that these infants have both the capacity and propensity to work in participatory ways. Far from being passive and waiting for the initiations of the educators, the infants communicate their ideas, express views and opinions, make judgements about their capacities and, when possible, take opportunities to lead their educators in a sharing of power.

Communicating

Each of these infants demonstrates effective and diverse ways of communicating with their educators and with others. Hugh and William use high pitched vocalisation during a game with the cubby. This vocalising connects them to each other and within the shared game. It is perhaps a way of saying "we are playing this together". Using no verbal cues, William is clearly showing his interest in the song, *The Wheels on the Bus.* His ongoing engagement, physical connection through the actions, and acknowledgement of the recurrence of the chorus, is an insightful message about his interests and intent to involve himself in this game. Hugh takes the lead in communicating his interests as he shifts his body, eye gaze and focus from a song, to the bird, to the microphone. Across the three narratives, it is the reading of body movements, gestures and vocalisations that form the basis for *listening* to these infants. The communications are brief and the infants rarely repeat their requests, so this listening is very different to the way that listening might be understood in relation to older children.

Having Views and Opinions That Can Be Taken into Account

In much the same way, each of these infants shows that they have views and opinions that can be taken into account. William expresses considerable indifference to the toys placed near him. He expresses a view that he would prefer to be involved in the toddler singing game. The toys meant for him are little more than an occasional distraction; his focus and body actions keep returning to his preferred interest. In the cubby play, William and Hugh show a preference for playing together. They may well have played independently of each other but in this episode they each express a view about a shared play experience. In the conversation that begins about the birds, Hugh shows a capacity to set the direction and lead his educator to understanding his interests and the topics he wishes to share with her. Hugh's interest in the technology and his attempts to copy the language models provided by his educator are an indication that he is capable of expressing views and opinions about his interests. The educator, with careful listening, moves in sync with his suggestions. Once again, the listening to these infants is a thoughtful reading of a range of complex and often subtle cues.

A Capacity to Make Assessments About Their Capabilities and Lead Learning

In each of the episodes, these infants show considerable evidence of their capacity to make assessments about their capabilities. In each case, their behaviours show evidence of moving beyond expected development norms for children of that age. William's recall of the song, *The Wheels on the Bus*, along with his capacity to demonstrate the actions and rhythms of the song, are surprising, against what developmental theory might suggest about the capacities of an 8-month-old infant (see, for example, Martin & Berk, 2007). A singing game with actions had not been planned for William as it had been for the older children. He nonetheless signals that he has this capability and intent to join in. William and Hugh's cubby adventure again shows a partnering in play that developmental theory might suggest is beyond the age/stage of these two infants (see, for example, Martin & Berk, 2007). The initiation of the game, the elaboration of the action and the shared vocalisations demonstrate sophisticated strategies to connect and collaborate. William's gentle nudging of Hugh is also suggestive of a measured approach to the play and evidence of William's capacity for intersubjective reasoning. William's hesitation about going under the table may be a recognition on his behalf that he is not quite ready for that step. He himself determines the extent to which he will involve himself. These infants clearly communicate when they want close physical contact with the adult. They play happily without the intervention of the adult and seem able to connect when they choose. Hugh's expression and vocalisation of the word *microphone*, after hearing it stated just once, is perhaps surprising. The sophistication of his

thinking indicates that he is ready and capable of working with more complex words and ideas than the educator initially offers him.

Concluding Thoughts

What emerges from these fleeting moments is a series of actions and behaviours that can be easily overlooked by these infants' educators. These infants have challenged normative assumptions about infants of their age through expressions of ideas, views and capabilities that were unexpected. The narratives suggest that considerable engagement with learning is happening outside of what these educators planned for or perhaps noticed. In each of these episodes, the infants initiated the experiences and, while conscious of the adults around them, accessed the educators in very different ways. From simply following the actions of an educator, to seeking only eye contact and verbal encouragement, through to engaging the educator in a conversation agenda, these infants have demonstrated an understanding of themselves in relation to their educators. They seemed to accept an educator who sometimes does not notice, and they showed that when they do want a closer proximity to the educator, they had strategies to gain that attention.

These narratives contribute to a broadening awareness of infants' capacities to engage in participatory learning. The narratives provide evidence that these infants' encounters with learning were individual, unique and cannot easily be generalised. They were often fleeting and did not have the sustained engagement that might be seen in the play of older children. Their actions may seem to the uninformed eye as inconsequential – and yet closer examination suggests that these were powerful moments in their learning encounters.

These encounters are also a reminder that learning for an infant is not necessarily linear nor does it always fit neatly within an adult logic. The infant's interest and attention can quickly switch from one topic to another. Seeking an infant's interests, views, opinions and assessment of their capabilities, is not a verbal/auditory experience that follows the logical sequence of the educator's expectations. As Rinaldi (2001) suggests, it is an embodied experience that requires educators to look and listen with all of their senses. Participation in this sense might involve stepping back, observing a little longer and pausing to see how the play might develop.

Importantly, this reading of the infants' cues does not prescribe either a passive or active role for the educator but rather, as Säfström (2003) describes, a *responseable* educator – one who adopts a stance of uncertainty. In each of these episodes, the educators were integral to the resourcing of the environment, the provision of singing and language models, and the acknowledgement of the children's play. While the participation of the educator varies among each of the narratives, it is the moments of hesitation and the tentative nature of the adults' involvement that sensitively responds to the infants' cues and allows them to demonstrate their agency and intent. It is a reminder of the importance of slowing down, of being a conscious observer and looking for the surprising and unexpected.

The question of what remains overlooked, however, provides a dilemma. It must be acknowledged that analysis of these narratives at this level is not possible in the everyday lives of educators as they work alongside infants. The video affords the opportunity to see what the naked eye misses and the possibility of revisiting the episode over several viewings and picking up on what has been previously missed. The narratives do, however, illuminate the overlooked or seemingly inconsequential events that infants are encountering.

This raises questions about the focus of the educators' attention. Is the eye of these educators too tightly fixed on what they expect to see? Do infants need their educators to notice everything? Are educators missing important cues that might give rise to more participatory possibilities for infants within their learning encounters?

If the participation of infants is to be given credence, there is a need to better understand how infants communicate their desires and how the adults around them can be alert to their subtle capabilities and expressions of agency. This may require a shift in the disposition and attitude of educators to view the fleeting *democratic moments* as important in informing their curriculum decisions. Might such a reconsideration of the principles of participation reframe the focus of infant educators and open up possibilities for infants to have a say and influence their own and others' learning?

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Chapter 7
Commentary on Chapters 5 and 6

How Does a Contract Between the Generations Guide Our Work as Researchers or Educators?

Niina Rutanen and Eija Sevón

Abstract This is a commentary on chapter by Salamon and Palaiologou (Chap. 5) and by Cheeseman, Press and Sumsion (Chap. 6). Both chapters explore the question of infants' and toddlers' rights and participation by complementing each other. The chapters pinpoint the main challenges and offer alternative vocabularies for addressing, both theoretically and in practice, infants' and toddlers' rights to participation. The commentary concurs with the authors about the importance of supporting the ways of understanding "listening to children" beyond verbal communication and proposing ways of building educational practice as a space where infants and toddlers can take the lead. Thus, we found that the chapters convincingly argue for an ethical stance in education, as well as in research, that embraces uncertainties, unpredictability and responsiveness (ethical praxis in Salamon and Palaiologou; Levinasian encounter in Cheeseman, Press and Sumsion)—and provide powerful insights into what these require from adults.

Keywords Infants' participation · Children's rights · Ethics/relational ethics/lived ethics · Encounter · Listening to children · Adult–child hierarchies

It is difficult nowadays to imagine research or educational practice with children that does not announce a serious commitment to children's rights and participation. However, as Salamon and Palaiologou (Chap. 5), and Cheeseman, Press and Sumsion (Chap. 6) point out, these concepts also generate tensions and dilemmas when applied to infants and toddlers. The task of writing a commentary on these authors' contributions proved difficult: both were so rich, analytical and intellectually stimulating that, when reading them, we simply nodded in silent agreement. Although both approach the question of rights and participation from different

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perspectives, they have much in common as well as complementing each other. They pinpoint the main challenges and offer alternative vocabularies for addressing, both theoretically and in practice, children's rights to participation. Importantly, they support ways of understanding "listening to children" beyond verbal communication and propose ways of building educational (and research) practice as a space where infants and toddlers can take the lead. They convincingly argue for an ethical stance in education and research that embraces uncertainties, unpredictability and responsiveness (*ethical praxis* in Salamon and Palaiologou; Levinasian *encounter* in Cheeseman, Press and Sumsion)—and provide powerful insights into what these require from adults.

Children's Rights and the Importance of *Listening*

> Grown-ups never understand anything by themselves, and it is tiresome for children to be always and forever explaining things to them. (Antoine de Saint-Exupéry, *The Little Prince*)

The United Nations Convention on the Rights of the Child (UNCRC) has been ratified in almost every country and thus applies to most professionals who work with children. In the UNCRC, adults, in accord with the generational order, have the role and responsibility of ensuring that young children's rights are realised. It is here that some of the tensions discussed by Salamon and Palaiologou arise. They note asymmetries that should be considered when attempting to understand and implement children's rights: one is the divide between human and children's rights, and the other is the priority (often) given to protection or provision, owing to the vulnerabilities associated with infants. Alderson (2010) offers one possible approach to addressing these asymmetries. While it has been claimed that, unlike adults, children do not possess liberty rights (autonomy and freedom), Alderson argues that freedom rights and participation are at the core of respecting a child's person, worth and dignity, and addresses social, economic and political means of promoting these rights. The right to protection or provision cannot be realised if children are not listened to or if they have no influence on how their rights to protection or provision are implemented (Alderson, 2010). Hence, children should "have a say" in matters concerning them, as it is only by "listening to" children that we can respect them as rights holders and acknowledge their dignity, acquire knowledge of their unique and personal preferences and interests, and thus contribute to ensuring their diverse rights are respected. The importance of these chapters lies in their contribution to articulating and envisioning how this very process of *listening* might be realised with infants and toddlers.

Different Frames in Encounters

> All grown-ups were once children... but only few of them remember it. (Antoine de Saint-Exupéry, *The Little Prince*)

Both chapters led us to reflect on educational versus research practices with children. While *ethical praxis* (Salamon and Palaiologou) applies to both, we would like to probe their differences as socio-spatial and ethical practices. Research practices are constrained by discourses, ideals, values, aims, resources and objectives that differ from those governing educators and educational institutions, even if both are guided by the UNCRC.

Recent discussions on research ethics in the human sciences have focused on exploring *lived ethics* (i.e. relational ethics) in encounters (Hilppö et al., 2019). Both chapters resonate well with this notion, arguing for approaches that allow for surprises, *messiness* and the co-construction of knowledge together with children. However, research with children is also heavily impeded by gatekeepers, predefined aims and implications required by ethical boards and research funders. A further consideration is that something of children's embodied, lived and shared experiences needs to be disseminated to wider audiences. Needless to say, pressures on *output* are not unknown in early childhood education and care (ECEC) either. In many countries, ECEC was built on the tradition of adult-led teaching, fostering, educating and socialising children to become skilful, competent members of society. The accountability discourse is still present today—hence, our need for alternative vocabularies to communicate what occurs in ethical, responsive practices.

Challenging Adult–Child Hierarchies

> I have lived a great deal among grown-ups. I have seen them intimately, close at hand. And that hasn't much improved my opinion of them. (Antoine de Saint-Exupéry, *The Little Prince*)

Both chapters contribute powerfully to critical exploration of adult–child hierarchies. It is acknowledged that children's participation is limited by the generational order and structural power (Alanen, 2009; Konstantoni & Emejulu, 2017). Previous work has underlined that children's participation requires conscious efforts from adults not only to recognise children as having a voice but also to understand participation as more than just listening to children (Lundy, 2007). Lundy (2007), building on Shier's (2001) views, emphasises adult's obligations to give children opportunities and help to express their views, listen to their views and, importantly, act appropriately on their views. Cheeseman, Press and Sumsion go further and apply Shier's (2001) principles to infants, considering what infants might say, thereby profoundly challenging the notion that adults should be "in the lead". Thus, both chapters argue that, to relinquish adult dominance, the adult as organiser, leader, supervisor and controller (i.e. *doing*) should be replaced by the adult as

observer, enhancer and *reader* (i.e. *noticing*) infants' and toddlers' contributions and desires.

Both chapters show how communication is not only a matter of (verbal) language, but, essentially, of attunement to the *other*. Salamon and Palaiologou write about "ethical permeability, tuning in and responding to young children's reactions to adults' actions, and relatability—relating to the child's world rather than trying to understand it from a position of power". Responsiveness to *otherness* means respecting toddlers' and infants' ways of expressing their views and acknowledging their powerful agencies (emotional capital). Similarly, Cheeseman, Press and Sumsion illustrate with narratives such as how "...it is the reading of body movements, gestures and vocalisations that form the basis for *listening*...". This is challenging, and requires alertness to the danger of making interpretations from the adult (dominant) perspective. In other words, we might continue noticing what is familiar to us and may turn children's *otherness* into *othering*.

A Closing Sentiment

> And now here is my secret, a very simple secret: It is only with the heart that one can see rightly; what is essential is invisible to the eye. (Antoine de Saint-Exupéry, *The Little Prince*)

We are grateful to the authors for sharing some of their intellectual journeys and offering alternatives, provocative insights and vocabularies for seeing, noticing and listening to young children. Both chapters underline the importance of ethical commitment in working with infants and toddlers in education and research. We are left to critically reflect on our own conceptions and views, and our understandings of infant communication and contributions. Moreover, we are left with a strong feeling that much remains to be done to re-evaluate how infants and toddlers and related pedagogies are seen in ECEC teacher training programs. We need to reflect on the complexities and tensions involved in pursuing *eupraxia* (good practice) and *democratic moments*. The question also arises: How do we build teacher training that includes space for children to take the lead and takes encounters, invitations and multichannel ways of communicating seriously, not only with children but also with students building their identities as ECEC professionals? We hope the authors will continue their inspiring and important work on these questions.

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Chapter 8
Making the Voice of the Child Visible

Documenting and Fostering Language from a Children's Rights Perspective

Andrea Tures

Abstract This chapter discusses language practices in regard to infants and toddlers in early childhood education and care (ECEC) classrooms from a children's rights perspective. It looks at two different theoretical approaches to language learning that were identified in the German scientific community and discusses their implications for practice under a children's rights perspective. The chapter then argues for a cultural–historical theory of language learning and pedagogic strategies that make the voice of the child visible. It advances the claims made by presenting research findings on interaction quality in ECEC classrooms to demonstrate that an interactional style that targets children's rights promotes self-efficacy and language skills. To illustrate how children's language can be fostered from a cultural–historical perspective, the chapter introduces a framework for language development which can be used in the infant-toddler classroom to target and document the strategies of young children to make the individual voice of the child visible. These pedagogical strategies for documenting and promoting language learning will be illustrated through the analysis of language education and documentation practices in German day care centres. Based on the presented research findings, it is argued that a rights-based approach to language education for young children leads to individualised and responsive pedagogical strategies for language education in infant-toddler classrooms. It also demands a high level of professionalism in early childhood settings that explicitly values the voice of the child and their agency in the educational process.

Keywords Children's rights · Infants and toddlers · Language learning · Cultural historical theory · Early childhood education · Professional development

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Introduction

Children's rights have been on the agenda of early childhood education and care (ECEC) for several decades. The United Nations Convention on the Rights of the Child clearly links children's rights to a legal duty to make the voice of the child visible:

> States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. (United Nations General Assembly, 1989, Article 12)

Germany has taken legal measures to ensure ECEC settings support children's rights. To receive its operating licence, for example, a German ECEC centre must have a complaint management system for all children (SGB VIII, 2013). In line with such legal requirements, ECEC services implement various tools that allow children to participate in the centre's decision-making processes (e.g. children participate in developing the centre's constitution; weekly children's conferences are held to involve children in educational programming and planning). Even though these measures include infants and toddlers, discussions about the full participation of this age group have been rare. Similarly, a lack of discussion on making children's voices visible in ways that support language learning can be identified.

This chapter addresses this gap by discussing how children's language can be fostered in infants' and toddlers' classrooms in a way that secures the full participation of the children. I start by presenting two different theoretical approaches to language learning and reflect on their implications for practice under a children's rights perspective. I then argue for a cultural–historical theory of language learning and pedagogic strategies that make the voice of the child visible.

Theories of Language Learning and Pedagogic Practices that Uphold Children's Rights in the Language Education of Infants and Toddlers

Language development in the early years has been of interest to various research disciplines for many centuries (Jampert et al., 2007). In recent years, early childhood research has generated special interest in how ECEC can be a powerful resource for early language learning of young children before school (Tures, 2014). Stressing the importance of the early years and the key role of language skills to fight social, cultural or gender-related disadvantages has heightened efforts to improve the quality of day care.

As a result, many language programs have been developed for early childhood education with rather different ideas on how to promote language skills successfully. These differences can be explained by the different views of, and theories about, the nature of language learning, which again has led to language programs

having different goals. As van Oers et al. (2008) point out, "the goals of learning especially can have decisive influence on how the actions are organized and regulated and what strategies are selected for the accomplishment of one's goals" (p. 10). While there have been heated international discussions about the outcomes of certain language programs based on empirical data and their implications for language education in day care (e.g. programs that successfully foster vocabulary), there has been very little debate about the aspect of children's rights in language learning (Sens, 2011).

In the context of ECEC for infants and toddlers in Germany, two dominant types of theories can be identified: approaches that stem from a cultural–historical view of language education; and programs that are implicitly linked to monologistic theories of language learning (Sens, 2011). This chapter focuses on language activities in infant-toddler early childhood education from a cultural–historical perspective. I will argue that these sociocultural theories of language learning are better able to support a children's rights perspective on language education than traditional monologistic theories of language learning. I will do so by explaining why a cultural–historical approach to language learning aims to foster children's rights and why monologistic theories do not align with a rights-based perspective.

A cultural–historical perspective recognises the fundamental situatedness and dialogicality of learning. It views learning as a joint activity which is located within daily routines and social practices that are meaningful to young children (Vygotskij, 1934/2002). Conceptualising language education in the infant-toddler classroom from a cultural–historical position presupposes that language development is embodied and embedded in interaction and everyday practices. It can therefore not be separated from the child and their individual way of communicating and thinking (Bertau, 2012). From such a perspective, we can conclude that the level to which the language abilities of young children develop depends on the availability of another person who is stimulating and an environment in which a child's voice is heard and their curiosity can flourish. Theoretically, such sociocultural and interactionist perspectives of language development attribute a major facilitatory role to caregivers' ability to provide responsive social contexts and linguistically stimulating environments (Bruner, 1981, 1983; Hoff-Ginsberg, 1986).

Cultural–historical theories begin by viewing children in their comprehensive development as expressive personalities who are not merely capable of learning, but who are positively eager to learn. Children are situated in a social environment within a community with a set of specific cultural routines and rules. The self-efficacy of the child is particularly strengthened in such an approach and their right to participate and engage with others through language is fostered. Best et al. (2011) thus speak of a fundamental "dialogic attitude" (*Dialoghaltung*) towards the developing child, their personality and interests. From a cultural–historical perspective on (language) learning, language development cannot be divorced from young children's interests, topics and experiences, nor from their daily routines and social practices.

Monologist learning theories rely on the opposite focus: on the internalisation and retention of some objective "input" (Linell, 2009). The aim is for one language

expert to teach language for certain hours of the day through practising grammatical rules and labelling words. Instead of being sensitive towards the infant's or toddler's interests and initiatives, the language teacher decides which language activities are meaningful and important. Most concepts in Germany which follow a monologistic understanding of language learning consist of clearly defined program units (e.g. with a set of vocabulary that has to be trained). From a children's rights perspective, monologist learning theories can hence be rejected because they do not take infants' and toddlers' right to initiate their language learning into account. Alarmingly, this perspective is still widespread in the scientific community and results in many different training programs for young children aside from daily routines and meaningful social practices. (For an overview of the most prominent language programs in Germany for day care, see Jampert et al., 2007.)

If one acknowledges that young children act fundamentally socially in dialogic exchange with their caregivers, peers and environment, one must neither artificially confine language education to a small timeframe nor support the idea that only experts can, and indeed are, eligible to support young children's language learning. Even more so from a children's rights perspective on language learning, one has to argue clearly against the idea that children's language learning is best facilitated by some kind of monologist input that will effectively stimulate the child as long as it is applied as often as possible in a particular systematic manner. Rather, language education should support children to make sense of the world and to think through practices that are mediated through language. This involves experiencing different genres of acting in social contexts while being supported to learn community rules and practices in order to participate independently, critically and creatively within the borders of the community's practices (van Oers et al., 2008). ECEC teachers must also critically reflect on the sociocultural context in which language practices take place and the extent to which it aligns with individual children's family and community experiences. In Best et al.'s (2011) words, they must adopt a "dialogic attitude".

Since I have clearly argued for an approach to language education which stems from a cultural–historical perspective, I will now outline the pedagogical strategies for adopting such a perspective to effectively support children's language growth based on empirical data.

An approach to language learning that focuses on the right of children to socially meaningful interactions that are based on their interests demands a responsive interactional style from ECEC teachers. The aim is to use naturalistic interaction strategies that are associated with accelerated language development in infants and toddlers. A significant number of studies have reported that children who engage mainly in such responsive, elaborative interactions with adults display higher levels of language development than children who are exposed to a directive interactional style (Barnes et al., 1983; de Kruif et al., 2000; Hoff-Ginsberg, 2000; Snow & Ferguson, 1977). This, in turn, highlights the role of the dialogic quality of language activity. Girolametto et al. (2003) identify three main clusters of strategies ECEC teachers can use within the interactive language stimulation model:

1. Child-oriented techniques that are designed to promote frequent episodes of joint activity around the child's interests (e.g. wait for children to initiate, follow their lead)
2. Interaction-promoting techniques that are intended to encourage balanced turn-taking and peer interaction among children (e.g. pause to allow children to take turns)
3. Language-modelling techniques that provide developmentally appropriate language models (e.g. labels, expansions of children's utterances). (p. 300)

An interactional style that builds on the language activities children initiate can promote self-efficacy and thus encourage language use and development much better than directive styles. Hence, the most important and first strategy for ECEC teachers who work with infants and toddlers is to be child-oriented and let the child initiate and lead. To be child-oriented, ECEC teachers have to be aware of who initiates dialogue and critically reflect on whether they are sensitive towards children's initiatives. Infants, and often toddlers as well, will often initiate by using nonverbal cues that the teacher can built the interaction on (Weitzman & Greenberg, 2008).

Teachers can also promote child-initiated dialogue by helping infants and toddlers to engage in conversations. Therefore, ECEC teachers need to engage with all children on a regular basis and encourage them to participate in dialogue. This way a child's voice will be heard, their initiatives will be responded to and they will experience the language activities as meaningful. It is therefore necessary for ECEC teachers to develop an attitude that appreciates contributions from all children to the classroom dialogue, because

> the infant's will, initiatives and intrinsic motivations are constantly encouraged by caregivers, or discouraged, if the behaviors are undesired by them. In these processes of continuous interplay, children are enticed into perceiving the same aspects of the environment as the caregivers, and their behaviors and actions get channeled and calibrated into patterns. (Linell, 2009, p. 256)

So far, I have introduced a cultural–historical theory on language education and explained why it aligns with a children's rights perspective. In the following section, I will discuss how language practices can be implemented when children's rights are at the core of the pedagogical approach by introducing a framework for language development which can be used in infant-toddler classrooms to document and foster language development.

Implications for Language Practices from a Children's Rights Perspective

This section focuses on how a children's rights perspective towards language education in the early years can be translated into practice by addressing two questions:

1. How can children's language be observed from a rights-based perspective?
2. Which kind of language activities do we have to provide for young children if we want their voices to be heard?

In the following section, a German approach to language education in ECEC will be introduced to answer these questions in detail. In 2005, the German Federal Department of Family Affairs, Senior Citizens, Women and Youth (Bundesministerium für Familie, Senioren, Frauen und Jugend, BMFSFJ) commissioned Germany's largest non-university research institute, the German Youth Institute (Deutsches Jugendinstitut, DJI), to develop a framework for language education in day care. The underlying principles and strategies of the framework are based on a cultural–historical approach towards language education developed by an interdisciplinary group of researchers (Jampert et al., 2006) and further adopted into practitioners' guidelines for language education in the early years (Jampert et al., 2009, 2011). The framework and guidelines for implementation in ECEC classrooms are based on principles that constitute a children's rights approach towards observing and supporting the language development of infants and toddlers. This will be illustrated below using two examples from language documentation and practices in infant-toddler classrooms in ECEC settings in Germany from 2009 to 2011 (Jampert et al., 2011).

Observing Children's Language from a Children's Rights Perspective

The framework for language development from Jampert et al. (2011) can be used in the infant-toddler classroom to target and document the strategies of young children. It adopts two key principles for observing language development:

1. A holistic view towards language which is theory-driven
2. A strengths-based approach to development by focusing on the individual strategies of each child.

These principles allow ECEC teachers to look at the nexus of social, cognitive and linguistic development, in relation to the ways in which children act and think, with the aim being to clarify the ways in which different linguistic abilities—word meaning, syntactic ability and so on—develop between birth to 6 years. Consequently, the long-term nature of the process of children's language acquisition was carefully taken into account. The curriculum provides ECEC teachers and other child care providers with theory-based knowledge to help them (1) better understand the stages and strategies in language development in the early years, and (2) establish developmentally appropriate language practices.

In addition, ECEC teachers are encouraged to look at language development in a strength-based way in making the individual voice of the child visible. Jampert et al.'s (2011) practitioner guidelines support ECEC teachers to understand the stages and underlying strategies in different areas of language development in detail so they are enabled to document the individual strategies of infants and toddlers in a differentiated way (see Table 8.1). The aim is for ECEC teachers to move away

Table 8.1 An overview of stages and areas of language development: Birth to 3 ears

Area ⇒ Stage ⇓	Social–communicative	Linguistic–cognitive	Sounds and prosody	Words and word meaning	Grammar: syntax and morphology
Absorbing the environment	Patterns of dialogue	Impressions via sensual experience	Perception of sounds Exploring voice	Perception of words and utterances	Perception of grammatical patterns
Joint attention	Joint attention through turn-taking	Reference function of language/ object permanence	Specialisation in sounds of environment	Establishing a reference between gestures and sounds	
First words as a tool	Messages though language	Acting with objects	Build-up of first sound inventory	Comprehending and uttering words	One-word phase
Worlds of words	Discovering the self and expressing it verbally	Memories and goal-oriented actions	Extension of sound inventory	Vocabulary spurt	Two-word phase Telegram style
Power of language	Complex social discourse	Symbolic play/theory of mind	Production of complex sound combinations	Expansion and differentiation of vocabulary	Beginning complex syntax

Jampert et al. (2011, p. 28)

from simplistic milestones that label infants and toddlers as developing in an appropriate or non-appropriate way by comparing them to children of similar age or ticking boxes on a checklist. Furthermore, the goal is to consider a child's individual language skills and link them to language development.

Jampert et al. (2011) also developed orientation guidelines (*Orientierungsleitfäden*) for the five different areas of language development for infants and toddlers:

1. Social–communicative development
2. Linguistic–cognitive development
3. Sounds and prosody (phonetics and phonology)
4. Words and word meaning (vocabulary and semantics)
5. Grammar: Syntax and morphology.

Each orientation guideline illustrates the strategies children display in the five stages of language development:

1. Absorbing the environment
2. Joint attention
3. First words as a tool
4. Worlds of words
5. Power of language.

Each orientation guideline consists of two columns for each stage of language development: the columns contain information about the key aspects of development and list the strategies that can be observed for the area of language development during this stage (see Table 8.2).

The orientation guidelines are accompanied by a publication on language development, which explains the stages and strategies in detail. It also contains a pool of example strategies for every developmental stage in the different areas. These examples were collected by day care centres throughout Germany. Early childhood teachers can use the orientation guidelines to document the strategies in language learning that children demonstrate and analyse them in a number of different ways. They can (1) focus on one area of language development to highlight the particular strategies a child currently shows; (2) create a holistic picture of the child's language skills by bringing together the individual strategies a child displays in all language areas; and (3) consider the individual development of a child by comparing the documentation that has been collected over time. The following example demonstrates the individual focus of documentation throughout different areas of language development.

'Dadadidida' —who is babbling?

Nika (11 months, female, Spanish/Polish/German): 'Brrimbam, blaaaalauä, ploplo-plplpoppolop [fast:] brimbrimbrim.'

Nika looks at her teacher und giggles.

Nika: 'Ah, brrrr, blaaa.'

Nika looks at her teacher again, wiggles with her butt and claps with her hands.

Teacher: 'Shall I sing you a song?'

Nika: 'Ähhhhhhhhhhhh [loud]: mamamamamamamamamamamamama.' (Jampert et al., 2011, p. 77, translated by the author)

In this example, Nika is using language at the stage of *Joint Attention*. We can analyse a set of strategies in different areas of language development. Nika has moved from canonical (reduplicated) babbling (as analysed in previous documentation) and now displays a wide range of variations in her babbling. She produces a variety of sounds from her different language environments. She plays with her voice to explore sound volume and speed (*Sounds and Prosody*). Babbling is her strategy of communicating with others. She initiates dialogue by getting the teacher's attention through babbling. She explores turn-taking and experiences the role of a partner in dialogue with her teacher (social–communicative development).

The documentation approach by Jampert et al. (2011) aims to highlight the individual developmental strategies of a child and to make the child's unique way of expression visible. This approach to documentation links each child's strategies to theory and shows the pathway to further developmental stages and strategies. If a child's language strategies remain static over a long period of time, this becomes evident throughout the documentation process. It will then indicate that a child's language development needs extra support and attention in order for them to acquire new strategies. Hence, through a long-term documentation process, development can be illustrated for each child and their family as well as for collaborations with

Table 8.2 Orientation guideline for the area of social–communicative behaviour

	What happens in development?	What can be observed?
Absorbing the environment	Turning to the world from the start: Infants are susceptible to human voices and have a preference for faces Infants have an ability to imitate Infants experience their utterances as effective through the reactions of others Infants acquire basic patterns of dialogue	We are communicating: Infants express sentiments: kicking, making a face Infants make eye contact Infants trigger reactions through gaze, smiling, sounds and body expressions Infants enter dialogue with care givers through sounds
Joint attention	Devote oneself to a thing with a partner: Children discover gestures and sounds as a communicative tool Questions are expressed through intonation Children acquire nonverbal communicative patterns of acting: saying goodbye, saying no, agreeing	We are communicating *about* something Children draw attention to something through pointing, eye gaze and sounds Children love collaborative games (e.g. peekaboo) and nonverbal forms of turn-taking Children communicate through gestures and facial expressions: "Bye-bye", shaking their head, nodding
First words as tools	Wrapping messages into language: Children communicate questions, messages, rejections and desires through first words with the support of intonation Children discover and explore the power of words	Self-efficacy through imitation and powerful words: Children imitate the tone of voice and the gestures of adults Children differentiate their intonation ("Ball?" "Ball!") The use first words to communicate: "no", "meou" (me too)
Worlds of words	Language is connected to the perception of the self Who am I? What belongs to me? Children show an interest in their reflection Children show attention towards the verbal actions of adults Children attune their nonverbal actions with other children	Discovering the self and expressing it verbally Children call themselves by their name Children recognise themselves in pictures Children address their wishes, intentions and claims verbally: "wanna have", "mine" Children imitate the expressions and sayings of adults: "nonono"

(continued)

Table 8.2 (continued)

	What happens in development?	What can be observed?
Power of language	Mastering complex communicative situations Children explore their identity and the identity of others: being little, being grown up, being a boy, being a girl Children talk about their feelings and the feelings of others Children verbally interact with other children Children use language to shape their play with others Children carry out conflicts through language and nonverbal expressions Children play with words and their voice	From "I" to "You" Children talk about themselves Children correct other children Children repeat what others say Children engage in symbolic play and role play with adults (e.g. drinking coffee, feeding a baby doll) Children re-enact familiar situations with other children (e.g. put the doll on the toilet, read a book to others, talk on the phone to each other) Children shape their play with other children verbally ("you are mummy, you are daddy") Children enjoy the play with words and voice

Jampert et al. (2011, p. 140)

other teachers in the ECEC classroom and multi-professional partners inside and outside the centre.

When ECEC teachers are sensitive towards the strategies infants and toddlers display, they can acknowledge the individual voice of each child. While Nika uses babbling as a powerful tool for communication and sound development, her peer might display a different strategy at a different stage of language development. While infants and toddlers develop language by displaying strategies stage by stage, their individual strategies might differ widely, even if they are in the same stage of language development. Each child's babbling might be different and influenced by their home language environment, yet the transition from reduplicated to colourful babbling is a development we can observe in most children who verbalise. It is particularly important to look at the individual child and their specific voice in language development for the infant and toddler age group. The aim is to document each infant's and toddler's unique way of acquiring and using language. ECEC teachers can ask the following questions:

- Which current strategies does a child display to communicate and to think (cognition) with others in their environment?
- Which activities and dialogue partners can foster these strategies?

These questions address the relationship between documentation and fostering the language skills of infants and toddlers. In the following section, I will discuss how ECEC teachers can use their documentation and analysis of language development to support the further development of infants and toddlers.

Supporting Children's Language Learning from a Children's Rights Perspective

The framework by Jampert et al. (2011) establishes language activities within broader educational areas and daily routines for children from birth to 6 years in early childhood settings. ECEC teachers can look at pedagogical activities in the infant-toddler classroom to systematically analyse how curriculum areas provoke and foster certain strategies in language learning (e.g. How does music circle support the development of *Sound and Prosody* in our setting? How does it generate meaningful language activities for the children in the classroom? Is an activity appropriate for the children's stage of language development? Does an activity relate to their situational interests?).

We can identify a set of different situations and routines throughout the day in the ECEC classroom, which children experience for the hours they are in centre-based care. For infants and toddlers, caretaking routines (e.g. snack time, lunch, nappy changes, getting dressed) are a major part of their time in the centre. Furthermore, daily routines like *circle time* structure the day for young children in the ECEC classroom. Such situations and routines can be a powerful resource for language activities with infants and toddlers (Jampert et al., 2011), if they are based on the relationship between children and their teachers and offer social experiential spaces for young children to explore language in a meaningful and stimulating way. Through daily routines and practices, children can expand their practical knowledge and acquire knowledge about the culture of the centre. They experience how adults and children communicate with and treat each other. Hence, daily routines provide a variety of opportunities to create important learning experiences for young children.

Caretaking situations like changing diapers can be an intensive source for language learning, since infants and toddlers experience dialogue on a one-to-one basis. The following example demonstrates how language learning can focus on the child's situational interest.

One-to-one dialogue while changing diapers: Adrian wants to grow big
Adrian (3 years 3 months/German): Lays on the diaper table and the teacher begins to undress him.
Adrian: 'I am not a baby, no more baby.'
Teacher: 'No, you are not a baby anymore.'
Adrian: 'Bigger, bigger.'
Teacher: 'Yes, you are big.'
Adrian: 'I want grow.'
Teacher: 'You still want to grow?'
Adrian: 'Yes!'
Teacher: 'Then you will get even taller!'
Adrian: 'Still fits a little, fits a little [points to his pants, laughing]. A little not taller taller.'

Teacher: 'You will grow taller. What do you have to do to grow taller?'
Adrian: 'Yes, but very little I am.'
Teacher: 'You are little in size?'
Adrian: 'Yes. I am not little.'
Teacher: 'Well if you grow, you will get taller.'
Adrian: 'Yes, I want to grow tall.'
Teacher: 'Ok. As tall as your mother?'
Adrian: 'Yes, rather I want to grow […] taller!'
Teacher: 'You want to grow taller? I can understand that.'
Adrian: 'No, nothing fit…fits.'
Teacher: 'What won't fit?'
Adrian: 'Nothing will fit?'
Teacher: 'What doesn't fit?'
Adrian: 'This will not fit' [points at the diaper table].
Teacher: 'You won't fit onto the diaper table.'
Adrian: 'No.'
Teacher: 'Ok.'
Adrian: [laughs] (Jampert et al., 2011, p. 88, translated by the author)

This dialogue between Adrian and his teacher lasts for one minute while the whole diaper change takes six minutes. After the conversation about growing, further topics are addressed: if Adrian needs a diaper and if he has put his pants back on. Adrian initiates the conversation about growing. It appears to be a topic that is important to him. In this conversation with a rather challenging topic for a toddler, Adrian uses his strategies in the developmental stage of *Power of Language*. He is capable of talking about abstract content, which is not visible. Despite the challenging cognitive topic, Adrian cares about the words he uses and corrects himself. Adrian uses this caretaking situation in his own unique way. He is learning language through the content that is important to him in this particular situation.

This child–teacher interaction shows that the right to participate is implemented by using the strategies from the language stimulation model by Girolametto et al. (2003) introduced earlier in this chapter.

1. The teacher let the child lead, using *child-oriented techniques* that are designed to promote frequent episodes of joint activity around the child's interests, which we discussed earlier.
2. The teacher responded to the child's topic in a sensitive way by enquiring, therefore applying *interaction-promoting techniques* that are intended to encourage balanced turn-taking.
3. The teacher mirrored Adrian's complex grammatical sentence structure, using *language-modelling techniques* that provide developmentally appropriate language models.

The core idea of the approach by Jampert et al. (2011) is that infants and toddlers create their own language learning environment by communicating using the stage-appropriate strategies. From a children's rights-based perspective, it is crucial that

children can actively lead dialogues with their caretakers. In this way, children are enabled to participate in their learning experiences. They set the agenda for their educational programming and they experience high levels of self-efficacy. When ECEC teachers are sensitive towards the individual strategies infants and toddlers display, they can respond in a meaningful way and enhance the child's language by modelling and expanding language.

To illustrate how children's language can be fostered from a cultural–historical perspective, I presented a framework for language development which can be used in infant-toddler classrooms to target and document the strategies of young children to make the individual voice of the child visible. These pedagogical strategies for documenting and promoting language learning were illustrated through the analysis of language education and documentation practices in German day care centres. I will conclude by discussing aspects of professional development towards a children's rights-based perspective on language in the ECEC classroom.

Professional Development Towards a Children's Rights-Based Perspective on Language

A rights-based approach to language education for young children demands a high level of professionalism in early childhood settings that explicitly values the voice of the child and their agency in the educational process. This is even more important if ECEC teachers are supposed to provide meaningful dialogues that can foster the language skills of young children within every curriculum area and in a variety of social practices. For this reason, I will discuss and critically reflect on the implications of a children's rights perspective for professional development.

Studies I conducted (Tures, 2014, 2015) to examine the professional development of ECEC students at university level in Germany accentuated the key role of ECEC teachers in taking a sensitive stand towards children's individual development. By looking at the individual strategies of each child and linking them back to theory, ECEC teachers can gain a deeper understanding how each child uses language as a tool to communicate and think. Through documenting and analysing language using the orientation guidelines by Jampert et al. (2011), it will become evident how children use strategies systematically throughout their language development. My research (Tures, 2014) also showed that the process of analysing language documentation in a theory driven and individual way helps ECEC teachers to value the strategies of infants and toddlers and to understand the underlying acquisitioned patterns.

Working with the orientation guidelines by Jampert et al. (2011) requires differentiated knowledge about the stages and strategies in different areas of language development. More importantly, it needs a perspective towards children that values their individual voices. It is important for ECEC teachers to comprehend that each utterance is purposeful and underlies a strategy in language development that is appropriate for the current stage. In my research (Tures, 2014), I also found that

detailed knowledge about language development can still sometimes lead to an interpretation of language skills that is focused on comparing children with each other and that labels their way of expressing themselves as well or poorly developed. ECEC teachers found it challenging throughout the two-year in-service training program of Jampert et al. (2011) to focus on the individual child and the unique strategies each child displayed.

Van Oers et al. (2008) emphasise that:

> Educators' interactions with children are directly based upon their belief systems and theories about the nature of children, child development, knowledge, society, pedagogy, and so on. And different interactions tend to result in different developmental outcomes. (p. 4)

Approaches to teacher education or in-service training must therefore not only focus on the delivery of knowledge and skill training, but also encourage reflection and the development of developmentally appropriate beliefs and practices—in this instance, a rights-based perspective on child development. According to Phipps (2010), research on conceptual change leads to the conclusion that the following strategies in teacher education can promote changes in teachers' beliefs and practices:

> reflecting on concrete teaching experiences, helping teachers explore the beliefs underlying their practice, helping create dissatisfaction with existing beliefs, offering alternative theories which are intelligible and plausible, considering the advantages of new practice, seeing examples of this new practice, experiencing the new practice as learners, and providing support and guidance to integrate new practice into their own teaching. (Phipps, 2010, p. 23)

Hence, in-service training in the area of a children's rights-based approach to learning needs to provide individual support for ECEC teachers and the opportunity to carefully investigate ideas about language learning. Consequently, in-service training should be provided with a coaching structure, which leaves room for individual development, and it should be organised as a long-term provision. The training must further offer knowledge about language development; on the one hand, it should introduce principles of effective teaching based on research findings, and on the other hand, it should be inquiry-oriented, thus "encouraging teachers to reflect on their own teaching and developing their ability to do so, and … constructivist in that it acknowledges the importance of cognitive processes of learning to teach" (Phipps, 2010, p. 21).

Conclusion

This chapter has emphasised the need for an approach to language education that is based on the perspective of a cultural–historical tradition towards learning and thus acknowledges the fundamental situatedness and dialogicality of any language activity. It claims that children's rights are enacted for infants and toddlers if their language development is documented in a sensitive, strength-based way that helps ECEC teachers and other caregivers to understand the developmental interests and

needs of a child. It stressed the importance of an approach to language documentation which appreciates the individual pathways children take in the process of language learning and brings forth the individual voice of each child. This is a necessity when learning is conceptualised from a children's rights perspective because the individual abilities and strategies of young children are the basis for a responsive environment that enriches their language skills and supports them towards full participation in their own learning process. A children's rights-based perspective on language learning in the early years hence acknowledges:

- the individual pathways towards language development and unique strategies children display which can be documented throughout different stages of language development
- the nexus of social, cognitive and linguistic development when assessing language learning in the early years
- the voices, interests and ideas of all children in ECEC classrooms as the starting point for fostering language skills
- the fundamental situatedness and dialogicality of language learning
- that language learning takes place within broader educational areas and daily routines
- that ECEC teachers and other caregivers play a very important role for language learning by providing responsive social contexts and a linguistically stimulating environment
- authentic and meaningful dialogues with others as fundamental to children's overall development.

This chapter has also stressed that a children's rights-based approach towards language learning in infant-toddler classrooms implies a high level of professional development for ECEC teachers. This involves not only the delivery of knowledge and skill training but, even more importantly, a reflection on one's individual belief systems and, if necessary, conceptual change.

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Chapter 9
A Right to Know

The Positioning of Infants as *Knowers* in Educator-Infant Interactions

Sheila Degotardi and Feifei Han

Abstract A core principle of the United Nations Convention on the Rights of the Child (UN General Assembly, Convention on the Rights of the Child. United Nations, Retrieved from https://treaties.un.org/doc/Treaties/1990/09/19900902%2003-14%20AM/Ch_IV_11p.pdf, 1989) is that children have the right to contribute to matters that concern them. The concept of agency is thus brought to the fore, affording children the right to participate in, and make meaningful contributions to, the contexts in which they live and learn. Previous research has identified how agency in infant-educator play can be collaboratively constructed through interactions which support intrinsic motivation (Degotardi, Varied perspectives on play and learning: theory and research on early years education. Information Age, Charlotte, 2013). In this chapter, this idea is extended by examining how educator-infant interactions afford even very young children the opportunities to express and obtain information (Article 13). Agency is positioned as a cognitive, as well as a motivational concept, with very young children having the right to be treated and interacted with as *knowers and thinkers*. This chapter takes the theoretical position that language plays a major role in the socialisation of children as knowers and thinkers, and therefore as agents who construct and contribute to their own and others' knowledge and understandings (Halliday, Learning how to mean: explorations in the development of language. Edward Arnold, London, 1975; Nelson, Language in cognitive development: the emergence of the mediated mind. Cambridge University Press, Cambridge, 1996). Drawing on data from a large research project which investigated the language environment of infant-toddler early childhood classrooms, the chapter illustrates how, through their experience with particular forms of talk,

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infants and toddlers are being afforded different opportunities to share and extend their knowledge. Language is thus simultaneously positioned as a tool *for* learning and a source *of* learning as it provides rich opportunities for infants to participate fully and capably in the knowledge culture of their infant-toddler room.

Keywords Children's rights · Infant knowing · Cognitive agency · Language learning · Educator questioning · Participation

Introduction

A core principle of the United Nations Convention on the Rights of the Child (UNCRC; UN General Assembly, 1989) is that children have the right to contribute to matters that concern them. This principle stems largely from interpretations of Article 12, which compels those responsible for children to "assure to the child who is capable of forging his or her own views the right to express those views freely". Accordingly, a large body of work examines children's right to a *voice*, to intentionally express their views and ultimately have a say in decisions that impact them. Each child is construed as "a social actor and powerful agent within their own context", with the ability and right to exercise meaningful change in their own lives (Odrowąż-Coates & Vucic, 2017, p. 47).

By ascribing social agency to children, the promotion of voice affords them a right to participate in, and engage with, the power structures that shape their everyday world. However, young children also contribute to their world in ways that extend beyond engaging in decision making. Less evident in the body of work on voice is reference to Article 13, which gives children "the right to freedom of expression … [which includes the] … freedom to seek, receive and impart information and ideas of all kinds" (UN General Assembly, 1989, p. 6). Inherent in this principle is the assumption that all children, including the very young, are capable of forming knowledge-based representations of real-world phenomena, and that they are able and motivated to share this knowledge with others. Children, it would follow, not only have a right to an opinion, but also a *right to know* and to share that knowledge with others.

The right to seek, receive and impart information draws attention to the ways that children make meaningful contributions to their knowledge culture. It positions children as *knowers*—as cognitive agents who have the capacity to possess knowledge and to share this with others (Berthelsen & Brownlee, 2005; Degotardi, 2013, 2014). It also focuses attention on how children construct knowledge and actively contribute to knowledge construction processes. Finally, when enacted, children's right to know also compels others to consider their right—as specified in Article 29—to an education that facilitates learning to the fullest and, ultimately, supports children's endeavours to become knowledge-generating members of their society.

In this chapter, we examine some ways that educator-child interactions support the rights of our youngest citizens—children under the age of 2—to contribute to the knowledge culture of their early childhood classroom. We situate our discussion within a broad theoretical framework of collaborative construction which acknowledges the efforts of both adult and child in the construction of knowledge (Nelson, 1996; Van Oers & Hännikäinen, 2001). In this framework, knowledge construction occurs through the process of reciprocal interactions, during which both partners actively express and extend knowledge (Degotardi, 2014). The process of collaborative construction is inherently participatory as it comprises opportunities to interact and to express oneself within the context of meaningful joint activities (Berthelsen & Brownlee, 2005; Berthelsen et al., 2009). It is also a relational process—one that is reliant on dialogues that involve an exchange of knowledge and ideas that ultimately shape the path of learning (Degotardi & Pearson, 2014; Papatheodorou, 2008).

There are challenges, however, when applying these theoretical principles to infants. While infants' language capabilities develop rapidly during their first 2 years, their ability to represent knowledge and understandings in verbal form is still emerging. Educators' interactions with infants are therefore often reliant on their ability to perceive and interpret subtle cues, and to attribute meaning to short non-verbal or verbal utterances. This is perhaps one reason why, when discussing their pedagogies, infant educators have been found to overlook infants' contribution to their cognitive and language learning processes, and to focus more on social–emotional aspects instead (e.g. Degotardi & Gill, 2017; Salamon & Harrison, 2015). Also, while pedagogical strategies such as open-ended questioning and sustained, shared thinking are frequently espoused as means of encouraging children to express and construct knowledge, research has questioned whether these strategies are well suited to the developmental and learning characteristics of under-two-year-old children (Davis & Torr, 2015; Degotardi, 2017). If infants are going to be afforded a right to participate in knowledge construction processes, these challenges need to be acknowledged and addressed.

Infants as *Knowers*

The difficulties faced by early childhood educators may be compounded by the application of a broader societal view about whether, and if so, how all articles of the UNCRC can realistically be applied to infants. Some have argued that the perspectives and participation of very young children are overlooked by virtue of their relative immaturity and adult-dependency compared to older children (e.g. Dahlberg et al., 2007; Stainton Rogers, 2004). The "all-too-common view that the baby is too small to really understand or to remember" (World Association for Infant Mental Health, 2016, para. 2) is reflected in existing attempts to apply the UNCRC to infants. For example, the Parma Charter of the Rights of the Newborn (Bevilacqua et al., 2011) and the World Association for Infant Mental Health's Basic Principles of Infant Rights focus almost exclusively on health, protection and

social–emotional needs, with scant reference to infants' cognitive agency. In this context, it is challenging to advocate for infants' right to know or to acknowledge their participation in knowledge construction in more than a tokenistic manner (Te One, 2010).

Yet a wealth of information exists to demonstrate that infants are able to construct, hold and act on knowledge representations from early infancy. Infants rapidly acquire knowledge about familiar objects and events, including object properties, foundational categories and concepts, event sequences and object–event associations (see, for example, Baillargeon, 2004; Gelman, 2005). The emergence of symbolic communication in the latter part of infants' first year demonstrates their ability to use conventional non-verbal and verbal means to communicate knowledge to others (Hoff, 2005). While some of infants' earliest efforts tend to communicate wants, needs and social overtures, others, such as declarative pointing and acts of showing, clearly indicate a desire to share knowledge (Lock & Zukow-Goldring, 2007; Tomasello, 2008). Knowledge communication is also evident when infants use first words to label objects, events and their properties, and then progress to using multiword utterances to share knowledge and understandings, to verbally respond to conversational overtures of others and to seek information (Hoff, 2005; Tomasello, 2003). It is therefore clear that infants are knowers and that they gain the ability during their first years to share that knowledge with others.

Agency, Dependency and Power

When determining how to promote infants' cognitive agency, their own representational and communicative capabilities nevertheless comprise only one part of the equation. Wall et al. (2018) explain that young children's voices are relatively controlled by adults and, as a result, their messages are filtered. They suggest that this filter affects whether or not the child is heard, listened and responded to, as well as how their messages are interpreted. The younger the child, the more this may apply. For example, the persistent image of infants as cognitively immature may result in knowledge communications being overlooked by their adult interlocutors (Smith, 2011), while an image of infants as vulnerable and dependent may mean that social–emotional and needs-related communications are privileged over knowledge-based ones. The cognitive agency that is associated with infants' right to express and construct knowledge is paired with a dependency on the interpretations of others and the opportunities that they are afforded to exercise this right (Smith, 2011).

As a consequence, while infants may have the capacity to actively participate in knowledge-based interactions, the opportunities to do so are often dependent on educators (Kellett, 2014; Wall et al., 2018). Lundy (2007) proposes that if young children are to be given participatory rights, certain enabling conditions need to be put in place:

- *Audience* refers to the willingness of others to listen to children, requiring others to encourage children to speak, to take children's communicative attempts and messages seriously, and to acknowledge that children have been heard.
- *Influence* refers to the willingness of others respond to children's messages, and to provide children with the opportunity to experience authentic responses which ultimately encourage them to become self-assured speakers (Kulfer, 2011).
- *Space* refers to the communicative opportunities and expectations that are bound up with particular settings or activities which shape the kinds of interactions that ultimately take place (Wall et al., 2018).

Efforts to afford infants the right to seek, receive and impart knowledge are therefore power-laden and context specific. Opportunities are socially determined; they are dependent on infants' capabilities and communicative actions, as well as the willingness and abilities of others to provide infants with opportunities to participate in knowledge-sharing and knowledge-constructing interactions. Opportunities are situationally determined, as the common practices and expectations associated with different experiences or activities will shape the interactions that ultimately take place. Finally, efforts are inherently relational, with infants' right to contribute to their knowledge culture enabled or constrained by their opportunities to engage in mutually reciprocal knowledge-based interactions.

Positioning Infants as Knowers During Infant-Educator Interactions

Questions such as "Who seeks and shares knowledge and in what contexts?" and "How is knowledge construction supported?" are therefore important topics of inquiry. In the remainder of this chapter, we tackle these questions by drawing on analyses from a large research project which investigated the qualities of the language environment in infants' early childhood education rooms. This project generated observational data from 57 rooms catering for children under the age of 2. Three hours of video data was collected separately for one focus educator and one focus infant in each room. Sound recording devices (bluetooth microphone for the educator and LENA digital language processor for the infant)[1] were worn so that high definition audio data was obtained. The observations captured naturalistic footage across a range of contexts, including inside and outside play, mealtimes, literacy activities and caregiving experiences. This rich data provided avenues for a range of analyses and, in this chapter, we focus on two aspects that are particularly relevant to knowledge sharing and construction: educator questioning and educator-infant conversations.

[1] The LENA digital language processor is a small recording device worn by the infant in a custom-made vest that fits over the infant's clothes. It produces a high-quality audio file of sounds heard by the infant (see LENA.org)

Educator Questioning

Early childhood education has a long history of championing questioning as an effective means of engaging children in knowledge-constructing interactions (e.g. Allerton, 1993; Chappell et al., 2008; Siraj-Blatchford & Manni, 2008). Questions invite children to participate in interactions and, because they encourage children to share their knowledge and ideas, can lead to opportunities for the collaborative extension of learning (Siraj-Blatchford & Manni, 2008). Most research on questioning has focused on interactions with older children, but research with infants and toddlers suggests that questioning is also an important strategy with this age group (e.g. Davis & Torr, 2015; Girolametto & Weitzman, 2002; O'Brien & Bi, 1995).

Educator questions may provide infants and toddlers with both a *space* to express, and an *audience* to encourage the expression of knowledge (Lundy, 2007). Particular types of questions create different opportunities for knowledge exchange. While open-ended questions are highly valued with preschool-aged children, they may feature rarely in interactions with infants (Cicognani & Zani, 1992; Davis & Torr, 2015). Some questions types, such as known-answer *test* questions or directive *yes/no* questions, may control children's responses, while information seeking *wh* (what, when, where and why) and *clarification* (yes/no) questions may establish and sustain conversation (Girolametto et al., 2000). Furthermore, different activity contexts may elicit specific question types, and therefore provide infants with different opportunities to respond and participate (Girolametto et al., 2000; O'Brien & Bi, 1995).

In this analysis, we examined the frequency and qualities of infant-directed questions used by the focus educators in our study (Degotardi et al., 2018b). While questions can function as commands (*Could you put your shoes on please?*) or offers (*Would you like some juice?*) (Hu et al., 2017), we were interested in *pedagogical* questions, defined as those which function to seek information (Hasan, 1991). According to Hasan, pedagogical questions take three main forms, each of which present different opportunities for the respondent to represent knowledge through language:

- *Confirm* (yes/no) questions ask the respondent to confirm or refute the experiential content of the question (e.g. *Is it a dog? Does that one (cylinder) roll as well? Does that feel cold?*).
- *Specify* questions (*what*, *who*, *whose*, *when* and *where*) ask the respondent to specify the name of an entity, person, time, place or action (e.g. *What's in there? Who's that? Where's Woof?*).
- *Explain* questions (*how*, *why*) ask the respondent to provide an explanation, reason or justification (e.g. *Why did Scruffy run away?*).

We were interested in how frequently educators used these questions and whether this was related to the activity context in which the questions were used. We therefore examined 10-minute video extracts from two activity contexts:

- Educator mediated-play, on the basis that the activity is largely infant-led, yet the educator's active involvement presents opportunities for responsive interactions (Girolametto & Weitzman, 2002).
- Book-focused interactions, on the basis that the activity provides opportunities for infants and educators to engage in language-rich interactions around a shared focus (Gilkerson et al., 2015).

In order to explore whether educators adapt their questioning use to suit the two contexts, we only included educators in our analysis whose videos yielded 10-minute uninterrupted footage in both contexts ($N = 27$). For these educators we separated the transcripts of their infant-directed talk into messages (defined as "the smallest semantic unit that is capable of entering into the structure of a text" [Hasan, 1991, p. 81]), and then identified incidences of the three kinds of pedagogical questions. We divided each of the three types of pedagogical questions by the number of messages, thus yielding proportions which were compared between the two activity contexts in our analysis.

The Prevalence of Educator Questioning

As found in previous studies (Cicognani & Zani, 1992; Davis & Torr, 2015), *Explain* questions were used very rarely ($M = 0.08\%$ of messages), which is not surprising given that Explain questions seek cognitively and linguistically demanding responses (Massey et al., 2008). The remaining educator questions were made up of *Confirm* and *Specify* questions (7.60% and 8.32% of all messages respectively). While there were no significant differences between the proportion of all pedagogical questions generated by the focus educators during book-focused interactions ($M = 16.89\%$, $SD = 7.32\%$) and mediated-play ($M = 15.14\%$, $SD = 6.48\%$, $t(26) = 0.95$, $p = .35$, $d = 0.18$), differences were apparent in their use of the two question types. As shown in Fig. 9.1, educators used a significantly higher proportion of Confirm questions during mediated-play than book-focused interactions ($t(26) = -2.12$, $p < .05$, $d = -0.41$). The pattern was reversed for the use of Specify questions: the proportion was significantly higher during book-focused interactions than in mediated-play ($t(26) = 3.38$, $p < .01$, $d = 0.67$).

When we examined the transcripts, it was apparent that educators were using these question types to create very different language opportunities for the infants in each of the two activity contexts. Table 9.1 presents some typical examples of how the educators changed their use of questioning from one context to the other.

During mediated-play, educators used Confirm questions to seek feedback about infants' internal experiences, in terms of their knowledge (E26 *Is it a fire? Is it a fire truck?*), their perceptions (E29 *Can you see it?* E60 *Can you hear it ticking?*) or intentions (E29 *You going to wave to the aeroplane?* E60 *Let's try and see if it's working, okay?*). Confirm questions were being used to frame infants' experiences in language, providing language input that was directly relevant to their current

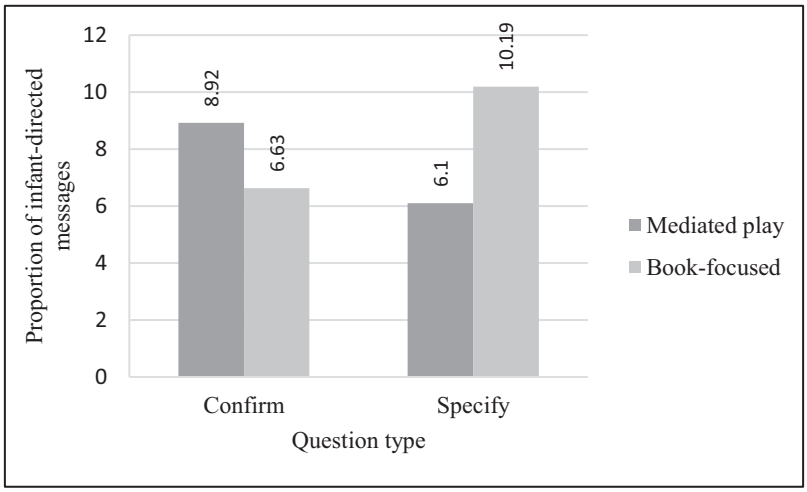

Fig. 9.1 Frequency of confirm and specify questions used by focus educators during mediated-play and book-focused interactions

Table 9.1 Typical question use during mediated-play and book-focused interactions

Mediated-play	Book-focused
E26: (Sitting outside, an infant stops in his tracks when there is the sound of a fire engine) I: *Fire!* E: *Is it a fire?* (pause, and looks towards infant). E: *Is it a fire truck?* E: *Can you hear it?* E: *Are you listening?* I: (*points towards the road*) E: *We can't see it. We can just hear it.* E: (hears the siren again) *Is it a fire?*	E26: (Reading a narrative book about a cat in the kitchen to a group of infants) E: *What can we see on this page here?* (points at the picture) *What's on this page?* I: *Biscuit.* E: *Biscuits.What's on this one?* E: *What can you see over here Taylor?* (points again and holds the page towards the infant).*What's that?* I: *Melon.* E: *Melon, watermelon* (turns the page).
E29: (Outside with the infants, putting out some plastic stepping stones. An infant approaches and watches her) E: *Do you want to walk on the stepping stones?* E: *Shall we put them out?* I: (bends to help) E: (reacts to the sound of an aeroplane) *Can you hear another?* E: (looks up) *See the aeroplane?* E: *Can you see it?* E: *You going to wave to the aeroplane?* (waves, and I watch on).	E29: (Sitting on the floor with a group of infants, reading a farm-themed narrative book) E: *Who's behind the gumboots?* (holds the book in front of one infant who points at the picture). E: *Henry had gumboots on this morning, didn't he?* E: *Peekaboo. Say "Oink, oink".What animal is that?* E: *What animal goes oink, oink?* I: *Oink, oink.* E: *What animal goes oink, oink? A pig?* I: (points at the picture of the pig) E: *Oink, oink. A pig.*

(continued)

Table 9.1 (continued)

Mediated-play	Book-focused
E60: (At a playdough table with three infants. An infant looks across the table and points to an egg timer) I: *Alarm, Alarm.* E: (follows I's point and picks up the timer) *the alarm.Do we need to set the alarm?* I: *Yeah.* E: *Let's try and see if it's working, okay?* I: *Yeah.* E: *It might not be working.* (holds it to I's ear) *can you hear it ticking? Tick, tick, tick, tick, tick.*	E60: (Reading a narrative book about different vehicles on the road) E: *But the car can't go, because of the van.What did the van driver say?* (holds her hand up to gesture "stop"). I: *Stop.* E: "*Stop*" *to the car.* I: *Stop.* E: *And who comes next?* (turns the page). *Oh, what's this one?* I: *Motorbike.*

E# educator ID, *E* educator, *I* = infant; underlined text represent (i) Confirm questions in the mediated-play context and (ii) Specify questions in the book-focused interactions

experience. Such input during shared experiences supports infants' language development (Degotardi, 2017; Rudd et al., 2008) and, by positioning the infant as one who could confirm or refute the educators' interpretations of their experience, supports their engagement in conversations. Furthermore, educators' Confirm questions can focus infants' attention on socially determined salient phenomena, thus creating opportunities where information can be shared and socially constructed (Tomasello, 1999).

In contrast, the more frequent use of Specify questions during book-focused interactions encouraged infants to label objects (E26 *What's on this page?* E29 *What animal is that?*) and to express their knowledge in verbal (E60 *What did the van driver say?*) and non-verbal (E29 *Who's behind the gumboots?*) forms. It thus appeared that the rich pedagogical content that can be found in children's books encouraged educators to use Specify questions. These questions in turn provided infants with opportunities to express their knowledge and, sometimes, to receive information from others that would extend that knowledge as well.

Our analysis demonstrated how educator questions potentially afford infants their participatory right to express knowledge. Questioning provided these infants with an attentive audience who, by seeking input regarding their knowledge, created a non-demanding space in which they could express knowledge using their emerging non-verbal and verbal means. Our analysis also demonstrated that specific activity contexts act as enablers. While the pedagogical potential of the interaction ultimately lies in the language choices of the educator, it appears that the activity itself may elicit the use of particular questions for particular purposes. Ultimately, our data suggests that the opportunities that questioning provide for infants' active expression of knowledge is context specific.

Educator-Infant Conversations

The analysis above focused on the efforts of educators in creating opportunities for knowledge expression. What is missing, though, is information about how infants actively contribute to their knowledge culture. If we adopt a social–collaborative approach to knowledge construction, it is essential to also consider infants' participation in dialogues, which can only be done by examining how both parties share, respond to and extend knowledge (Degotardi & Pearson, 2014; Papatheodorou, 2008).

In this next section we report on an analysis of educator-infant conversations in order to shed some light on the collective participation of both educator and infant (Degotardi & Han, 2020). Using a subset of the focus infant data, we examined conversations which extended to at least three turns. This benchmark was chosen as three turns indicate the point in a conversation where information is exchanged between speakers, rather than simply received and responded to (Bloom et al., 1996). The third turn provides the potential for knowledge extension, when the initial speaker addresses the response of the other. Once the benchmark of three turns is exceeded, dialogues can be created in which interactions are sustained, participation is shared, and the collaborative knowledge construction process can be enhanced (Degotardi, 2017; Fernyhough, 1996).

We selected the data to analyse on the basis that previous analyses had demonstrated that the sheer quantity of words addressed by educators to infants was significantly related to the quality of their interactions (Degotardi et al., 2016, 2018a). We therefore identified the 15-minute peak period of educator talk to 14 of the focus infants and analysed this footage to identify all three turn conversations that occurred during this peak time. Once identified, we used Halliday's (1975) two functional categories of language use to code educator initiations as knowledge-based (initiations that shared or sought information) or non-knowledge-based (initiations which served an instrumental [needs/wants-based], regulatory [behaviour directive] or social [interpersonal] function). The second and third conversational turns were then coded as follows:

- Feedback: Responses that acknowledged or repeated the message of the previous conversational turn, including confirmations ("yes/no", "okay"), repeats (response repeated all or part of the previous turn) or recasts (response re-phrased the previous turn).
- Extension: Responses which injected more information into the conversation, including information provided as answers to questions.

Finally, we coded each conversation according to whether it terminated at three turns or continued past this benchmark.

We were interested to know whether the two broad types of educator initiations created different knowledge construction opportunities for infants and, also, whether infants' contributions to the conversation had a bearing on these opportunities. We therefore used cross-tabulations to examine associations between the types of educator initiation, infant response and the continuation or termination of the conversation.

We found that infants tended to follow non-knowledge initiations with feedback responses, while knowledge-based initiations were more likely to be followed by extension responses ($\chi^2 = 17.40$, $\varphi = .41$, $p < .01$, see Fig. 9.2). Furthermore, conversations where the infant responded with an extension were significantly more likely to continue than those where the infant responded with feedback ($\chi^2 (1) = 6.65$, $\varphi = .26$, $p < .05$, see Fig. 9.3).

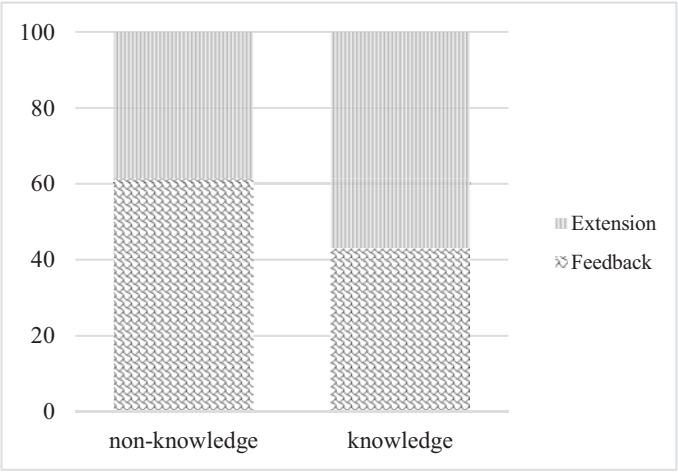

Fig. 9.2 Proportion of feedback and extension responses associated with the two different initiations

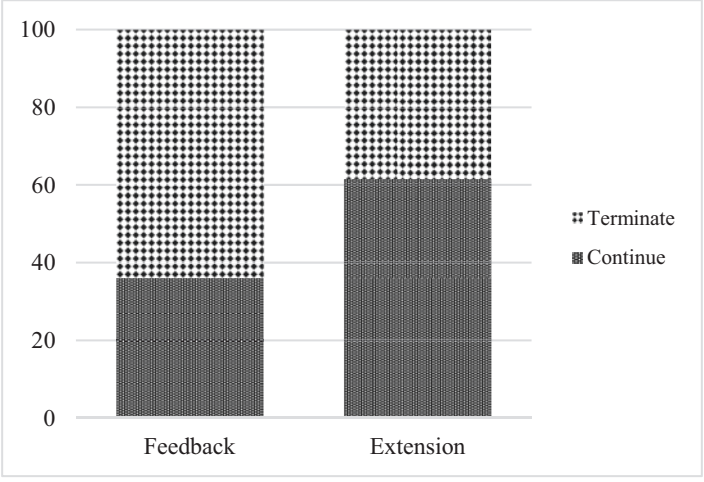

Fig. 9.3 Proportion of feedback and extension responses associated with termination or continuation

The two initiation types therefore presented different opportunities for infants to express their knowledge, and the type of infant response then predicted whether or not the conversation extended beyond three turns. Our final analysis step was to conduct a hierarchical sequential analysis to examine the sequence of all conversational turns. Sequential analysis calculates the likelihood that each turn type is directly followed by a particular turn type, therefore is able to illustrate patterns of conversations that are most likely to occur. The analysis categorised educator-infant conversations into four distinct sequential patterns (see Fig. 9.4). Pattern 1 (n = 17) captured the sequence of non-knowledge-initiated conversations that continued past three turns, while Pattern 2 (n = 27) represented the sequence of non-knowledge-initiated conversations that terminated. Patterns 3 (n = 33) and 4 (n = 25) captured the sequence of knowledge-based initiated conversations that continued and terminated respectively.

These patterns clearly illustrate that conversations were more likely to be sustained beyond three turns when the educator initiation was followed with an infant extension response. Although more knowledge-based initiations were sustained, compared to non-knowledge-based initiations (57% versus 39% respectively), the statistical significance of the association between initiation type and continuation status only tended towards significance (χ^2 (1) = 3.34, φ = .18, p = .08). The sequential analysis instead demonstrated that, while the educator could set the scene for sustained conversations, the infant's response contributed significantly to this potential. Specifically, when the infant responded by *adding information* to the conversation, regardless of the initiation type, the likelihood of a sustained conversation was enhanced. Examples of these four sequence patterns are provided in Table 9.2.

When sustained, educator-infant conversations reflected the mutual audience and influence of both interlocutors. While educators' choice to use knowledge-based

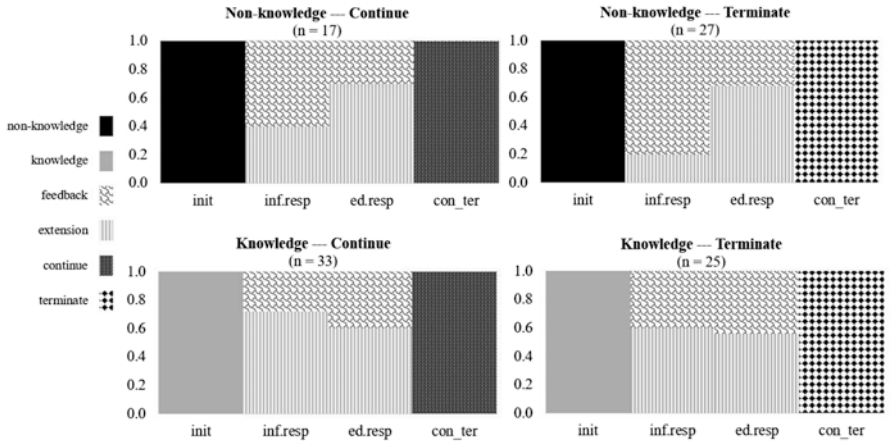

Fig. 9.4 Four patterns of conversations

Table 9.2 Examples of each conversation pattern type

Pattern 1 (Non-knowledge—continue)	Pattern 2 (Non-knowledge—terminate)
E11: (It is morning tea time and educators are serving sandwiches) E: (holds out the tray to I) *Which one do you want? Cheese or jam?* I: *Points and vocalises at a sandwich* (extension [reply]). E: *Oh. Jam?* I: (Continuation) *Jam.*	E4: (The infant stops walking when the phone in the room rings. Educator notices and asks) E: *Would you like a phone?* I: *Like phone* (feedback [repeat]). E: *I'll get one.* (Interaction terminates as the educator walks to the cupboard to find a toy phone)
Pattern 3 (Knowledge—continue)	Pattern 4 (Knowledge—terminate)
E32: (The educator and infant have mixed some cake batter and the educator is pouring it into the tin) E: *Look at that. It's all mixed really well.* I: *That's my cake!* (extension) E: *Yeah. And we can have it for afternoon tea. This is going to be everybody's cake.* I: (Continuation) *Winnie's cake.*	E52: (The educator is holding the infant and there is the sound of the telephone ringing) E: *Oh. What's that? Can you hear the phone ringing? Ring ring!* I: *Ring ring* (feedback [repeat]). E: *Ring ring, ring ring.* (interaction terminates)

initiations tended to provoke infants to add more information to the conversation, there was also potential for non-knowledge-based initiations to encourage extension responses. Once jointly established, these conversations then afforded an audience and influence to both participants through opportunities to express, respond to and build knowledge. These conversations thus became interactive and collaborative contexts for knowledge construction.

Concluding Thoughts

When advocating the importance of providing children with a voice in early childhood settings, Kulfer (2011) writes that "Exploring what young children say is not possible without taking into account what young children hear" (p. 100). In this way, he argues that it is not possible to truly recognise and understand young children's voice without consideration of the interactions in which they take place. It is these interactions that give shape to meaning, and therefore to knowledge expression and construction, in ways that extend beyond the analyses of one person's contribution. It is these interactions which present young children with learning opportunities that extend beyond individual processes of learning by doing, observing or listening. Finally, it is these interactions which afford social and cognitive agency through opportunities to express, reply and, therefore, contribute to the topic under discussion.

While the present chapter has tended to focus on the *verbal* voice of very young children, this is by no means to suggest that the *non-verbal* voice should be neglected, not only with preverbal infants but also children with complex communication needs, such as those with developmental delays or childhood speech and

language disorders. Research has indicated that disabled children who express their voice non-verbally are often underestimated by practitioners (Holland, 2011). However, our research demonstrates that, by engaging in interactions that encourage response and reciprocity, all children can be positioned as active participants in these interactions, and ultimately afforded the right to express what they know.

As explored in this chapter, it is evident that educators, through the often-unconscious choices that they make when talking to infants, play a powerful role in establishing opportunities for infants to express knowledge. Through their responses, knowing infants actively contribute to these interactions. The two partners—educator and infant—work together to establish and extend knowledge construction opportunities. While it is clear that our present investigation of the collaborative nature of knowledge-based educator-infant interactions is, in itself, in its infancy, we suggest that the concept of cognitive agency, so central to the realisation of Article 13, needs to apply to *both* infant and educator. When both parties seek, receive and impart knowledge, and respond to each other's attempts to do so, dynamic knowledge construction contexts will follow and create a knowledge culture in which everyone's *right to know* is central.

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Chapter 10
Commentary on Chapters 8 and 9

Supporting Communication Practices: Beyond the Focus on the Child

Martina Street and Louah Sirri

Chapters 8 and 9 address young children's early language learning from a rights perspective, as articulated through the United Nations Convention on the Rights of the Child (UNCRC). In Chap. 8, Andrea Tures argues for a cultural-historical approach to enhance young children's individual voices in the learning process. In Chap. 9, Sheila Degotardi and Feifei Han consider how dialogical approaches to language development may actively involve infants and young children in language learning with their educators. The originality of the two chapters stems from their challenge to the dominance of monologist approaches to young children's language learning still prevalent in early childhood education and care (ECEC) policy contexts in many parts of the world. The authors argue that these prevailing approaches militate against young children's rights, as children are active *knowing* agents navigating their everyday lives within the structures and institutions they inhabit. The discussions, arguments and approaches the authors provide could be of interest to the wider global education community.

In Chap. 8, Tures proposes that children's developmental milestones should be detached from the classical language that typically describes them, instead emphasising individual differences between children—an approach that is usually marginalised in policy contexts and research studies on language learning during early

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childhood. Thus, detaching each child from the *typical* or *atypical* figure, and providing enhanced training to early years educators, ensures that each child's learning needs are met and individualises the context of learning. This approach, consequently, strengthens the uniqueness of every child in educational settings. That said, the simplistic milestones privileged by classical developmental psychologists, and robustly criticised by Tures, and others, may also serve to highlight the differentiated outcomes experienced by children who are disadvantaged by our current education systems. More importantly, perhaps, this chapter highlights the critical need for space and time for children's voice(s) to be heard, and reminds us that young children are curious individuals who are motivated and eager to learn and explore their learning opportunities. This aspect of learning is also often marginalised in developmental studies as the focus is on studying the accelerated rate of language learning during development, and less on children's curiosity.

Chapter 9 draws on the *agency* concept, which—in line with the UNCRC—supports and aims to change the view of infants and young children as thinkers and knowers, in particular, during social interactions with an educator, while simultaneously acknowledging the dependency on the educator as a facilitator in the linguistic exchange opportunities and space. Thus, agency is discussed from two perspectives: the educator and the educator-infant. As in Chap. 8, the emphasis is also on individual differences and how critical it is to consider the differences among children within the same educational settings. The authors challenge us to consider how children's curiosity and interest in language learning could be made more prominent. The novelty here is the focus on children's right to contribute to their language learning, to enable freedom for the child to develop independently with the support of the educator, while taking into account the costs (time and investment) and challenges that educators face. Here, the educator's role is to initiate or extend the linguistic exchange, reducing the filtering process of messages the child is transmitting.

The two chapters contribute to the emergence of new education methods and challenge the readers' views on language learning from a children's rights perspective. Indeed, the authors of both chapters raise fundamental challenges for the early education field that lay the foundations for further exploration, which Degotardi and Han touch upon at the end of their chapter. The first may be to strengthen the link between language learning and social communication. One of the main channels of human social communication is language, in all its forms, and these multi-modal forms of communication to support social skills and ways of being could be further explored. Relatedly, another challenge is concerning infants' *voices*. How can infants' rights to participate in their/our language learning be promoted in early childhood education settings, and beyond? This challenge dovetails with explorations of other forms of communication that children with special educational needs and disabilities especially, but by no means exclusively, encourage and could be encouraged to learn/teach with their key carers. Although mentioned very briefly at the end of each chapter, we feel it would be interesting in the future to address the topic from the perspective of children with special educational needs and disability

(SEND), and children (and early years educators) who may (prefer to) use other ways of communicating than oral language.

Another challenge, implicit within the chapters, that we would like to surface here is the location of language learning primarily in early childhood education settings. We suggest that even if the approaches detailed in these chapters were to be adopted within ECEC policy and practice contexts, some children may still not reach their full potential as there are myriad factors influencing their language learning, not least child poverty. Early childhood education alone can neither address this problem nor its consequences, in spite of narratives in England, at least, about the potential for ECEC to be the engine of young children's social mobility (Social Mobility Commission, 2017). Privileging children's language learning as occurring within ECEC settings or even the home learning environment (which appears to be viewed in policy terms as an extension of ECEC settings) may mask the influences of wider socioeconomic and temporal/spatial circumstances on children's (language) learning. There is robust evidence suggesting that children's educational outcomes and life chances are strongly influenced by their social and material contexts. Children cannot be abstracted from these contexts, nor can the institutions in which they are situated. We would like to suggest that ECEC policy makers, practitioners and researchers take every opportunity to highlight and address this, and avoid the temptation (or injunction) to acquiesce to the responsibilisation of ECEC practitioners (and parents) as being solely accountable for children's (language) learning.

In addition, we would also, by offering a provocation to the authors and readers of this book, apply a similar reasoning to the UNCRC itself. That is to say, that while the UNCRC may serve to usefully raise awareness of children's rights, it does so by individualising children, similarly abstracting them from general human rights agendas. We suggest, among many others (cf. Borda-Carulla, 2018; Burman, 2008; Lister, 2006), that children's rights are interdependent with adults' rights, as Degotardi and Han suggest. Focusing on children's rights does not mean that these rights should be privileged, otherwise unhelpful rights hierarchies may be constructed. In terms of language learning, is it just children who need to learn language? How may we focus on children's communication without looking at the parallel processes and ways in which ECEC researchers and practitioners choose, and are enjoined, to communicate?

We welcome the approaches to early language learning espoused by the authors of both chapters. We support campaigns by the global education community for future strategies to consider how these approaches could be widely implemented, but also, and crucially, that they also highlight wider socioeconomic strategies that would ameliorate the maldistribution of resources directly impacting children's differential abilities and differentiated educational outcomes.

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Chapter 11
Communication Rights of Young Children in Early Childhood Education and Care

Anna Cronin and Sharynne McLeod

Abstract This chapter reviews international literature on communication rights and applies it to young children particularly in early childhood education and care (ECEC) settings. Communication rights within the United Nations Convention on the Rights of the Child encompass freedom of expression and opinion (Articles 12 and 13) and the language(s) in which children communicate (Articles 2, 29, 30 and 40). Accommodating and upholding communicative rights for children may require flexibility and creativity, depending on the modality of the children's communication, and the language that they use. Thought and consideration to children's right to communicate is imperative given communication is necessary for protection of many other rights. The second part of the chapter expands the discussion to specific considerations relating to communication rights for young children with speech, language and communication needs (SLCN), in particular, those with cleft lip and palate. A commentary is presented by Dr Yvonne Wren focusing on the rights of children with SLCN (including those with cleft lip and palate) in the United Kingdom (UK). Dr Wren draws on information from the Cleft Collective Cohort Studies, a large-scale national cohort study of over 2000 children born with cleft lip and/or palate in the UK, with a particular focus on the early childhood experiences of education and care for children in the cohort.

Keywords Young children · Cleft palate · Speech language and communication needs · Early childhood education and care · Children's rights

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Children's Rights

Since the United Nations General Assembly put into place the Convention on the Rights of the Child (CRC; United Nations, 1989), it has had a profound impact on the way children's rights are legislated and upheld. It has also become the most comprehensively ratified accord for human rights in the world (Australian Human Rights Commission, n.d.). The CRC contains 42 articles addressing a full range of human rights including civil, cultural, economic, political and social rights for children (Australian Human Rights Commission, n.d.). It was developed with the promise to children that the world would "…protect and promote their rights to survive and thrive, to learn and grow, to make their voices heard and to reach their full potential" (UNICEF, 2014, n.p.). There is equal emphasis placed on all rights for children in the CRC (UNICEF, 2005). That is, there is a recognition of the child as a whole, and the "…indivisible and interrelated" nature of a child's rights (UNICEF, 2005, n.p.). Promotion and protection of children's rights is imperative, given that "children are not just citizens of the future, but are the people of today" (McLeod, 2018, p. 8).

The Right to Communicate

Communication is a fundamental human right (McEwin & Santow, 2018; McLeod, 2018). It encapsulates receiving and sending a signal, as well as the interim steps of processing and storing the signal. The primary forms of communication privileged in mainstream society are the understanding and use of oral and written communication (speaking, listening, reading and writing), and to a lesser extent, multimodal communication (McCormack et al., 2018; Verdon et al., 2017). Communication typically includes both speech (sounds, fluency and voice) and language (words, sentences and concepts a person understands and uses). Multimodal communication may include looking, gesture, sign language, use of pictorial representations of concepts, voice output devices, and other forms of augmentative and alternative communication (McCormack et al., 2018; McLeod, 2018; Verdon et al., 2017). People communicate through written stories, poetry, mathematics, art, dance and many other creative ways (McLeod, 2018). Communication enables connection, with family and friends, as well as in community, educational and professional contexts. An integral part of childhood is learning to communicate with those around you. Effective communication underpins a person's autonomy and capacity to engage with society in a meaningful way (Johnson et al., 2010). Communication rights for all people is addressed in Article 19 of the Universal Declaration of Human Rights (United Nations, 1948), which describes the right to freedom of opinion and expression, as well as the right to use the language of choice within communication (McLeod, 2018).

Children's Right to Communicate

Supporting children's right to communicate, including listening to young children, respects their right to "having a good childhood in itself" (Kragh-Müller & Isbell, 2011, p. 27). Accommodating and upholding communicative rights for children may require flexibility and creativity, depending on the modality of the children's communication, and the language that they use (Roulstone & McLeod, 2011). Articles 2, 12, 13, 29, 30 and 40 of the CRC (United Nations, 1989) focus on two areas of communication: freedom of expression and opinion (Articles 12 and 13), and the language(s) in which children communicate (Articles 2, 29, 30 and 40) (McLeod, 2018). In addition, children's right to communicate is necessary for protection of many other rights. Therefore, championing children's right to communication has implications across multiple disciplines, including the law (e.g. Jones, 2015), healthcare (e.g. Kilkelly & Donnelly, 2011; McCormack et al., 2018), education (e.g. Doell & Clendon, 2018; Gallagher et al., 2018; Gillett-Swan & Sargeant, 2018) and disability services, such as in the Convention on the Rights of Persons with Disabilities (CRPD; United Nations, 2006).

Privileging Children's Voices

Listening to young children and championing their expression of their opinions can present challenges, given they are in the process of acquiring their communication skills. For infants and toddlers, adults may need to facilitate communication (and by extension human rights) by interpreting gestures, body language and facial expressions as well as key word signs and spoken words. However, it is important to acknowledge the child as "rich in potential, strong, powerful, competent, and most of all, connected to adults and other children" in daily life as well as in research (Malaguzzi, 1993, p. 10). By doing so, children's right to communicate can be achieved when adults view and treat children as competent communicators. To promote communication rights, young children's agency and participation across contexts must be supported. Shier's (2001) five stages model of increasing participation for children proceeds from the least involvement of children to the most involvement. These stages are:

1. Children are listened to
2. Children are supported in expressing their views
3. Children's views are taken into account
4. Children are involved in decision-making processes
5. Children share power and responsibility for decision making.

The Pathways to Participation model (Shier, 2001) moves through levels of child involvement to facilitate children's participation and empower children in the decisions affecting them (Shier, 2001). Children's level of participation may vary

depending on the setting, the individual child, and the adult(s) or individual's capacity. The first stage of commitment represents an opening, where someone is "ready to operate at that level" (Shier, 2001, p. 110). Next comes an opportunity. To operate at this level, resources, skills, knowledge or new approaches are developed to support the individual or organisation at this level of empowerment. Lastly is an obligation, where it becomes a requirement (e.g. through agreed policy) that the individual or organisation operates at this level (Shier, 2001). Several researchers have demonstrated how children can be "active and effective participants" (Dockett & Perry, 2007, p. 47) in matters concerning them, such as the Starting School Research Project (e.g. Dockett & Perry, 2005) and Risky Spaces Project (Farrell & Danby, 2004–2006). This model of child-led research and discussion upholds children's right to be involved in decisions affecting them; however, it requires adults involved to commit to and facilitate listening to children (Dockett & Perry, 2007).

Young Children in Early Childhood Education and Care

The early years of children's lives are foundational for their lifelong health and well-being (Eadie et al., 2017). Thus, early childhood educators are uniquely positioned to have a positive influence on the development of young children and, in particular, their communication development. Law et al. (2009) analysed the outcomes of 17,196 5-year-old children from the United Kingdom (UK) when they reached 34 years of age. This analysis showed the growth of children's early language skills was of particular importance, acting as a predictor of later social, emotional, academic and vocational achievement. Given the positive influence of attending early childhood education and care (ECEC), and the benefits of attendance for children, ECEC is an important space for upholding, championing and improving children's communication. For example, in Australia the articles of the UNCRC, including those relating to freedom of opinion and expression, are embedded in a range of laws and acts governing care and education for young children, such as the Education and Care Services National Law 2010 and Regulations 2011 (Early Childhood Australia & Australian Human Rights Commission, 2015). Further, communication is one of the five key learning outcomes for children as described by the Australian Early Years Learning Framework (EYLF; DEEWR, 2009). The same is true in the curriculum documents of other countries such as Te Whāriki (Ministry of Education, 2017), the early childhood curriculum for New Zealand, and in the Early Years Foundation Stage (EYFS; Department for Education, 2017) framework in the UK.

Supporting the Communication of Young Children with and Without Speech, Language and Communication Needs

In this discussion we focus on the communication needs of young children in ECEC and the communication of young children with speech, language and communication needs (SLCN). There are two important points to consider when discussing the communication of young children. Firstly, it is important to recognise that children may be less able to communicate their needs and/or feelings because of their age. So, there is a need to recognise and meet children at their stage of communication development. Secondly, there are some children who have specific communication disorders, which is why they cannot communicate.

Strong communication skills are crucial for all young children and can be supported in ECEC settings. Promoting very young children's expressive communication (and by extension, their rights) may require support or guidance from adults around them. Children's ability to express themselves has protective features for their safety, independence and autonomy. Very young children may not be able to follow verbal instructions, so accompanying these with gestures, or pictures, may also be beneficial. Facilitating children's understanding of the cultural expectations of an early childhood setting also supports their sense of belonging and safety.

SLCN is an umbrella term and includes "difficulties with fluency, forming sounds and words, formulating sentences, understanding what others say, and using language socially" (Bercow, 2008, p. 13). Children with SLCN may have difficulty understanding what is said to them, trouble expressing themselves or both, and they may require additional specialist support by speech-language pathologists (SLPs), educators and others to promote their speech and language development. Although specific terms vary according to organisations and/or nations, for example, SLCN (Royal College of Speech & Language Therapists, n.d.), "communication impairment", "developmental language disorder", "speech sound disorder" (Speech Pathology Australia, n.d.) and "speech, language and hearing disorders" (ASHA, n.d.), they collectively represent one of the highest prevalence conditions seen in childhood (Law et al., 2000; McLeod et al., 2014). For example, in a literature review of screening for speech and language disorders in children aged 7 years and under in the UK, Law et al. (2000) found expressive language delay to have a prevalence ranging from 2.81–16% and speech delay of 2.3–24.6%.

Listening to children with SLCN has been approached in a variety of ways, requiring creativity and lateral thinking to privilege the voices of the children themselves. For example, drawing and arts-based approaches (e.g. McCormack et al., 2010, 2022; McLeod et al., 2013), narrative inquiry (e.g. Lyons & Roulstone, 2018), videography – such as *baby cam* (e.g. Sumsion et al., 2011) and focus groups (e.g. Nyberg & Havstam, 2016). Insights gleaned from child participants in research have included the risk and protective factors regarding the impact of SLCN on children's well-being and resilience – with relationship challenges and academic achievement as risk factors and hope, agency and positive relationships representing protective

factors (Lyons & Roulstone, 2018). Further, the responsibility of listeners in supporting children with speech sound disorders was highlighted by child participants in a study by McCormack et al. (2010), describing both a speech problem and a listening problem and the associated frustrations. A study by McLeod et al. (2013) with children with speech sound disorders described how the children felt safe in their home environments with familiar people (e.g. their siblings), but frustrated, embarrassed or withdrawn in public contexts when they could not express themselves. There are some studies investigating the voice of children with SLCN (Lyons & Roulstone, 2018; McCormack et al., 2019; Roulstone & McLeod, 2011); however, there is greater scope for inclusion of children as agents of power and decision making, as per the Pathway outlined by Shier (2001) to uphold the rights of children with SLCN.

Although SLCN is highly prevalent in early childhood (Law et al., 2009; McLeod & Harrison, 2009), children with communication disorders have been shown to respond to intervention (Baker & McLeod, 2011; Law et al., 2003; McLeod et al., 2020). Early detection and intervention may mitigate the effects of communication difficulties on children's socialisation and education (Schwarz & Nippold, 2002). Early childhood professionals are key identifiers of communication difficulties (Harrison et al., 2017; McAllister et al., 2011; Verdon et al., 2017). If children with SLCN have limited vocabularies or unintelligible speech, they may become frustrated, leading to perceived behavioural difficulties. Repetition and expansion of children's utterances may help build their vocabularies. Paying close attention to what children are doing, and following their lead, may be of particular importance, so that the adult communication partners can understand what the children are interested in and potentially wanting to communicate about. To encourage communication in more reticent children, it may be beneficial to tap into their interests and show the power and joy of communication. Similarly, children with SLCN may seem to have challenging behaviour if they are not understanding the expectations and/or they cannot express themselves verbally. Using simple language, with pauses, emphasis on key words and repetition may help children with SLCN understand their environment and what is asked of them. Collaboration between families, early childhood educators and SLPs will strengthen the support for young children with SLCN.

Indeed, children with SLCN may not be able to successfully advocate for themselves given their communication difficulties. "Communication is critical to reporting human rights abuses, seeking help, and receiving support" (Marshall & Barrett, 2018, p. 45). Difficulties in interpreting children's priorities may be compounded when children with SLCN are very young. Therefore, facilitating and strengthening reliable means of communication for children with SLCN is crucial. There are many ways ECEC educators can support children with SLCN to exercise their right to communicate. In the inclusive ECEC space, there are strategies and tools for facilitating listening to children. Given the unique nature of children's SLCN, the best strategies to enhance and improve their communication require careful consideration rather than a one-size-fits-all approach. For this reason, a multidisciplinary approach may be most appropriate, involving ECEC educators, SLPs (speech, language and literacy), audiologists (hearing), occupational therapists (play and fine

motor skills), psychologists and others (Verdon et al., 2017). Ideally, in an ECEC setting, to best support children with SLCN's right to communicate, educators' understanding of child rights and child development, and SLPs' understanding of speech and language development and intervention, must be combined. High quality early language learning environments in ECEC settings support and improve children's developing communication skills and, by extension, their right to communicate (Tayler, 2017). The use of visuals to support verbal instructions, and access to toys and resources in languages other than English that reflect the cultural communities of the children attending (e.g., McLeod et al., 2022), all support children's communication rights. Given the known benefits of access to early childhood education, and the particular influence of early identification and treatment of communication difficulties, ECEC educators, SLPs and families are uniquely positioned to support children with SLCN, and to facilitate and uphold their right to communicate. However, there are barriers to children engaging in ECEC, including poor quality ECEC in some circumstances, community attitudes towards children with SLCN and a lack of access to health and allied health services.

Example: Supporting Young Children with SLCN with Cleft Palate

Children with cleft palate are at increased risk of speech and language delay, and they also require specialist medical intervention, particularly in the first year of life. Cleft palate is a congenital condition where the segments of the face do not fuse as anticipated in utero, resulting in the nose and mouth not being properly separated (Cronin & McLeod, 2019b). When learning to talk, children with cleft palate may rely on gesture to communicate and be slow to acquire words. They may be slow to add words to their expressive vocabularies. Children with cleft palate may be difficult to understand when they start to talk, imitating and producing words that do not sound like the target (e.g., "gaggy" for *daddy*). Children with cleft palate may be more passive communicators than their peers, responding to, but infrequently initiating conversation with communication partners (Chapman et al., 1998; Frederickson et al., 2006). Particular care may be needed to encourage more assertive communication from children with cleft palate. For this group of children, participating fully in ECEC may be compromised due to the need for multiple surgeries and healthcare appointments, increased rates of illness (particularly ear infections), specialised feeding support and difficulties communicating (e.g. Cronin et al., 2020a). When children have a cleft palate, surgeries and orthodontic interventions are required (Cronin & McLeod, 2019a; Cronin et al., 2020b). Parents may choose not to send children to ECEC settings to reduce their risk of infections as a result of the complexity of care they are receiving, and in some cases, because of their child's appearance (Cronin et al., 2021). To support infants and toddlers with cleft palate, certain considerations may be needed in approaching their ECEC to help them achieve their

rights. For example, given the high rates of ear infections in infants and toddlers with cleft palate, having them close to their ECEC educator, where they can see them talking, and minimising background noise (where possible), may help these children best hear what is said to them. As the children may have delayed expressive language, providing simple language models and labelling their actions and interests could give them additional opportunities to learn and attempt new words. Trying to follow their nonverbal communication (i.e. eye gaze and gesture) to best interpret their spoken communication may help adult communication partners understand what they have said if the children's speech is unclear (which is common for infants and toddlers with cleft palate, more so than their peers). Building relationships with young children, where they feel that they are understood, and can be supported to understand what is going on around them, offers the greatest opportunity to help them achieve their rights. These ideas connect with Shier's (2001) framework. That is, Shier's Pathways to Participation can be used to support the communication rights of infants and toddlers with cleft palate. For example, given current practice, professionals and organisations may be at the opening level of commitment, and therefore ready to engage infants and toddlers with cleft palate to participate. More resources would need to be specifically devoted to move this commitment to becoming an opportunity, whereby organisations could devote specific resources to support the infants' and toddlers' participation.

Conclusion

In the early years of life, a time of enormous growth and development, young children have a right to be heard, and a right to express themselves. Although this may present challenges, there are ways to creatively listen to young children including children with SLCN. Particular care may be needed to see and champion the opinions and priorities of the rich and active child. However, collaboration, and careful and respectful listening, can ensure all children are listened to and their human rights respected, even for those children whose voices might be hard to hear.

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Chapter 12
Further Thoughts from Yvonne Wren

Yvonne Wren

The rights of children with speech, language and communication needs (SLCN) in early childhood education and care (ECEC) in the United Kingdom (UK) are driven by the international legislation and guidance described so clearly by Cronin and McLeod in the first part of this chapter. The challenges posed in ensuring that the rights of children with SLCN, and the accompanying difficulties that their communication difficulties create, are recognised and upheld and also shared between Australia and the UK. There are nevertheless some differences in the context in which these rights and challenges are being promoted and addressed.

Through a series of government reports in the UK, the importance of strong communication skills in ensuring children are not held back in education or social development has been widely recognised. The Rose Report on the teaching of early reading (Rose, 2006) commented that "far more attention needs to be given, right from the start, to promoting speaking and listening skills to make sure that children build a good stock of words, learn to listen attentively and speak clearly and confidently" (p. 3) as a precursor to the development of literacy skills when children start school. The Tickell Report (Tickell, 2011) identified communication and language as prime areas of learning in the Early Years Foundation Stage Curriculum for children aged 2 to 4 and vital to the development of personal, social and emotional development. The report also highlighted the importance of valuing a child's home language. The Allen Report (Allen, 2011) made a convincing case for early intervention for all children presenting with needs or neglect, referring to the evidence that children's brains are 80% developed by age 3 and, therefore, "we need to intervene early to make sure that our children get the best possible start in life" (p. xiii).

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The Bercow Report, published in 2008, presented a review focused specifically on the services for children and young people with SLCN in the UK. While the core messages were consistent with other reports regarding communication as a crucial life skill and the importance of early intervention, a number of specific recommendations were made regarding SLCN. These included a request that the government establish a Communication Council and appoint someone to the post of Communication Champion, to ensure that the recommendations of the report were implemented and to raise awareness of SLCN among key stakeholders and the general public. This led to the National Year of Speech, Language and Communication, a campaign of activities and awareness-raising around the countries of the UK.

The Bercow Report and the Allen Report led to some other changes with regard to the development of the evidence base to support work with children with SLCN: specifically, the development of two What Works centres, one run by the Early Intervention Foundation focusing on the early years and the other run by The Communication Trust and focused on interventions for children with SLCN. Together, they provide easy access to practitioners and clinicians working with children with SLCN and information on evidence-based interventions to use with this population.

A decade on, a second Bercow review has taken place to evaluate progress since the first report, resulting in *Bercow: Ten Years On* (Bercow, 2018). While the report recognises that some changes have been achieved, it concludes that SLCN has not been a priority for national and local strategies and that, as a consequence, children's needs in this area are often unidentified and unsupported.

The capacity for system-wide change is possible, however, and this is demonstrated effectively through changes in care for children born with cleft palate in the UK. In the late 1990s, a review of services and outcomes for children born with cleft lip and palate in the UK was carried out. The subsequent report showed that outcomes for speech in this population were poor relative to other centres in Europe (Sandy et al., 1998; Sell et al., 2001). The decision was made to centralise National Health Service provision in cleft palate from a total of 57 different centres providing care to just 11 across the whole of the UK.

While this radical change in the delivery of care had some negative impacts, such as increased distance to travel for surgery, the change to outcomes in speech was remarkable. Before centralisation, just 19.6% of children were rated as being *normal* with regard to the intelligibility and distinctiveness of their speech; following centralisation, that figure had increased to 56.3% (Sell et al., 2015). The value of specialist clinicians from across the multidisciplinary team in providing care to children born with cleft palate from birth to age 5 had been clearly demonstrated, with many more children achieving a positive outcome and being able to exercise their right to communicate.

Within this population, however, the study following centralisation showed that the picture was not so rosy for children at the other end of the outcome spectrum. Both datasets (Sell et al., 2001, 2015) showed that nearly 20% of children in the cohorts were unintelligible or barely intelligible. Centralisation appeared to have little impact on this group and additional work is needed to identify risk factors for

poor outcomes in this population. The Cleft Collective Cohort Studies was set up to provide a dataset for researchers across the globe to address a wide range of research questions of importance to the cleft clinical and patient communities. A nested study within the birth cohort, the Cleft Collective Speech and Language Study, is recruiting a subsample to focus specifically on the speech development of this population with the aim of identifying why 20% of children born with cleft palate continue to have such marked difficulties with making themselves understood (Wren et al., 2017). The intention is to identify information which can help clinicians and parents and carers to reduce the number of children in this situation and, through doing so, increase the opportunity for more children born with cleft palate to access their right to communicate and be heard.

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Chapter 13
The Rights of the Toddler

The Complexities of Supporting Young Children's Becoming and Belonging in an Inclusive Classroom Community

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Abstract This chapter explores the complexities around children's rights encountered by two toddler co-teachers in a US early care classroom for children 18–36 months old. As they collaborated to create an inclusive community for all children, the teachers faced unexpected challenges in supporting the rights of one particular child who, a few months into the school year, was determined to be on the autism spectrum. Their negotiation with early intervention specialists to meet the child's needs in the face of conflicting teaching philosophies, while also supporting his full membership in the classroom community, challenged them to think more deeply about their roles in teaching inclusively. The United Nations Convention on the Rights of the Child (United Nations, Convention on the Rights of the Child. Retrieved from www.unicef.org/crc/files/Rights_overview.pdf, 1989) speaks to our global responsibilities to provide support and care for *all* children, ensuring their rights to freedom of expression (Article 13), "active participation in the community" (Article 23), and the ability "to engage in play and recreational activities" (Article 31) with the support of educational institutions in the "development of the child's personality, talents, and mental and physical abilities to their fullest potential" (Article 29). This chapter represents the teachers' reflective process as they worked to better understand the meaning of a child's rights in the face of conflicting assumptions about *best* practice.

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Keywords Child care · Inclusion · Toddlers · Children's rights · Autism · Early intervention

Background

Early care centers, defined as sites of care and education for children birth to 5 years of age, are often the first place where young children negotiate separation from their families. Additionally, they offer a space where children can experience feelings of belonging and community (Seland et al., 2015) apart from their family context. From a human rights perspective, one might say that early care centers offer young children their first experiences as citizens of a shared community outside of their home and family. In her study on implementing children's rights in infant childcare, Te One (2011) found that contextual factors such as routines, schedules, and availability and use of space, impacted teachers' ability to honor children's rights. The infant teachers in her study struggled with the disconnect between their perceptions of how they believed children's rights should be supported and the reality of the constraints upon their teaching practice. Te One's findings raise questions about the possibility of children truly having agency in a setting that is governed in part by adult schedules and needs, which require children to conform to particular rules and expectations.

In accordance with the United Nations Convention on the Rights of the Child (UNCRC) (United Nations, 1989), teachers are positioned to take on the responsibility of ensuring that rights to freedom of expression are honored for all of the children in their care. In their joint position statement on inclusion, the Division for Early Childhood of the Council for Exceptional Children (DEC) and the National Association for the Education of Young Children (NAEYC) (2009), the preeminent US agencies in their respective fields, came together to encourage a holistic approach to early childhood inclusive practice. The statement articulates three primary areas that are essential components of inclusion: access, participation, and support. Odom et al. (2011) add that high-quality inclusion is about belonging and membership, positive social relationships and friendships, and development and learning. Most importantly, an inclusive community must be conceptualized for *all* children; in an inclusive community, everyone benefits from learning together (Recchia & Lee, 2013).

In the US, constructs of disability have long been influenced by the medical model which focuses on developmental deficits in young children. In order to qualify for early intervention services, children must demonstrate delays in development based on standardized assessments. Interventions that follow are frequently prescribed and linear, and they often do not take into account the impact of their implementation within different classroom contexts (Lee & Recchia, 2016). Specific teaching strategies that emerge from studies on inclusion rarely address teachers' perceptions, attitudes, and beliefs about including young children with disabilities in their classrooms (Wen et al., 2011).

Studying Toddler Community

In this chapter, we explore the ways that two toddler co-teachers came to understand, question, and trouble their own conceptions of children's rights as they engaged in a year-long collaboration to include a child on the autism spectrum in their classroom. Javier[1] entered the toddler classroom as one of five new children being followed that year through a study on transition to the Rita Gold Early Childhood Center (RGC), a university-affiliated inclusive center for early care and education. This larger study focused on children's and teachers' ways of co-constructing community (Recchia et al., 2018). Data sources included ongoing classroom observations, videos of the children at play, teacher surveys and interviews, and family interviews, each done at different time points throughout the year.

Documentation and reflection are embedded in the teachers' roles at RGC. Throughout the day, teachers document using written anecdotes, photographs, and videos of the children, creating a space for reflection on student needs and curriculum. These methods are integrated into the ways teachers work with the children and supervise the adult students doing practica in their classrooms. It is not uncommon for RGC teachers to also keep their own teacher journals as a means of reflecting upon practice, particularly in response to challenges. For the purpose of this chapter, we looked back on these additional teacher journal reflections, alongside the teachers' responses to mid-year surveys and year-end interviews from the larger study, through the lens of children's rights.

The theoretical lens that framed the larger study was drawn from Bhabha's (2004) concept of *third space* and Anzaldúa's (1987) sense of *borderlands*. Findings demonstrated the ways that a community childcare setting can provide a hybrid space (Bhabha, 2004) where children can hold on to a sense of self and be who they are while "crossing borders" (Anzaldúa, 1987) to become members of a new community. As we moved toward a deeper analysis of this experience for Javier, adding the lens of children's rights, we found the constructs of third space and borderlands a useful framework for exploring the tensions that emerged within the transitional space. Javier sought ways *to be* himself within the group and *to become* a member of the classroom community, while his teachers negotiated curricular, professional, peer, and parent dynamics as their own teaching identities were sometimes called into question. As Javier's diagnosis of Autism Spectrum Disorder (ASD) unfolded and he began to receive additional services through an early intervention program, new border crossings emerged that required ongoing negotiation with other professionals. Questions about teacher expectations for classroom *citizenship*, and who and what determine an individual child's needs and how to best meet them, were explored through particularly applicable articles of the UNCRC (United Nations, 1989, including children's rights to freedom of expression (Article 13), active participation (Article 23), play and recreation (Article 31), and developing their full potential (Article 29).

[1] All research participants' names in this chapter are pseudonyms.

The Classroom Context

The RGC toddler room enrolled 10 children between the ages of 18 and 36 months, some of whom had started in the classroom the previous year and some who had transitioned from the infant room. As a site for professional preparation, the classroom is led by two co-head teachers, assisted by graduate assistants and practicum students, most of whom are preparing to be early childhood teachers. The RGC engages in an emergent curriculum that is child-led and play-based. The center philosophy supports children's active decision making and sense of community, and the curriculum offers extended time for free choice in activities and play partners. Initial transitions to the center follow a gradual entry model that invites families to participate.

The toddler room is often the place where concerns about children's social and language development first emerge. Through a holistic approach where teachers consider the child's strengths and areas for growth, they work closely with families to identify children's needs and to make decisions about whether to seek further evaluation and support for individual children. Over the years, teachers have worked alongside early intervention specialists such as speech pathologists, occupational therapists, physical therapists, and special education teachers. One of the toddler teachers, Emmy, had been working in the toddler classroom for 9 years, and had several experiences collaborating with early intervention professionals. This practice was relatively new for her co-teacher, Amanda, who was new to the toddler room, transitioning from working for 8 years in the infant room. While Amanda had worked with physical therapists and speech therapists from outside agencies, she had not worked with Applied Behavior Analysis (ABA) therapists and Special Education Itinerant Teachers (SEITs) who come into the classroom to teach an individual child.

Perceptions of Community

Having worked at RGC for many years, both teachers had developed a strong teaching philosophy grounded in the center's culture. Creating a sense of community in each classroom is an essential component of RGC's philosophy (Recchia & Fincham, 2019). Responding to mid-year survey questions, Amanda "envision[ed] the toddler community as one that is *always changing, never static*. The children in the classroom shift *in and out of roles frequently*," while Emmy saw the community as "…something to *belong to, something to identify with*. There is something shared within the community that is not shared with others…".

The teachers shared their goals for building community, which highlighted opportunities for children to learn about themselves and to find a sense of emotional well-being in the group. In their surveys, they described this community as a space where the children are "comfortable being who they are" (Amanda) and are able to

"take ownership of their experiences and their roles in the classroom" (Emmy). They saw the community as one that allows space for the children to "try on new roles" (Amanda) and "get to know who [they] could be/want to be" (Emmy).

Welcoming Javier to the Toddler Room

Javier was just over 2 years old when he entered the toddler room in September to attend the RGC full time (Monday to Friday, 9 am to 5 pm). Before he started in the classroom, the teachers conducted a home visit, as part of RGC's intake process. During the home visit, the teachers noticed Javier engaging in repetitive language and hand movements that looked like *visual stimming*. Javier's parents let the teachers know about some challenges they were having at home, such as getting Javier to eat solid foods and to go to sleep at night. One of the reasons his mother was eager to have him start at RGC was to gain help with these concerns, in addition to increasing his social experiences.

During the initial interview, his mother shared that she believed in structure and she felt Javier needed more of it. Up to this point, he was cared for primarily by his father, from whom he had never been separated. During the interview, the parents "expressed different ideas about the transition. Mother says he will cry but will be okay. Father seems very concerned about his crying." His family spoke Spanish at home, but they reported that he knew a few English words. Reviewing the observation notes from this initial interview, although concerns were shared and discussed, it seemed the family was not yet aware of the potential need for additional services to support Javier (Notes, Initial Interview).

With their goals around community in mind, the teachers set out to welcome Javier to their classroom. Philosophically, their ideas about making space for children to explore their current and potential identities as toddlers aligned well with supporting children's rights in relation to the UNCRC articles delineated above. Their typical approach to inviting new children into the classroom resonated with supporting individual children's agency to choose their own ways of being and entering the larger group. At RGC, teachers take a strengths-based approach, believing children have the right to be viewed as competent. They see all behavior as communicative and open to interpretation. However, in thinking about their work with Javier, the teachers became aware of their own ambivalence in developing expectations for him, as seen in their reflections on his initial transition to the toddler room:

> In the early days of the classroom, it was about finding ways to connect with Javier. We had a lot of questions, starting to think he was on the spectrum but looking for moments that might prove us wrong. Music seemed to be a way he noticed others and where we saw his ability to imitate action and language. In these moments, I would think 'ok, he's connecting … maybe he just needs more time to learn to be social … to have social experiences.' (Emmy, Reflections)

> In the beginning of the year, I leaned towards letting him be him, rarely interrupting his play as often this would cause him to flee and disengage. Our way of working at RGC gives a lot of space for the children to direct the play, but what happens when the child directed play doesn't look like you expect it to? When this play is 'stimming' or 'OCD' or as some say 'unproductive'? What do we do then? (Amanda, Reflections)

These moments of ambivalence led to questions about how to support Javier in becoming a member of the toddler community and what that membership might look like for him. How did the teachers conceptualize rights to group membership for all the children, and how did they envision that membership when a child's modes of being and becoming did not unfold in expected ways?

Over the course of the first few weeks, Javier's behavior became a source of concern for the teachers. He had a very difficult time separating from his parents, cried for weeks, often refused to eat, and rarely engaged in the type of play that was typical of the toddler room. Amanda described the process that the teachers came up with to help him establish a firm relationship (Lee, 2006) with one caregiver, Serena, a Spanish-speaking graduate assistant with special education experience.

> I think we knew that it was going to be a hard transition. … We set up a plan where every single day we'd have the same person take him from mom not to force on him, but to make space where it was just one relationship that he was working on. (Amanda, Interview)

Over time Javier was able to develop a connection with Serena, but this relationship building required a great deal of input on her part. The following observation took place about 1 month after Javier began in the toddler room:

> Javier arrives with his mom—Not crying at first. Mom seems to drop him off easily. Serena sings to him in Spanish to engage him for a few minutes; then he goes to the door and cries. Serena follows him. He wanders over to her—she picks him up and sings more Spanish songs.
>
> Serena engages Javier in vestibular stimulation. She picks him up over her shoulder and bounces him a little, but he continues to cry. When she puts him down he goes to the door and circles back into the room in his familiar pattern. He goes back to Serena and reaches out to her. He nestles into her shoulder. She gives lots of sensory input—tapping his bottom, bouncing him up and down. He calms a bit. (Researcher Observation, Javier, October 19)

As Javier's relationships with the teachers in the classroom grew, he began to enter the room in a more settled state. He continued to connect through music and both Emmy and Amanda learned the words and motions to his favorite songs, which became incorporated into the classroom curriculum and enjoyed by all the children. Over time, the teachers began to find ways of supporting Javier in learning the classroom routines and expectations, which presented new provocations for their practice.

For both teachers, Javier's struggles around eating were particularly unsettling as they often felt the need to use more physical measures to ensure he ate something during the eight-hour school day. Not wanting to neglect this human need for sustenance, they saw lunch time as an opportunity to work on these skills and also promote his participation in the group. Their reflections on this challenge articulate the time and effort required to get Javier to eat even a small amount of food, and the ways that even tiny accomplishments encouraged them to persevere.

> Javier and his engagements with food stand out so much in my mind. Eating seems like such a basic thing, but for Javier it was such a struggle, especially in this new context of school. Even just staying at the table was difficult for him. As Emmy and I worked with him, we began with very small goals (standing near the table for a minute during lunch, taking one bite of yogurt/taste, sitting in a chair, the routine of lunch, etc.). Working towards these goals was very uncomfortable for me as a teacher. I struggled with forcing him to stay at the table by physically restraining him balanced with an understanding that this was a skill he would need for the rest of his life. (Amanda, Reflections)

> For most of the first semester, we worked very hard to get Javier to sit at the table for lunch and eat ... But then there were some days where he would sit (often with Serena) more calmly. I remember little wins—like when he melted onto the floor and stopped crying once he was laying down, I took the opportunity to offer a spoonful of yogurt and he took it, while lying there. It seemed like we were able to find a compromise there. I would never encourage or probably even let another child eat yogurt while lying on the floor, but I was so excited he was eating that I went with it. (Emmy, Reflections)

Along with being exposed to new routines, Javier also began to engage more with materials and activities as he became more settled in the toddler room. The teachers noticed and began to question certain patterns in his use of objects, as described in a classroom observation.

> He first demonstrated interest in the alphabet puzzle. He took a few letters and started organizing them and showed symmetry. He took the 'X', 'W' and 'M'. He placed the X in the middle and then took the M and placed it on the right side and the W on the left side. He changed the position many times but always made sure to continue with the symmetry. After a few minutes, he changed the X for the T and after noticing that it was as symmetric as before, he switched it again. (Classroom Observation, Javier, December 14)

Emmy later reflected on this observation:

> When Javier started to do this, I found it fascinating. But as it continued and showed up in other ways (realizing that's what he had been trying to do with shoes all along), it started to become a worry and point towards autistic tendencies. It led me to look into children with autism and their use of symmetry and visual arrangements of objects, which further led me to information on obsessive-compulsive traits and to see that there were many in his behavior. (Emmy, Reflections).

Another area the teachers paid close attention to was Javier's engagement with peers, a new experience for him. His initial ways of interacting with other children were often fleeting, as when "others joined (to play the guitar) he would turn his body and the guitar away from them" (Emmy, Reflections). He also approached and engaged with his peers in unexpected ways, as described below.

> This morning, Javier took an interest in 'M.', a younger toddler. He approached her for a hug and kiss on the cheek. M. returned his hug with a big smile. Javier hugged M. 3 or 4 times and then picked up the blue basket. He put it on his head and took it off, laughing. He then put the blue bin between his and M.'s faces. He moved the bin and said, 'S.' and laughed. M. looked up at Javier and smiled. Javier put the bin back between their faces and M. looked in to the bottom of the bin smiling. Javier moved it again and repeated the same interaction with S. and giggling. At one point, M grabbed the bottom of the bin and pulled it away from her face. Javier giggled and giggled before putting it back between their faces. Eventually M. moved away from this game and Javier followed her. M laid down on the ground and Javier sat on her back. M seemed ok with this at first, smiling, and then made

> an 'Uhh' sound. A teacher helped Javier off of M and they both went to play elsewhere. (Classroom Observation, Javier, November 3)

Amanda later reflected on this observation:

> When we first met Javier, I wasn't sure exactly how he was seeing his peers. At times, he would run to join them in chasing games or other high energy games, but it didn't seem as if he was aware so much of their intentions or rules of the games, as much as the energy and action taking place. This observation is of a moment with M. that I videotaped and watched many times, trying to make sense of it. It seemed that possibly he was trying to connect with M. or maybe M. was just another object in his play space. (Amanda, Reflections)

After weeks of observing and interacting with Javier, the teachers struggled to mediate their desire to support his individuality as a member of the classroom community while also noticing potential developmental delays that could be addressed with early intervention. The teachers discussed their observations with Javier's mother and recommended an evaluation. The decision made by the early intervention program was to provide Javier with 20 h of ABA therapy, a teacher-directed, systematic approach emphasizing discrete elements of behavior. Much of this therapy would take place in the toddler room during the regular school day (a two-hour session in the morning, a two-hour session in the afternoon). Additionally, speech and occupational therapy were provided at home.

Understanding a Toddler's Rights in the Larger Classroom Context

The introduction of ABA into the play-based, emergent environment of the toddler room, although considered by the early intervention specialists as the best course of action for Javier, created unanticipated tensions for the teachers as they tried to navigate their own roles as collaborators. These tensions illuminated the complexity of honoring toddler's rights in an inclusive setting.

A Toddler's Rights Within Competing Philosophies of Teaching

> As therapists began working with Javier, we had to restructure how we work and how we engaged with him. 'J.' (ABA Therapist) seemed interested in working with us as a team, connecting with what we were doing in the classroom, even if it felt uncomfortable for her while others seemed to want to check off boxes, as opposed to really getting to know this kid and helping him learn to be in the group. I agree that our way of working with children is different than most and can be hard for some to understand/get on board with, but I think it's important for us to work as a team and negotiate those differences. In working with J., I think I struggled with requiring Javier to do things I didn't make the others do (making him say 'Push me' on the swings or forcing him to say 'All done' at the table). While I understood the intent behind it, I felt like much of it was disconnected from his actual experiences or unnecessary in the grand scheme. I had a kid who didn't always respond to his

> name or call his mom mama and yet we were working on labeling random items in the classroom. In some ways ABA made sense for Javier. I think it definitely helped him grasp meaningful language, begin to make eye contact, request things, etc. But it was always a difficult way of interacting for me and I struggled when some of his therapists seemed to find little value in play and peer connections, focusing on flash cards and labeling tasks. (Amanda, Reflections)

The teachers had already begun to feel uncomfortable about some of the ways they were changing their practice to accommodate Javier even before intervention began. Once formal instruction brought ABA therapists into the classroom, the philosophical differences between the teachers' child-focused approach and ABA's directive teaching strategies were glaring. As Javier's intervention services became a part of everyday practice, the teachers began to reflect at a deeper level about how other children and families might be thinking about these different ways of teaching and learning. As they took up some of the EI recommended practices in their work with Javier, questions about the rights of the child also took on new dimensions.

> … how/when do we decide to intervene? How do we judge when his play is allowable or when it needs to be altered? When does this intervention infringe on his rights? Does it? (Emmy, Reflections)

> How do we negotiate working with a variety of perspectives? How do we create a cohesive experience for the kids in our care, especially Javier, while meeting his perceived needs? Whose ideas of 'rightness' or 'justness' are given more weight? (Amanda, Reflections)

Both of the teachers remembered a particularly poignant example of how other children began to take up the *vibe* of the ABA therapist's expectations for Javier. Because his therapist was focusing so much on Javier's eating, she became a regular presence at the lunch table. Emmy described this incident:

> Lunch was the only time where Javier's therapy was front and center to the other kids and they responded. When he was having a fit and we were working to get him to say 'All done' the other kids watched. One day R. (a toddler) said 'All done' and S. (an older toddler) told Javier, 'Just say "all done".' (Emmy, Reflections)

Reflecting further on this incident, Emmy raised more questions:

> Was this disruptive to the other kids? Did watching how we worked with Javier worry them in any ways? Here is where our work with one kid might have created a situation where other kids didn't feel safe—so what about their rights in this situation? S.'s example made me wonder how some of the kids were viewing him—did they understand this was hard for him? Or did they just think he was being silly or argumentative? What is our duty as teachers to help other students construct a positive view of a peer that presents 'atypically'? (Emmy, Reflections)

Despite the continuing challenge of *border crossing* between two very different philosophies, the teachers did come to see some benefits to the intense intervention Javier was receiving. As he developed clearer communication and social skills, he was better understood by his teachers and peers and responded more meaningfully to the toddler teachers' less prescriptive ways of being with the children, as shown in the following observation on eating:

> Javier approached the snack table in the classroom and opened his lunchbox on his own. He took out his yogurt, leaving his bottle inside. Amanda approached and asked if he was hungry. He held his yogurt and said, 'Yogurt.' Amanda got him a spoon while Javier went to a chair and sat down. Amanda asked if he'd like her to open it and he said, 'Open.' He then took the spoon and fed himself a majority of the yogurt. When he was done, Amanda asked if he'd like more. He said, 'More.' Amanda asked him to throw away his finished yogurt and with some prompting, he did. He then went off to play in the classroom. (Classroom Observation, Javier, March 28)

Commenting on this observation, Amanda reflected on the progress Javier had made.

> This observation was after he had started feeding therapy at home. We had been working on the routine of snack/lunch and he had it down pretty well at this point. However, this was the first time he had ever spontaneously requested food or a snack with me. I remember walking away that day thinking the struggle had been worth it. He had finally come to a point where he could ask for his need to be met and fulfill that task in its entirety. (Amanda, Reflections)

The teachers also saw these benefits in Javier's increased ability to play interactively, as described below.

> Javier went to the back room and began placing the Legos on his fingers. Amanda came over to sit with him and asked if he could build something with the blocks. Javier looked at her and continued to wave his hand with the Legos on his fingers. Amanda took them off his fingers, one by one and began stacking them. Javier watched. She handed two to him. Holding one in each hand, he snapped them together. He looked at Amanda and said, 'Good job!' Amanda repeated that saying, 'Yes, good job Javier! Can you stack more?' Javier continued stacking the Legos until he had a tower of 5. (Classroom Observation, Javier, April 5)

Amanda reflects on how she is perhaps finding a *third space* within which to work with Javier, building on his new skills in a less prescriptive way:

> In trying to strike a balance between the techniques his ABA therapists used and our own more general practices with all children, I tried to give Javier space, but find moments when I could redirect his play to meet some of the goals we had for him, like sustained attention on a task or turn taking or requesting objects.

In their work with Javier, the teachers navigated a *hybridity* of teaching practices by connecting their own practices to the work of the therapists while continually deconstructing/reconstructing their ways of being with Javier, and their conceptions of his rights within the classroom community.

A Toddler's Right to Emergent Curriculum

In addition to capitalizing on opportunities to engage Javier in traditional classroom activities, the teachers also began to see ways that some of his unique play behaviors could be seen as creative and interesting to the other children.

Amanda commented on this:

> I can still hear Javier's many scripts playing through my head. 'It's … a … train! It's … a … plane! Ski, ski, ski. Oh no, what happened?' and on and on. His language was fascinating. At first glance, he was quite verbal, communicating with the world around him. As we came to know him more, we realized that his language didn't always connect to what he was doing or experiencing in the moment. As he became more comfortable in the room, we began to see specific patterns of language emerge which we soon realized were TV scripts from YouTube videos. Javier had many videos memorized in their entirety and would often act them out in the classroom. He was a skilled imitator and I believe this served him well in coming to use language in a more meaningful way and learning the routines of the classroom. These scripts drew in the other children and you could often hear them repeating/engaging Javier when he was talking about helicopters or trains or skiing. (Amanda, Reflections)

Emmy articulated how Javier's knowledge of a particular Spanish song, which he had memorized from a video, positioned him as an *expert* when the song was shared with other toddlers.

> This morning during our play time we spent some time listening to music. Serena played 'Chu Chu Ua' and as soon as Javier heard the beginning of the song he stood up and started doing the motions. He started marching and as the song started, he started singing some of the parts. His classmates also seemed to enjoy the song as they all gathered around him and started copying some of the movements Javier was doing. He smiled and danced through the entire song. (Classroom Observation, Javier, November 16)

As she reflected further on this observation, she wrote:

> All these examples speak to the importance of knowing about a child's out of school experiences and knowledge. For a kid like Javier, who couldn't totally inform us of these things on his own, knowing about these videos he had mastered was important as a way to bring his interests more front and center in the classroom. This also created opportunities to showcase Javier's knowledge and expertise to the group. We pointed to him as a guide, especially for 'Chu Chu Ua', which is a complicated action song in Spanish. I think some of the other kids picked up on that and not only looked to us as teachers to show them what to do, but also looked to him. (Emmy, Reflections)

As the teachers began to capitalize on Javier's interests and unique funds of knowledge, they were able to find ways to bring his voice into the curriculum. While YouTube videos were previously viewed as a special *treat* in the classroom, when the teachers started utilizing them as a curricular tool, a door was opened for Javier to become a more integral part of the toddler room community.

A Toddler's Rights Within the Complexity of Inclusive Practice

> I do wonder now if we were overcompensating sometimes with Javier. And, if so, is there anything wrong with that? It brings up questions of privilege … like given a kid who you can assume may be isolated and excluded for most of his life, is it our job as EC educators to find ways to privilege that child in the classroom? And, assuming other kids won't have the same struggles in their life, can we prioritize certain kids over others? I think we do this naturally without thinking of it, but when you start to uncover and think about those potential inequities among the kids in your classroom, can we serve some purpose to rewrite certain wrongs, even if only in this very isolated space? (Emmy, Reflections)

Welcoming Javier into the toddler room community was challenging on many levels. His refusal/inability to acquiesce to the teachers' comfortable ways of inviting and supporting toddlers pushed them out of their comfort zones and forced them to find new strategies for working with him. As they opened their classroom to collaboration with EI specialists, they were pushed even further toward rethinking what it meant for Javier to be "comfortable being who he is" and to be able to "get to know who he could be/want to be" as a member of the toddler community. Emmy struggled with questions about constructing Javier from the start as a "child with a disability" and later with how this deficit way of seeing children governs early intervention services (Addison, 2004). She raised deeper questions about Javier's rights such as:

> The rights of the child to develop relationships—what if the child prefers to not be engaged socially? Are we working against a child's desires/needs when pushing them towards socializing? This makes me think about how we were constantly working to 'diagnose' Javier, thinking that would help us better understand him. But, how does this stand up against what we might see as the rights of a child to just be—to show us who they are—to not be diagnosed? Is all this in conflict with their rights to receiving the services/support they need—to have their ways of learning/knowing understood by their teacher? (Emmy, Reflections)

Amanda was also left with a sense of concern that by not giving him enough agency to freely express himself, they were undervaluing Javier's capabilities.

> Again, did we really allow him to be himself or were we trying to get him to look like the other kids? What is the line here? He was in group care and thus part of the community which had some routines which were followed by all. Was this beneficial to him? How does agency play into this? Must we restrict in order to give him more perceived freedom in the future? My expectations were for him to be like his peers within the group. Were these appropriate expectations? Was I giving space for him to be himself? (Amanda, Reflections)

Javier did indeed have a unique way of seeing and making sense of the world around him. His engagement with video as a learning tool (Suskind, 2014) became clearer to the teachers as they got to know and understand him better, learned more about his activities at home, and gave him space to re-enact what he had viewed and apply it in a new context. Emmy describes the ways that Javier did this based on a video he particularly liked which featured skiing.

> Javier has become very interested in pretending to ski. He first grabbed the two play brooms and laid them down on the floor. Then he grabbed the two white dusters and held one in each hand. He then placed himself on top of the brooms—one foot on each broom and began to raise his hand back and forth (like he was skiing). He then said, 'Ski, ski!' (Classroom Observation, April 14)

> Again, this was something I observed and found fascinating and was impressed with his creativity in use of materials. But, I soon realized that he must be reenacting something he's seen … and later heard from his mom that it was video and once I watched it, he was doing the whole script—word for word, action for action. I don't know what I'm thinking here yet in terms of rights, but this play has stayed with me so much. He amazed me often with his ability to transfer his knowledge of a video into his life and the materials in the classroom. Some of my questions here involve the way we define play and pretend. Does what Javier

> was doing here count? Did he ever involve original ideas into his play? Why couldn't we get him to branch out or expand on this play? Was it our job to do so? (Emmy, Reflections)

Further questions around the right to privacy for both toddlers and their families emerged in response to the public nature of our work with Javier in the classroom. As a center that embraced a sense of community for families, and as an environment for research and professional preparation, RGC classrooms are always being visited, observed, and studied. Some parents were more aware than others that new professionals with a different focus were entering the space to work with Javier. Finding the delicate balance between being open and inviting to insiders and outsiders while still protecting the privacy of children and families can be a daunting task. Emmy shared her thoughts on this as follows.

> Towards the end of the year, Javier spotted one of the classroom father's crutches and labeled them as 'skis'. The parent was so responsive to him and offered Javier the use of the crutches. This recurred on several days. While we had thought about how other parents might understand what was going on with Javier, this was the first time (and I think only) that I saw a real interaction (not just a passing greeting) between him and another parent. I wonder how aware other parents were about what was going on with Javier. While there is a side of the argument that would say we need to keep this information as confidential as possible, there's another side where I wonder if we are doing him some disservice by not explaining some things and letting others know more about his interaction style and such. This could go for any child as they/we all have our certain ways of being, but I think with a kid like Javier, there comes a time where the behaviors start to stand out enough that even the simplest passing interaction can become awkward as other adults might be wondering about what to do or why he is responding in the ways he is. I know that I spoke with some parents here or there as things came up in conference; I never went into too much detail, but still shared some of the things we were working on with Javier as it may have overlapped with their child … or if a parent asked specific questions, I answered them as openly as I felt I could without disclosing too much personal information. With those thoughts, I wonder about both a child's rights to confidentiality and also to having supportive interactions, which could be in conflict with each other. (Emmy, Reflections)

Final Thoughts and Enduring Questions

The teachers' engagement in this self-reflective process provided an opportunity to look carefully at their previously unanalyzed perceptions, attitudes, and beliefs about inclusion and to consider their emotional responses to negotiating inclusive practice. Challenges to their daily experiences of teaching and learning echoed at times Te One's (2011) findings regarding the disconnect between teachers' perceptions about honoring children's rights and the reality of contextual constraints on their teaching practices. Grappling with the differences between RGC's child-centered, emergent curriculum and the ABA therapeutic model pushed the teachers to reconsider the ways that their goals for toddler learning can impact children's rights. Policies on the rights of the child (UNICEF, 2012; United Nations, 1989) provide philosophical guidelines but leave teachers to develop daily practices on their own. For the teachers, these practices continued to evolve in response to their

ongoing questions, such as: What forms of expression could Javier engage in freely as a member of the community? Did he have the right to choose not to participate? What counted as play for Javier and how could we guarantee he had the opportunity to engage freely in play? How is Javier's potential understood? How can we find a balance between respecting family and child privacy and advocating for full inclusion?

Engaging in a dynamic process of inquiry and reflection helped the teachers think more deeply about Javier's rights as an individual and led them to change their ways of teaching to more fully embrace him as a member of the group. They learned that to empower *all* children to claim their rights, they needed to transcend taken-for-granted teaching practices to make space for children's voices to be heard. Although Javier was one child in one classroom, our work with him and his family has implications that extend beyond the parameters of our childcare center. It speaks to the global need for inclusive education that honors the rights of *all* children to access, participation, support, and belonging.

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Chapter 14
Commentary on Chapter 13

Finding Voice in Practices

Deborah James

How can I become a mother in history if I have no cultural frame in which to history my transition?

(E. Fletcher Robbins, personal communication, June 7, 2019)

Abstract I begin with an obscure starting point to discuss Chap. 13 (Recchia, Fellner and Fincham), which explores rights-based practice in a toddler room. Bear with me. My colleague Ellie Fletcher Robbins and I were preparing a grant application to explore transitions into motherhood in the context of serious mental illness. Our grant was rooted in Jonathan Lear's anthropological exegesis of hope, which is based in the history of the North American Indigenous people, the Crow (Lear, 2006). Their survival depended on the elders' capacity to learn from enigmatic stories in their own culture and their ability to listen to a younger member of their community. The youth successfully translated his catastrophic vision of the tribe's future because it was infused with references to their traditional ways of knowing how *to be*. It turns out the survival of the Crow depended just as much on the community's dialogic repertoire as it did on the individual's vision or the collective response of the elders.

Keywords Dialogue · Narrative · Voice

I begin with an obscure starting point to discuss Chap. 13 (Recchia, Fellner and Fincham), which explores rights-based practice in a toddler room. Bear with me. My colleague Ellie Fletcher Robbins and I were preparing a grant application to explore transitions into motherhood in the context of serious mental illness. Our

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grant was rooted in Jonathan Lear's anthropological exegesis of hope, which is based in the history of the North American Indigenous people, the Crow (Lear, 2006). Their survival depended on the elders' capacity to learn from enigmatic stories in their own culture and their ability to listen to a younger member of their community. The youth successfully translated his catastrophic vision of the tribe's future because it was infused with references to their traditional ways of knowing how *to be*. It turns out the survival of the Crow depended just as much on the community's dialogic repertoire as it did on the individual's vision or the collective response of the elders.

My purpose in storying theory in the context of my own practice is to engage you with an idea that voice is understood best when it is set within a dialogic frame that goes well beyond communicative interactions between people (Shotter, 2011). Ellie showed us the restrictions that cultures place on determining our being and our doing; a culture's history of practice lays down neural pathways in a collective psyche that set patterns for individual and collective responses in the here and now. Taking a dialogic perspective on children's rights permits different ways of seeing some of the apparent tensions in practice that were so engagingly depicted by Recchia, Fellner and Fincham in Chap. 13 relaying their own stories from the toddler room.

To expand on this idea, let's take a closer look at two central concepts in the chapter: agency and inclusion. Teachers are described in their struggle to reconcile the idealised vision of what rights-honouring practice should be like and the realities of their daily work life, with all the constraints placed on them by external and unnamed forces. Children are described as having their *true agency* restricted or even prohibited by the requirement to conform to the adult's structure. Practising agency through a right's perspective creates conflict and causes splits and separation. This is in sharp contrast to the concept of inclusion, which is framed by a string of words evoking positive pictures of togetherness. Both agency and inclusion are initially framed through other researchers' work and the authors then reflect on their practices and exemplify a mediation of the inclusion/agency binary that they set up (Egan, 1997). I wondered why the authors did not name their position in the research, which I assume was from practice—at least for Fincham and Fellner. I was wondering about the authority they attributed to the new knowledge they were creating by making their practices visible.

As they moved into an emic position, giving narrative evidence for the philosophy of their community of practice, the agency/inclusion binary became a shape by the inclusion of a third—the community. The separable roles assigned to community, teachers and children were used to define agency, and they were depicted in a facilitative space, purposed by a common goal, where identities were constructed and they learned how to be. This 3D space, with all its internal coherence and harmony, was then rather surprisingly defined in terms of *other*, "There is something shared within the community that is not shared with others…". Their position in relation to the *outside* created in my mind something like an impermeable boundary around the Centre.

My attention was drawn to the influence that the medical model had on structuring their observations. Before he entered the community, while on a home visit, the little boy at the centre of the story was described as having repetitive behaviours and *visual stimming* (author's emphasis), and their positional expertise was marked by contrast to the parents' lack of expertise, who were "not yet aware of the potential need for additional services". Lovely examples of child-centred, inclusive practices inside the community's space precede the reporting of more settled behaviour, but the teachers were still worried and anxious about the child's autistic traits. They described seeing his interest in other children as just another object of his play. These ways of seeing the boy and structuring the theory of his mind were not questioned. Their philosophy was "very different" to the behavioural therapists whose intensive reward/sanction intervention was definitely of an *other* variety. The outside intervention specialists were attributed with enabling the boy's progress in ways that led to them being able to recognise his development. His success and potential for development seemed to be the turning point in their ability to re-see his future and therefore persist with creative practices to include, and even be enchanted by, his different way of being. That is my view of it. The teachers saw it differently. For them, the turning point came in the moment when he asked for food, and it is easy to understand why given the context. Here is a boy, expressing his needs and making a choice—the space which became permeable created the conditions for him to find his voice.

And so, I return to Fellner's questions of how we negotiate working with a variety of perspectives and whose ideas of *rightness* or *justness* are prioritised. In my perspective, the clash of ideas, and the dilemmas they create, are the very reason border crossings are necessary for quality in research and practice. Not because they provide a source of expertise not otherwise available, but because they make us theorise much more deeply about our own perspective. Chap. 13 shows how generative that conflict can be and it paves the way for others to prioritise the production of relational-responsive knowledge over representational-referential knowledge (see Shotter, 2011).

More dialogic evidence on the relational work that permitted the permeability, so central to development here, would have been a boon, allowing us to witness the forays across the border, creating deeper insight into the movement that made this learning possible. What were the chinks that created connection for engagement? Knowing more about this community's dialogic repertoire is just as important as understanding the navigation of rights-based practices in the toddler room, and its effects on the boy or on the teacher-educators.

The framing of voice with choice and individual agency (evident here and in many other places) might restrict the reach of rights-talk in early childhood education. This talk, like all other talk, has its real power in setting anticipation for possible ways of being and doing. It is through *dialogue* with the concepts contained in the other (culture through artefacts in the material world, or people who embody the history and habits of a people group) that we expand our own understanding and create more space for others.

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Chapter 15
Beyond the Tangible, Towards the Invisible

Reflecting on the Rights and Realities of Infants and Toddlers Living in an Underprivileged Context in Mumbai, India

Sanobia Palkhiwala and Zinnia Mevawalla

Abstract International scholars suggest that rights-based frameworks such as the United Nations Convention on the Rights of the Child (United Nations, Convention on the Rights of the Child. United Nations, 1989) can act as tools for shifting understandings about the role and status of children in society. From this standpoint, the consideration of the rights of infants and toddlers has continued to develop, with growing discussion of the differing nature of rights. However, in highlighting the limitations of rights theories, critics argue that *rights-talk* tends to overlook the complexity of economic, political, cultural and socio-historical factors that underpin the reality of children's access to, and experience of, their rights. Indeed, research from across the world continues to report on the violations and abuses experienced by groups of children, including infants and toddlers. In the Indian context, the multi-layered oppression faced by groups, such as children living in slum communities, has been well documented, but little research has focused specifically on the rights of infants and toddlers living in slum communities, beyond their right to life, survival and development. This gap in knowledge reveals the importance of questioning the tangible (e.g. access to water and sanitation) and invisible (e.g. hidden curriculum) factors influencing the actualisation of children's rights in the Indian context. Drawing on insights from critical pedagogy, this chapter unpacks data from a research case study to story the experiences of teachers and toddlers in an early childhood program. In doing so, this chapter aims to reflect on the position and status of children's rights whilst questioning the international and

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universal gaze used to frame and analyse children's rights in the Indian context. The chapter concludes by discussing possibilities for reconceptualising and actualising the rights of infants and toddlers living in slum communities, through a focus on education for critical consciousness in the early years.

Keywords Infants and toddlers · India · Children living in slum communities · Children's rights · Critical pedagogy

Introduction

The United Nations Convention on the Rights of the Child (UNCRC) (United Nations, 1989) has enabled children to hold a "unique moral status" (Wolfson, 1992, p. 7) in the context of human rights by providing children with a distinct but parallel set of rights that "include the whole range of civil, political, social, economic and cultural rights" (Freeman, 2006, p. 89). The UNCRC recognises that the rights of children are inalienable, interdependent and inclusive (Penrose & Takaki, 2006) – with all children having rights to protection, provision and participation (Clark, 2010). Given that 181 countries have ratified the UNCRC (KidsRights, 2019), it seems that the answer to Guggenheim's (2005) question, "who would be comfortable being anti-children's rights?" (p. xiii) is: not many (Ferguson, 2013). However, as Ferguson (2013) points out, "herein lies the essential difficulty" (p. 2) since "children's rights are not under discussion and a sense of consensus on the meaning of children's rights is constructed" (Quennerstedt & Quennerstedt, 2014, p. 117). Ferguson (2013) suggests that this is problematic since there is still an:

> absence of any agreed-upon theoretical account of children's rights … [and] we lack strong child-centred evidence that it is better to regulate children through the lens of children's rights, rather than their 'best interests' or in terms of duties owed to them. (pp. 1–2)

Accordingly, scholars argue that there is a need for greater critique, contestation and theory in the literature surrounding children's rights (Cowden, 2016; Quennerstedt & Quennerstedt, 2014; Reynaert et al., 2009). Exploring critiques of rights-based discourses and practices, Clark (2010) points out that "although there is rarely any disagreement about children's welfare rights, their claims to liberty rights are frequently contested" (p. 89). Te One (2006) suggests that there is a disjuncture between the theory and practice of children's rights, indicating that the actualisation of participation rights for infants and toddlers have been questioned (e.g. by Griffin, 2002), and that infants and toddlers have been positioned as either "invisible" or imagined as "needy and vulnerable" (Te One, 2006, p. 43). Bridging these two arguments, Penrose and Takaki (2006) raise the importance of recognising all children as human beings who both require protection and are active decision-making partners. Penrose and Takaki suggest that this is particularly relevant to children in emergency, conflict and disaster situations since "ignoring their capacity means

undermining that of the community as a whole to cope with the situation" (p. 698). Parallel to this, Kombarakaran (2004) has similarly highlighted that whilst children living on the street are in need of certain protections, organisations and educators working with children also need to recognise children's capacities and knowledge of street life.

Exploring the cultural nuances in use of the UNCRC in theory and practice, Clark (2010) writes that "the UNCRC is particularly problematic in its attempt to regulate childhood across time and space, ignoring the diversity of culture" (p. 90). Wells (2009) also suggests that the UNCRC supports the "presumption that childhood can be governed at a global level" (p. 3). Whilst these critiques highlight that there is a need to navigate the complex twists and turns that emerge from engagement with the Convention, O'Kane (2003) suggests that the UNCRC "can remain a useful tool in working with diversity" (p. 179) and for developing shared understandings of concepts like equity, respect, fairness and dignity from *within* communities (that is, from the bottom up). In this chapter, we aim to work with the UNCRC to consider the experiences of a group of educators and children within one Indian context. In doing so, we explore the following questions:

1. What sociocultural, political and economic factors influence the position and status of rights for infants and toddlers – and how do these impact on children living in slum communities in India?
2. What are the tangible or real experiences of infants' and toddlers' rights and how are these understood and actualised by educators?
3. What are the invisible or hidden experiences of infants' and toddlers' rights and how are these understood and actualised by educators?

We begin the chapter by sharing two stories about the experiences of a group of teachers working with toddlers who live in a slum community in Mumbai, India. These stories enable us to analyse how notions of children's rights might be understood, and how intentions to fulfil the rights of the child might have been performed within this context. The chapter then provides an overview of the Indian context. An exploration of rights-talk and the reality of lived experiences for children in the Indian context is then considered before the theory of critical pedagogy is applied to question dominant discourses and conceptualisations of children's rights for infants and toddlers. Finally, possibilities for reconceptualising the rights of infants and toddlers are explored.

Prologue

The two stories presented below form part of a data set collected for a doctoral research study by one of the authors of this chapter (Palkhiwala, 2022). While the doctoral study unpacked the experiences of pedagogy, through an inquiry process with 11 teachers at the setting, for the purposes of this chapter, stories from three

teachers – Tanvi, Myra and Lakshmi – in playgroup (2-year-olds) will be drawn upon. Data collection entailed the use of non-participant observations, semi-structured interviews, a wall chart on which teachers were able to share any thoughts, and fortnightly group discussions in which teachers had the opportunity to discuss their pedagogy and classroom practices. While there are ethical considerations when researching with any group of people, this is heightened when researching with under-resourced communities (O'Kane, 2003). For example, in this study power imbalances were continually negotiated through the data collection process and ongoing consent was sought throughout the data collection period. The existing relationship between the researcher and teachers, based on flexibility and reciprocity, also addressed some of these power imbalances, as well as potential concerns of intrusiveness. The data was analysed in a cyclic process with the teachers, to ensure reflexivity. Pseudonyms have been used to ensure confidentiality.

Tanvi and Myra were the playgroup teachers, each responsible for a class of 25 2-year-old children. They shared a large classroom in a non-government organisation (NGO) that focused on providing educational opportunities, free meals and resources for children who lived in slum communities surrounding the setting in Mumbai, India. Next door to Tanvi and Myra, Lakshmi taught a third class of two-year-old children. In total, there were 75 toddlers who attended this playgroup alongside their three teachers.

Story 1: 50 Children and Polio Vaccines

One September morning, Tanvi was absent for a few days, resulting in Myra having responsibility for two playgroup classes (that is, 50 two-year-old children), with the help of one assistant (known as the *Tai*). Additionally, two children had returned to playgroup from their village after 2 months and seemed quite distressed. They had been crying all morning and the educators decided that the children should sit on the windowsill away from the group in order to look outside, perhaps with the intention of self-soothing. Teachers often commented in the focus groups that it was a "good thing" when the children who cried were often absent. Myra started her day with a smile on her face. The head teacher walked in to ask her if any of the children in the group still needed to receive the polio vaccine. Pausing her morning nursery rhymes, Myra started checking every child's pinkie finger for a mark (as children with a mark had been vaccinated). As she walked around the room, children became restless and were asked to sit quietly until all 50 children's fingers were checked. Noise gradually filled the space, with some toddlers crying, while other toddlers began playfully interacting with those around them, causing the Tai to raise her voice in an attempt to quieten the children.

After the morning snack, all children at the NGO who were yet to receive their polio vaccinations started entering the playgroup classroom and forming a single line. The nurses gave instructions, guiding the children to prepare for the vaccination. Parallel to this, Myra gathered a group of around 15 children and played

ring-a-rosie with them while the Tai cleaned up after snack time. While this small group of 15 toddlers seemed engaged in this game, the other children walked around the room as the Tai had packed away the toys while the children ate their morning snacks. Myra continued for the next hour in a similar vein, until the children were told to wash their hands in preparation for lunch.

Story 2: A Is for Apple

In the room beside Myra and Tanvi's was Lakshmi who had another playgroup class. One January morning, Lakshmi was taking a morning group time and noticed one child crying. She asked her to stand up and tell her why she was crying. The child said she wanted her mummy. Lakshmi said, "Your mummy will come in two hours" and then sang a song about mummy and daddy coming back to school to pick children up. She then sat the child next to the Tai until she stopped crying. After marking the roll, Lakshmi asked the children to guess how many were in the class today. Children called out a range of numbers under five. Lakshmi said, "No, no, no" and "let's count". After counting, she told the class, "We have twenty-five children". After counting the children and singing, Lakshmi said "Okay that's enough, now we need to study a little. You tell me these letters after me", reciting the alphabet with the use of a workbook. Children were then instructed to use their slates to copy "A" and a picture from the board of an apple that Lakshmi had previously drawn. Soon it was time for lunch. A prayer was recited before lunch. After the prayer Lakshmi commented in Marathi, "None of you know the prayer, you just make mischief and you can't sit still for two minutes".

The Indian Context, Children Living in Slum Communities and Their Rights

India ratified the UNCRC in 1992, and since then multiple laws have been implemented to reflect the Convention. While these legal frameworks provide a useful and necessary starting point for change, Deb and Mathews (2012) question the effectiveness of this top-down approach, suggesting that there is a further need to support the implementation and actualisation of laws in practice. While laws in India recognise that all children have a right to access education (e.g. the Right to Education Act 2009), the reality of children's access to education continues to be restricted by factors such as caste, class, gender, disability, access to water, sanitation, housing, safe spaces and social services (Wridt et al., 2015). For example, the increasing privatisation of the Indian education system has impacted on the actualisation of rights for children in the lowest socio-economic group. While the private sector has increased the accessibility of educational initiatives overall, access to

education still remains inequitable and inaccessible to the lowest income earners – highlighting that not all children's rights to education are being met (Woodhead et al., 2013).

In addition to caste, gender, disability and other factors, children living in slum communities experience specific challenges that impact on the actualisation of their rights. Therefore, in unpacking these stories, we are mindful of the need not to homogenise children as having the same experience, simply because they belong to the same community. A slum community is defined as a community with impermanent housing or squatter settlements (Auerbach, 2017). There are approximately 65 million people in India living in slums across major cities (International Monetary Fund (IMF), 2017). Many families living in these slum communities migrate from rural parts of India, in the hope of finding work (UNICEF, 2012). These unstable and impermanent living arrangements have many impacts on children and families. Some common challenges faced by slum dwellers include small cramped spaces, a lack of access to running water, sanitation, a lack of security from forced evictions, and sometimes lack of food (UNICEF, 2012). Families living in slum communities also experience a relative lack of protection from any socio-political unrest (Auerbach, 2017). However, one may also notice the sense of community and connection present in these tightly knit communities (Raghavan & Nair, 2013).

The Visible: Research on Infants' and Toddlers' Rights in India

Reflecting the contextual challenges faced by children living in the Indian context, research has found that rights-talk concentrates on poverty, malnutrition, access to education, child marriages, child abuse and child labour (Deb & Mathews, 2012; Farooqui, 2012; Hertel et al., 2017). Within this context, Deb and Mathews (2012) studied parent and teacher perceptions of children's rights, finding that while most parents and teachers advocated for children's rights to health, education and freedom, families and educators were not as concerned with children's rights to participation and expression. They also found that overall the teachers and parents had a low level understanding of the constitutional provisions and legal measures in place to protect children's rights, with only one in six parents and one in four teachers having heard of the UNCRC (Deb & Mathews, 2012). This brings into focus the need for greater public consciousness of frameworks such as the UNCRC (Wridt et al., 2015). As such, this research suggests that there is scope to build shared understandings with children, families and communities – since "children's rights cannot be understood and fulfilled without the participation of civil society, including children themselves" (Wridt et al., 2015, p. 36).

Ferguson (2013) raises questions about situations where infants' and toddlers' rights to participation may seem to be incompatible with adult interpretations of the best interests of children. While acknowledging that there is a need to ensure

protection, Leonard (2004) suggests that there is also a need to question underlying assumptions that adults might know best since this can, at times, involve silencing children's own perspectives. Leonard (2004) investigated adult decision making for children which resulted in the banning of children from working in the garment industry, and found that "well-intentioned action fundamentally increased the vulnerability of children" (p. 58) because "children ended up in more hazardous and exploitative occupations and experienced increased economic insecurity" (p. 58). Viruru (2008) further highlights that there are cultural tensions in understandings and applications of children's rights – for example, between children's rights to work and the abuse experienced by child labourers.

The multi-layered oppression faced by children in India has prompted writers such as Swadener and Polakow (2011) to note that there is a need to "go beyond legislation of rights to challenge harmful traditional beliefs that perpetuate discriminatory practices against children" (p. 712). Significantly, there is a lack of research looking at the rights of infants and toddlers, beyond the right to life, survival and development. The research shows that while researchers continue to explore children's rights, much of the focus remains on children older than 5, thus raising concerns over the invisibility of infants and toddlers. An overview of literature suggests that key children's rights issues in the Indian context include: (a) certain rights are more commonly embraced over others (Hertel et al., 2017), (b) adults' perceptions of children's abilities closely dictate the amount and type of rights that children are allowed to possess (Deb & Mathews, 2012), and (c) there is a lack of understanding of the legal nature of children's rights amongst stakeholders – such as teachers – who are responsible for upholding the best interest of the child (Morrow & Pells, 2012; Wridt et al., 2015).

In this section, we have provided an overview of the context and have explored some of the challenges to children's rights. In the subsequent section we draw upon the theory of critical pedagogy in order to analyse the stories in the prologue, before unpacking the rhetoric and reality of rights-based discourses.

Critical Pedagogy

Critical pedagogy recognises that education is a political act (Freire, 1970). The theory of critical pedagogy has many roots; however, its beginnings are often attributed to the work of Paulo Freire, who worked with adults who were illiterate and lived in slum communities (*favelas*) in Brazil (Freire Institute, 2015). Critical pedagogy addresses "the relations among schooling, education, culture, society, economy, and governance … [it] proceeds from the assumption that pedagogical practices are related to social practices, and that it is the task of the critical intellectual to identify and address injustices in these practices" (Popkewitz & Fendler, 1999, p. xiii). Critical pedagogy is concerned with the ways in which educational sites can reproduce existing inequities, injustices and cultural dominance, as well as the ways in which education can act as a mechanism to resist inequalities, injustices

and oppression (Giroux, 2018). Two cornerstone elements of critical pedagogy include understanding that education is political, and critiquing banking systems of education (Freire, 1970).

Education Is Political

The notion that education is political emerged from Freire's (1970) understanding that discourses of neutrality utilised within educational systems act as instruments of power. Freire (1970) recognised that claims to neutrality recycle power imbalances, which perpetuate the injustices that *already exist* within a given society or system. Taking Freire's lead, others have questioned the notion that truths are innocent of power – highlighting instead how seemingly unquestionable truths stem from socio-historical origins to privilege particular ways of thinking, being and doing (Giroux, 2018; MacNaughton, 2005). The political nature of education highlights the importance of analysing privilege and disadvantage to question how classroom practices and taken-for-granted assumptions about how to *do* education, or how to *be* educated reinforce the status quo. For example, in exploring the hidden curriculum – that is, "unstated norms, values, and beliefs embedded in and transmitted to students through the underlying rules that structure the routines and social relationships in school and classroom life" (Giroux, 2001, p. 47), Giroux highlights how difference is often portrayed as a deficit that requires fixing. Theorists have argued that forwarding the idea that education is neutral removes any transformative potential which education might have since it enables learners to internalise inequities and injustices in society as normal (Giroux, 2018).

The Banking Model of Education

Freire's (1970) analysis of education systems led him to coin the term the *banking model* of education. Freire (1970) suggests that the banking model views learners as blank slates awaiting deposits of learning and knowledge from the authoritarian teacher who is the holder of all knowledge. In the banking approach to education, learners are required to uncritically rote learn and then regurgitate facts and information in order to move up from one level to the next. McLaren (2015) has critiqued banking approaches to education, suggesting that these approaches focus on the gaining of technical skills, and positioning children and learners as instruments of the economy rather than autonomous beings. Freire (1970) notes that banking approaches perpetuate the domestication, massification and dehumanisation of learners. A banking approach focuses on content rather than learners, hence there is a need to assimilate learners into the ways of thinking, being and doing that exist within the system, regardless of whether the system itself is oppressive.

Rights Talk and the Reality of Rights in India

Drawing on the banking approach as explained above, we attempt to delve into an analysis of rights-talk that is contextually relevant and related to the lives of the children and teachers in the stories shared in the prologue. In addition, we consider how the teachers in these stories might have understood and conceptualised children's rights, and how competing images of children (from within and outside the local communities) might have impacted on perceptions of what constitutes children's rights through the lens of critical pedagogy.

From the stories, it is apparent that the reality in this setting (as in most educational settings for the underprivileged in India) is one of large group sizes, lower levels of supervision and shared spaces. Through a Western normative lens in relation to children's rights, the low levels of supervision may suggest a lack of care and protection. While Salifu and Agbenyega (2013) argue that "teaching in large classrooms without adequate teaching and learning resources predisposes teachers to hardship and stress" (p. 3), Gupta (2013) provides a contrasting perspective on the issue of group sizes, arguing that the Eurocentric view of small group sizes are a reflection of power and privilege, and when implemented in the Indian context are only available to the elite few attending private schools, due to their resource-intensive nature. While large group sizes could potentially reflect banking systems of education, when unpacking the lived experiences of the children in the first story, the skill of navigating around many people, sharing spaces and developing the ability to focus on one thing with numerous environmental distractions, are perhaps more relevant qualities that the children are learning, considering their home lives reflect many of the same factors (Gupta, 2013).

From the stories, we might consider that the expectation put on toddlers to conform to the group norms (no crying and sitting quietly) overrode the right to express feelings and emotions (nurturing and welcoming a crying toddler). Thus, it could be argued that rather than an *individual* focus on rights, the practices evident within both stories represent a *collective* focus on the responsibilities that children and educators have towards each other within the context of their societies – which could be considered a reflection of a sense of belonging (Inter-Agency Working Group on Children's Participation, 2008). In the first story, the teachers had mentioned to the researcher in the focus groups that it was a "good thing" when the child who cried was often absent – perhaps since this crying challenged the teachers' expectations that young children must conform to group norms. From a counter-perspective, the stories may demonstrate a banking model of education, in which educators are intending to pass on knowledge to the unknowing child (Freire, 1970). While this is by no means an attack on the teachers – who by all evidence appear to be aiming to put into practice the best interests of the child, these stories bring to light the complex nature of this context where teachers focus on transmitting syllabus content, even to children as young as two. From this logic, the need to teach children technical skills reflects what educators might perceive as children's rights to education (e.g. being able to recite the alphabet). Moreover, as analysts from

critical pedagogy highlight, the teaching of *technical skills*, while intended to support learners to escape situations of poverty, can be seen to further reproduce the status quo through the *othering* of learners who do not conform (Giroux, 2001).

Nonetheless, the exclusion of children (or the willingness to exclude), for example, through the placing of the children on the windowsill in the first story, is problematic, particularly since there is an evident focus on supporting children to internalise the ways of thinking, being and doing within the system – rather than changing systems to support learners to have genuine opportunities for social transformation. The lack of differentiation to support learners to engage with content can also be seen as a way of excluding learners who do not conform or understand the content in the way it is taught – thus further perpetuating inequities that exist within the system and in meeting the rights of *all* children (Giroux, 2018).

As Horton and Freire (1990) highlights, this systematic inequality is reproduced in education systems; however, alternatives are difficult to enact, particularly if one way of doing education has become an unquestionable truth. In this context, Wankhede (2010) explains that "education holds the key to socio-economic development, however, the system of education [in India] itself is coloured by several biases of caste, language, economic gradations and gender. These perpetuate the inequality that exists in society" (p. 592). Perhaps the importance of the toddler meeting the teacher's expectations successfully in the second story was closely tied to their ability to meet syllabus requirements, progress to the next grade and subsequently through the education system. In an environment where the right to an education is regarded as a fundamental component of escaping poverty and attaining a greater degree of social capital, teachers' intentions to support children to actualise this right appears to take the form of valuing the memorisation of facts and skills deemed important – taking precedence over a child's self-esteem, such as when the teacher told them "None of you know the prayer, you just make mischief and you can't sit still for two minutes". From the perspective of critical pedagogy, while well-intentioned, these perspectives could still be seen as problematic given that education systems appear to reinforce the status quo through the hidden curriculum (Giroux, 2018).

Reconceptualising Rights: Beyond the Rhetoric

In moving forward, we contend that the teachers in these stories were intending to facilitate the best interests of the children. However, there is equally a need to support teachers to recognise where intentions foster and reproduce the status quo, and where this is not in children's best interests. This involves practices supporting teachers to become critically conscious of the invisible oppression that children, families and communities living in slums face. Critical consciousness is a concept that encompasses two key elements: that is, an awareness of social oppression and a motivation for social justice in order to transform oppression (Giroux, 2001). Freire (1970) highlights that critical consciousness is informed by principles of

equity, inclusion, liberation and justice. Critical consciousness involves recognising the ways in which taken-for-granted truths or dominant ways of thinking, being and doing, work to oppress individuals or to perpetuate systematic and structural injustices.

Challenging the notion that teachers need to provide children with only technical skills, we argue that for children's rights to be actualised, there is a need for systemic change to banking approaches to education. This is not to say that we advocate a Westernising of the Indian system, but rather that understanding what rights might mean and look like in this culture and context provides opportunities for enabling rights to live and breathe. Concurrently, there is a need for broader critical consciousness of the ethical and political nature of rights and childhood. For example, as Freire and Macedo (1995) explain, engaging learners, such as children living in slum communities, in education for critical consciousness could involve problematising the oppression that children experience on a daily basis as not being normal or natural but a violation of rights – supporting children, families and communities to recognise that it is systems that need to be changed, rather than children themselves.

Conclusion

Much has been said throughout this chapter about the reality and rhetoric of children's rights (Mehendale, 2004) in India. As this chapter suggests, discourses of children's rights are socio-political concepts (Reynaert et al., 2009), and there are several cultural tensions to be navigated in the actualisation of children's rights. By storying the experiences of a group of children living in one slum community in an Indian context, the chapter has examined normative and alternative discourses of children's rights. In recognising the need to move forward, the authors argue for the importance of listening to children, families and communities in order to develop a shared culture of rights which recognises the pragmatic and culturally specific nature of values. Engaging with the theory of critical pedagogy, the authors suggest that developing the critical consciousness of teachers and learners might support the understanding as well as the realisation of rights – thus enabling children's rights in this context to be co-constructed from the bottom up.

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Chapter 16
The Child's Right to Love in Early Learning and Childcare

A Scottish Perspective

Jane Malcolm

Abstract Scotland's Government has committed to ensuring every child can expect to grow up loved, through a number of key policy documents (Scottish Government, National improvement framework and improvement plan. www.gov.scot/policies/schools/national-improvement-framework, 2018a; National performance framework. Retrieved from www.nationalperformance.gov.scot, 2018b; Delivering for today, investing for tomorrow: the government's programme for Scotland 2018–19. Retrieved from https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2018/09/delivering-today-investing-tomorrow-governments-programme-scotland-2018-19/documents/00539972-pdf/00539972-pdf/govscot%3Adocument/00539972.pdf, 2018c; Turning legislation into practice together: first report on corporate parenting activity in Scotland. Retrieved from https://www.gov.scot/publications/report-corporate-parenting-turning-legislation-practice-together/pages/4/, 2018d; Protecting Scotland's future: the government's programme for Scotland 2019–20. Retrieved from https://www.gov.scot/binaries/content/documents/govscot/publications/publication/2019/09/protecting-scotlands-future-governments-programme-scotland-2019-20/documents/governments-programme-scotland-2019-20/governments-programme-scotland-2019-20/govscot%3Adocument/governments-programme-scotland-2019-20.pdf, 2019). This chapter will consider why every child has the right to expect love from the people who are caring for them and working with them in early learning and childcare (ELC) services. The chapter will explore what is meant by love, how personal experiences and values impact upon the delivery of ELC programs underpinned by love, how love looks in practice, and the impact love has on policy discourse.

Keywords Childcare · Love · Policy · Professionalism

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Introduction

Early learning and childcare (ELC) is defined by Education Scotland (2018) as:

> A generic term used to cover the full range of early education and childcare available in Scotland today. The term early learning and childcare is intended to emphasise that the care and education of very young children are not two separate things. Babies and young children learn all the time from all their experiences. (n.p.)

Provision of ELC in Scotland is for children from birth to 5 years old. With specific provision made for eligible 2-year-olds (children from the age of 2 have access to fully funded ELC when they fit specific criteria set out by the Scottish Government). There have been two key policy guidance documents underpinning practice with babies and infants: *Building the Ambition: National Practice Guidance on Early Learning and Childcare* (Scottish Government, 2014) and *Pre-Birth to Three: Positive Outcomes for Scotland's Children and Families* (Scottish Government, 2010). These were replaced in February 2020 by a new guidance document *Realising the Ambition: Being Me* (Education Scotland, 2020).

The Child's Right to Love

The United Nations Convention on the Rights of the Child (UNCRC) (UNICEF, 1989) states in the preamble that parties to the convention need to "Recogniz[e] that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding" (p. 3).

The Office of the United Nations High Commissioner for Human Rights (OHCHR, 2019) sets out the purpose of the preamble to the UNCRC:

> the preamble recalls the basic principles of the UN and specific provisions of certain relevant human rights treaties and proclamations. It reaffirms the fact that children, because of their vulnerability need special care and protection, and it places special emphasis on the primary caring and protective responsibility of the family. (n.p.)

The preamble of the UNCRC embodies the principles and intentions of the universal Declaration of Human Rights. The acknowledgement of love in the preamble creates opportunities for discussion around how best to embed love into policy discourse.

According to Gadda et al. (2019), the Scottish Government has never before placed so much emphasis on children's rights, as has happened in recent years. However, while the statutory duties set out in legislation in Scotland embed children's rights in the policy landscape, Gadda et al. (2019) argue:

> a close reading of the new duties shows they are vague and weak legally, requiring other forms of accountability and persuasion to ensure they will have an impact on realising children's human rights. (p. 3)

With commitments to increasing the involvement of children in legislation and practical experience – through, for example, the Scottish Youth Parliament, the Year of Young People and the Programme for Government 2019–2020 (Scottish Government, 2019) – the Scottish Government has established itself as being forward thinking and innovative (Gadda et al., 2019). Love has found its way onto the political agenda through this progressive way of thinking and through engagement with children and young people who have called for love in the care that they receive (see, for example, Care Review, 2018; Children's Parliament, 2016; Who Cares? Scotland, 2019).

Love and Professionalism

In my doctoral research study *Love and Professionalism: The Early Learning and Childcare Lead Professional* (Malcolm, 2019), I am considering a number of barriers to delivering what I describe as *love-led practice*. Love-led practice reflects the holistic nature of love in ELC and supports lead professionals in understanding how best to underpin their practice with love.

My study is being conducted with lead professionals in ELC. I chose the term *lead professional* to represent the different professionals working in ELC. In Scotland, those who work with children in ELC must register with the Scottish Social Services Council. The lead role within the setting is a lead practitioner, however my study included other roles such as an ELC teacher, childhood practice lecturer, education welfare officer and childminder. Therefore, I chose to refer to all participants in a collective way by using the term *ELC lead professional*.

In my interviews with ELC lead professionals, I considered a number of factors in supporting ELC underpinned by love. Defining love in ELC was the starting point, but it became apparent that participants' personal experiences of love in their lives played a part in how they understood and delivered practice underpinned with love and, finally, it was the language used in policy and guidance documents that proved to be a significant barrier.

Defining Love

Without doubt, defining love is hugely complex. For each and every one of us, love means something different. For some, love is simple; for others, it has complicated associations with sexual and romantic love. There are those who say love should be kept for family only, while others say it is about your actions with everyone you meet.

Indeed, defining any emotion can be challenging. For example, a recent study about kindness in public policy (Unwin, 2018) recognises that kindness, much like love, is subjective and not necessarily experienced in the same way by every person,

for a number of reasons. However, Unwin argues that acts of kindness in communities are often measured in terms of community outcomes such as quality of public services.

In an attempt to define love in terms of professional early years practice, Page (2010) developed the concept of *professional love*. Page (2014) explains that for professional love to occur in professional care-giving roles, carers need to have experienced not only being cared for, but also having been loved. Carers must also be able to shift their thinking in order to intellectualise the experience as a loving caring encounter with a child. This encounter is described by Page (2014) as professional love:

> when highly attuned, experienced, well supported and resilient caregivers are able to apply the motivational shift within their key person role, then the encounter which I have coined Professional Love is realised. (p. 123)

Szalavitz and Perry (2010) explore the human need for love, stating that infants are not born fully loving and that they need experiences to develop love. They pose the challenge of asking if children are being provided the love needed to allow them to love others. Szalavitz and Perry (2010) also struggle with fully defining love, commenting that empathy and care are also closely linked to love:

> Humankind would not have endured and cannot continue without the capacity to form rewarding, nurturing and enduring relationships. We survive because we can love. And we love because we can empathise – that is stand in another's shoes and care about what it feels like to be there. (p. 4)

Noddings (2013) discusses a number of different definitions of care, considering care as being about *burdens* – such as when a carer worries about or is concerned for another, or as having concerns for wider issues such as professional or personal worries, or as caring for another to help them grow. But for the purposes of examining ethics of care, Noddings (2013) proposes a complex set of relationships and actions between the one cared for and the one caring.

Some argue love is an emotional state of being, which has a natural character of its own (see, for example, Gerhardt, 2015). Others suggest love is about connections and that "love is physical, i.e. that love is nothing but a physical response to another…" (Moseley, 2015, p. 8). Another school of thought defines love as a combination of physical and emotional responses and considers love to be about *pairs*, describing it as "a special kind of relationship involving pairs of humans" (Sternberg & Weis, 2006, p. 1).

Given the significant number of interpretations leading to the different definitions of love (e.g. personal experience, values, morals, language), it is clear defining love is a very complex thing to do.

Values and Personal Experiences

In my doctoral study there appears to be a strong link between how participants feel about love in ELC and the experiences they have had of love in their own lives. Participants were often reluctant to acknowledge their love for the children in their settings, but would then offer comments about a different kind of love. One participant who was unsure about how to describe her love for the child in the nursery said "I put it in between professional and childcare and family" (Malcolm, 2019, p. 126).

Page (2011) developed the term *professional love* to help practitioners understand the role of love in their practice. Knowing there is a type of love which is acceptable in ELC has supported many practitioners to work in a loving way with children; however, participants in my study suggested that having different names for love just confuses the situation, with one saying "can we not just call it love?" (Malcolm, 2019, p. 162). Others debated whether their love was familial love, professional love or child-carer love. It was clear, however, that what was important to them was the reciprocal relationship experienced between the child and the carer. No matter what name is used, what is important is supporting a loving exchange between children and carers, as well as considering how policies and guidelines can make that happen.

Personal Experiences of Love: The Relevance of Attachment Theory

Attachment relationships grow and develop throughout childhood and into adulthood. They shape how future relationships are formed and developed. Much of what is understood about attachment in ELC originates from the studies of Bowlby (1969) and Ainsworth and Wittig (1969). Since then there have been many discoveries around brain development and how what children experience in their earliest years can impact upon future health and well-being.

Szalavitz and Perry (2010) state that the "social brain needs social experience to function" (p. 95); while, they say, babies are all born for love, they are not yet fully loving and need loving experiences to support their own ability to love. The rate and richness of the development of neural pathways depends on the stimulation and experiences of the outside world. This view is supported by Szalavitz and Perry (2010) when they say "The gifts of our biology are a potential, not a guarantee. As with so many other human potentials present at birth, empathy and love require specific experiences to develop" (p. 5).

Babies are born with communication techniques and are skilled in building early relationships. Zeedyk (2013) points out that this knowledge supports the understanding of how brain development is shaped by relationships. Love and attachment are inseparable; Zeedyk (2013) puts it bluntly "…love is what we are talking about when we are talking about attachment" (p. 22).

Likewise, I argue that using the word *love* in policy and guidance will encourage more discussion around love-led practice and give permission to lead professionals to support services underpinned with love. I align my views with Zeedyk (2013), who states "…using the term love helps us to engage in more radical thinking" (p. 23).

The seminal theory and methodologies set out by Bowlby (1969) and Ainsworth and Wittig (1969) were a starting point for further research. One such study was undertaken by Keller (2014) who identified gaps in attachment theory, citing both the context and culture that the child grows up in as having an important influence on the development of attachments. A number of other studies also consider how attachment relationships may be formed differently within communities, cultures and contexts (Bronfenbrenner, 1977; Keller, 2007; Keller & Kärtner, 2013). Understanding cultural and contextual differences in the way relationships are formed helps to identify how lead professionals' personal experiences of love may impact professional practice.

Framework for Love-Led Practice

Drawing on the findings of my study, I developed the Framework for Love-led Practice to support lead professionals in their understanding of love in ELC. Participants consistently used the word *it* to describe the feeling they recognised as being present when practice was love-led. While they found it hard to define what *it* was, they were able to pinpoint aspects of practice that demonstrated it.

Utilising the aspects of practice and language that participants identified, I developed an eight-point framework which identifies where love can be embedded in different aspects of practice. This framework empowers lead professionals to underpin their practice with love and professional integrity. I also developed the concept of *love-led practice*, which reflects the holistic nature of love in ELC and supports lead professionals in understanding how best to underpin the services they manage with love. The framework enables lead professionals to demonstrate and talk about love without the worry that their practice may be inappropriate. The framework addresses suggestions that love cannot be measured, applied or evaluated (Gerhardt, 2015). It is my view that if love can be seen in specific aspects of practice, then perhaps professional love can be applied and, even if lead professionals were not taught this concept in a classroom, perhaps they can learn it through vocational methods such as role modelling in the workplace.

My analysis of the language used by lead professionals showed that they were comfortable with the concept of love underpinning practice, but had reservations around demonstrating and talking about love (Cousins, 2015; Page, 2011). From the narrative analysis of my conversations with participants, I developed the framework which brings together a number of aspects of practice required to demonstrate love-led practice. The framework is formulated into eight categories or aspects of

Table 16.1 Aspects of practice identified by participants as love-led practice

Development	Nurturing, planning, assessing, challenge, support
Intimacy	Personal care, closeness, bonding
Security	Protection, safety, risk management
Passion	For the job, for the team, for colleagues, for the children
Physical	Hugs, cuddles, kisses, being there, care
Child's love	For each other, for you, for their parents and family
Relationships	Staff, parents, carers, children
Workforce development	Policy, standards, legislation, mentoring, commitment, reflection

practice. By grouping the words used by participants I identified eight aspects of practice through which love is described. Table 16.1 groups together those words to show how the aspects of love-led practice were formed.

My research findings showed that despite a willingness to love, there was still an uncomfortable feeling around talking about love. Currently, the key policy documents in Scotland's ELC sector use language which reflects many of the aspects of practice that are represented in the framework; indeed, these aspects were identified through careful discussion and analysis of the language the participants of my study used. In order to ensure the language in the policy documents is enabling rather than restricting, policy must clearly explain that practice underpinned by love is acceptable and can be found in a number of different aspects of practice.

Leading Love-Led Practice

My framework for love-led practice fits well with Uusautti and Määttä's (2013) love-based leadership model. It creates an environment where lead professionals can reflect upon their own practice and experiences in order to be reflexive and support practice which is underpinned with love.

This method of leadership was developed in order to rethink how education could deliver a caring learning environment and support children's psychosocial well-being. Seligman et al. (2009) make the point that wellbeing should be taught in school as "an antidote to depression, as a vehicle for increasing life satisfaction and as an aid to better learning and more creative thinking" (p. 295).

Mindfulness is at the heart of love-based leadership, Uusautti and Määttä (2013) explain, along with benevolence, perseverance and sound judgement. Not only should the well-being of children be at the centre of the practice but also that of the leader who is delivering the service. By being aware of their own self-perception, Uusautti and Määttä (2013) suggest that leaders become more aware of their role, the significance of experiences and also how to recognise those experiences. As a result, the effect will be greater happiness and well-being among practitioners and children.

The Framework for Love-led Practice can be used in ELC training to develop an understanding of how love underpins all of these aspects of practice within the ELC setting. Development of policy and practice guidelines, at national and local levels, should also reflect the importance of love to all of these areas.

To work towards embedding love in practice, there is a need to move away from those traditional constructs of love which pigeonhole it into different types: sexual love, romantic love, familial love, professional love. If all of the aspects of practice or skills described in the framework are being attended to then children will be receiving love. Love is not all about hearts and cuddles; it also represents safety, security, care, emotion and reciprocal love – as well as lead professionals who have professional knowledge and understanding of children and childhood. The framework draws attention away from traditional constructs of love and offers an alternative way for lead professionals to understand how love fits into their practice in a meaningful and professional way. I am certain that if we unshackle ourselves from the fear of love and talk about it freely in policy documents, then lead professionals will be more likely to take the lead and support love-led practice.

The Perils of Managing Love-Led Practice

Throughout my research, participants were quick to point out that they weren't sure about how to best manage love. It is important to consider how love is evidenced and how to ensure it is genuine love and not simply done because it is written into policy or guidelines (Hochschild, 2012). In creating the Framework for Love-led Practice, my intention was not to create a checklist or to suggest staff should be made to love children. Rather, my aim was to offer lead professionals a method for reflexive contemplation about how they interpret and process love in relation to their own personal experiences and understandings of love.

The danger with the suggestion that lead professionals manage love in their setting is that it becomes something very formalised and loses its effectiveness as an integral part of the development of the child's well-being. One way to maintain the emotional heart of love is to ensure that love-led practice remains natural and not overly constrained by rules and regulations (Dunlop, 2018; Osgood, 2006). Using the framework for love-led practice allows lead professionals to examine both their own and their staff members' practice. This can help them to identify how their own experiences may have impacted upon their practice and support them to develop skills in the areas set out in the framework. Worth noting, and as Held (2006) argues, our image of love and care is often based on what we believe to be morally right. However, that is not always the way it is; for example, people have many different interpretations of love based on their own experiences. Therefore, it is crucial that the development model be used to reflect an individual staff member's experience – and not that of the lead professional only.

There are limitations to the framework for love-led practice, and quite rightly it is important to critique it. Love is an emotional feeling, and it means many different

things to different people, therefore it is not something that can be regulated for (Dunlop, 2018). A recent report (Independent Care Review, 2020) makes the point:

> Scotland cannot legislate for love and nor should it try. A legislative framework for love would be driven by an institutional view of love that could not possibly reflect the experience of being loved and cared for. To ensure the experience of being loved is possible and much more probable, Scotland must create an environment and culture where finding and maintaining safe, loving, respectful relationships is the norm. (p. 8)

However, as stated in the UNCRC preamble, there is an expectation that love will be given due regard within rights. In addition, the significant base of research supports love as being an integral part of healthy development for children. Therefore, the proposal is for lead professionals to use the framework for love-led practice to reflect upon their own practice and experiences. As professional child carers who understand the role of love, this should be a developmental area for staff. This starts with lead professionals who understand how to manage love-led practice and their own professional identity.

Creating Enabling Policies

The language used in policy is important; it is not just the use of a word, but enabling and creating a culture within ELC, placing children's well-being and rights at the heart of everything.

Analysis carried out in my research study of current ELC policy documents showed a hesitance around using the word *love* in policy. In my study, analysis of both these and other current key policy and guidance documents in Scotland showed that despite participants believing love was not mentioned in the key policy documents they work with, love was evident in all of the key documents analysed, albeit often only mentioned once or twice. In further analysis looking at code words, which participants of my study found more acceptable to use than *love*, terms such as *nurturing*, *attachment* and *secure* were more evident. For example, in *Building the Ambition* (Scottish Government, 2014), *love* was mentioned three times while *nurturing* was seen 12 times, *attachment* appeared 17 times and *secure* was found 14 times. An interesting deviation from this was in *Pre-Birth to Three: Positive Outcomes for Scotland's Children and Families*, which saw an even split of the use of all four words.

This reluctance to include the word *love* or *loving* was also highlighted by Page (2018) when she described words such as *love* or *intimacy* being *shrouded* in language such as "building a positive relationship" (p. 134). Putting *love* at the heart of policy discourse is, as Dunlop (2018) said, "the only way it (love) will move forward" (p. 10).

In the field of childhood studies much is made about the dichotomy of structure versus agency (Prout, 2011). The rights of the child to have agency over their own decisions is embedded in practice guidelines and legislation; however, we may be

preventing children from their right to loving relationships by creating policies that leave lead professionals feeling reticent to embed love into the practice of their settings. Given the importance placed upon policy by lead professionals, getting the language right is the way forward to encouraging love-led practice.

The Current Policy Landscape in Scotland

Scottish Government policy and guidance documents are catching up with the understanding of the importance of love to children's development and overall wellbeing. In the Scottish Government's Programme for 2018–19, Nicola Sturgeon, First Minister, set out ambitious plans for ensuring that the government invested in children not only financially but also with love (Scottish Government, 2018c). This has opened up the dialogue around love in not only ELC but also in the wider care sector.

The inclusion of love in the National Performance Framework (Scottish Government, 2018b) and the National Improvement Framework and Improvement Plan (Scottish Government, 2018a) has kickstarted the conversation around love in ELC in Scotland. Caution is needed, however, as love is complex and there will be a number of different viewpoints around embedding love into the policy framework of Scotland. Therefore, sufficient time must be taken to ensure that those who work in the care sector have a good understanding of why love is important and how to support love-led practice.

In recent years in Scotland, Dunlop (2015) describes how policy aspiration is high, with policy frameworks interlinking and overlapping to tackle issues of social justice with a focus on "ensuring all children's wellbeing and improving outcomes in order to tackle the unequal childhoods that lead to unequal lives" (p. 264). With such ambitious aims it is no wonder that policy development is driven by a number of different agendas.

The Children and Young People (Scotland) Act 2014 enshrines in Scots Law the commitment made by the United Kingdom that the principles of the UNCRC will be met. The Act states:

> 1(1) The Scottish Ministers must—(a) keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements, and (b) if they consider it appropriate to do so, take any of the steps identified by that consideration. (n.p.)

The Act enshrines in law a rights-based approach to working with children and young people. Due regard must be paid to the rights of the child when considering policy development within governmental processes. Dunlop (2018) states that the Act is the only piece of legislation which is truly rights led and sets out a proper participatory process. He does warn, however, that "until we stop tinkering around the edges" (p. 10). Scotland should not rest on its laurels, claiming the legislation as

a victory. There is still much work to be done in relation to embedding love in ELC and the wider care sector, but the Act is a strong foundation upon which to build.

The political landscape in Scotland is in a period of rapid change in relation to ELC. The most significant policy in recent years is the universal expansion of funded ELC by the year 2020 from 600 to 1140 hours. This landmark policy was announced by the Scottish Government in 2014 where Nicola Sturgeon, First Minister, pledged "a childcare revolution" (BBC News, 2014, n.p.).

The Scottish Government has set out a bold action plan to provide 1140 hours of funded childcare to all children between the ages of 3 and 5, with funded provision for eligible 2-year-olds by 2020, which is flexible, accessible, sustainable and above all of high quality. There are a number of complex issues around implementing such a bold plan, not least how the Scottish Government can ensure that the quality of care is of a high standard.

With this increase in funded childcare comes the potential for children to be in an ELC setting for a major part of their week. The need for children to grow up in a family environment such as that described in the UNCRC has never been more crucial. When the child has a right to love, lead professionals in ELC should be enabled to support love-led practice.

Conclusion

The aim of the Scottish Government is to "make Scotland the best place to grow up and learn" (Scottish Government, 2018c, p. 75). The significant progress described above shows that the Scottish Government is being courageous and acknowledging the child's right to love. The National Performance Framework for Scotland, which tracks how the current Scottish Government is meeting its own performance criteria, also includes love as one of its targets: "we grow up loved, safe and respected so that we realise our full potential" (Scottish Government, 2018b, p. 75).

It seems almost too simple to say that the solution would be to include *love* in the policy discourse. However, there is already an increase in the understanding and eagerness from politicians and practitioners to embed love in practice simply from the inclusion of love in a few current policy documents.

Many might question why it matters what language is used in policy documents. Marshall and Mellon (2011) observe that lead professionals "cling to the rules like safety ropes on a stormy deck" (p. 192), suggesting that lead professionals are influenced by policy to the point that they will go against their own knowledge and experience working with children to ensure they stick with the rules. This reliance on the rules is a huge barrier to the management of love in practice. However, care must be taken when creating policy which supports lead professionals in managing love in their setting not to over-formalise love. What is said in policy does matter; it is not just the use of a word, but it is giving permission and creating a culture and ethos within ELC which puts well-being and rights at the heart of everything the sector does for children.

There has been a significant shift in thinking within the current government in Scotland, with its Programme for 2018–19 stating:

> We want all our children to grow up in a supportive environment where we invest significantly in their future – not just financially – but also with time, energy and love. (Scottish Government, 2018c, p. 75)

This is the time to capitalise on this shift in thinking and push to embed love, not in a tokenistic way but to place it at the heart of ELC policy in Scotland. From my research findings, I am confident that lead professionals do acknowledge the importance of love for the infants, toddlers and young children in their care; however, policy discourse in ELC has perhaps prevented them from supporting love-led practice. It is now time to get love back into policy discourse.

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Chapter 17
Commentary on Chapters 15 and 16

Contradictions and Challenges About Enacting Infant-Toddler Rights in Diverse Political, Cultural and Policy Contexts

Linda J. Harrison

Abstract Writing from vastly different political, cultural and policy contexts, Malcolm (Chap. 15) and Palkhiwala and Mevawalla (Chap. 16) question current thinking about the nature and enactment of children's rights. Both chapters stress the need for critical reflection by early childhood educators upon the culture and ethos of early learning settings, their own practice, and young children's experiences. Their research challenges the status quo of infant-toddler education and care in their respective countries, pressing a case for radical thinking to effect changes in practice. For Malcolm, the impetus for change has been from the 'top down', led by recent government policy in Scotland that "has never before placed so much emphasis on children's rights." In contrast, for Palkhiwala and Mevawalla, the lack of government policy and "the increasing privatisation of the Indian education system," particularly in highly disadvantaged communities, require change to be led from the 'bottom up'. Together, these two chapters highlight the importance of leadership ('from the top' or 'from the bottom') as a driver of rights-based change.

Keywords Systems change · Right to loving relationships · Right to education

Writing from vastly different political, cultural and policy contexts, Palkhiwala and Mevawalla (Chap. 15), and Malcolm (Chap. 16), question current thinking about the nature and enactment of children's rights. Both chapters stress the need for critical reflection by early childhood educators upon the culture and ethos of early learning settings, their own practice, and young children's experiences. Their research challenges the status quo of infant-toddler education and care in their respective

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countries, pressing a case for radical thinking to effect changes in practice. For Malcolm, the impetus for change has been from the *top down*, led by recent government policy in Scotland that "has never before placed so much emphasis on children's rights". Performance indicators for the Scottish government include significant investment in early learning and childcare, enacted financially (through funded places for 2-year-old children) and "with time, energy and love". As Malcolm's work shows, putting *love* (a word that provokes resistance and fear) at the "heart of policy discourse" asks educators to embrace radical new thinking. In contrast, for Palkhiwala and Mevawalla, the lack of government policy and "the increasing privatisation of the Indian education system", particularly in highly disadvantaged communities, require change to be led from the *bottom up*. They question the educational norms and teaching practices evidenced in the real experiences of infants and toddlers, and propose a radical re-think through a process of educators "developing shared understandings of concepts like equity, respect, fairness and dignity from *within* communities".

As an advocate for building secure attachment relationships in infant-toddler education and care (Harrison, 2003), a co-leader of the team that was contracted to develop and trial Australia's Early Years Learning Framework (EYLF) (DEEWR, 2009; Sumsion et al., 2009), and a teacher who has done voluntary work in a number of early education programs for highly disadvantaged children in India, the parallel challenges raised by these two chapters set off a powerful process of critical reflection in my own mind. Malcolm's chapter reminded me of the robust debate that took place within the team writing the EYLF about an early draft of the document that included the word *loving* to describe secure relationships between educators and children. There was a view that the phrase *loving relationship* could provoke discomfort, while other descriptors such as *warm*, *caring*, *secure*, *trusting*, *nurturing*, *responsive*, *respectful* and *reciprocal* relationships were more acceptable. Similarly, the Scottish educators interviewed by Malcolm had "reservations" and "uncomfortable feelings" about "demonstrating and talking about love", and found terms like *nurturing* and *secure* to be more acceptable than *loving* to describe their relationships with infants. Like Malcolm, I believe it is important to acknowledge the "loving exchange between children and carers" that builds a secure relationship, and I recognise that to achieve this requires addressing current contradictions. For example, Davis and Dunn's (2018) analyses show that the EYLF and other curriculum frameworks from England and New Zealand include very little recognition of the emotional aspects of educator–infant relationships, but Malcolm argues that building and supporting secure attachments between educators and young children is an emotional process. Citing Zeedyk (2013), she clarifies the contradiction, stating that "love is what we are talking about when we are talking about attachment" (p. 22).

The United Nations Convention on the Rights of the Child (UNCRC, 1989) recognises that "the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding" (p. 3). The challenge Malcolm poses for early childhood contexts is that environments, such as childcare centres, preschools and supported

playgroups, where infants and toddlers spent significant amounts of time away from the family, should also promote "an atmosphere of happiness, love and understanding" to support the child's full and harmonious development. Her work with Scottish educators alerts us to tensions that are captured in a comment made by The Honourable Michael Kirby, a highly respected and celebrated Australian advocate for human rights:

> There is a tendency in the Anglo-Saxon world to not say the L word. I wish I had told my parents how much I loved them and expressed my gratitude to my teachers. (Kirby, 2018, n.p.)

Kirby's personal reflections remind us of the child's need to express love. Equally, Malcolm's writings, by "asking if children are being provided the love needed to allow them to love others", make it clear that the right to loving relationships in early education settings is about children's rights to give as well as to receive love. Her Framework for Love-led Practice provides a means to ensure that government policy and practice guidelines are enabled for educators whose leadership can enact real change in the acknowledgement of and support for infants' and toddlers' right to love in early education and care settings.

In stark contrast to the Scottish and Australian policy contexts, Palkhiwala and Mevawalla's provocative chapter describes a socio-political context of social and economic disadvantage that characteristically applies a "banking model of education, in which educators are intending to pass on knowledge" and expecting children "to internalise the ways of thinking, being and doing within the system". Their work raises complex, contradictory and challenging questions about what is meant by "children's right to education" in diverse contexts. The detailed descriptions they provide of teachers and 2-year-old children in an educational playgroup operated by a non-government organisation in Mumbai, were reminiscent of my experiences of visiting preschools and schools in impoverished rural and city areas of India. These programs were provided and funded by internationally supported charities, staffed by local educators and attended by children whose families could not afford government-run services. The classrooms were small and none had any equipment, apart from small slates and a few pieces of chalk. The education program relied on teacher-led activities with children singing songs and rhymes in English, Hindi and the local language, copying letters, numbers and pictures, reciting prayers and chanting the national anthem. The children had outside time for playing, but again with very little equipment. Despite these limitations, the most notable impression I came away with was the high expectations for the children, and the very high value put on education by staff and families.

Drawing on a very thorough review of relevant literature, and applying critical pedagogy theory, Palkhiwala and Mevawalla's interpretations of their observations of the playgroup activities and their conversations with the educators highlight the complexities and contradictions of infant-toddler rights in this context. They ask readers to reflect on the actualisation of the UNCRC in relation to "cultural nuances", which in India include restrictions on access to education related to "caste, class, gender, disability and other factors", and for children living in slum communities,

"unstable and impermanent living arrangements". Palkhiwala and Mevawalla urge us to direct our interpretations (or mis-interpretations) of children's rights in these disadvantaged contexts away from an "*individual* focus on rights" towards "a *collective* focus on the responsibilities that children and educators have towards each other within the context of their societies". But, they also acknowledge that the shift to a collective focus can result in the exclusion of individual children and inequities "in meeting the rights of *all* children". One of the challenges Palkhiwala and Mevawalla identify is achieving a greater awareness of the UNCRC amongst teachers and parents, including children's rights to participation and expression. Another is acknowledging that children's right to participation may be "incompatible with adult interpretations of the best interests of children".

In seeking avenues for teachers to support children, families and communities to work towards rights-informed practice, Palkhiwala and Mevawalla emphasise the importance of recognising that it is "systems that need to be changed, rather than children themselves". Yet, to do so implies radical re-thinking on the part of the teachers who may themselves be products of an entrenched and unwieldy education system. To address this inherent contradiction requires critical reflection or, citing Freire (1970), "critical consciousness" on the part of teachers to recognise and question the ways that dominant practices in education may work to "perpetuate systematic and structural injustices". Palkhiwala and Mevawalla recommend that teachers listen to children, families and communities "in order to develop a shared culture of rights" that is grounded in the reality of children's lives and provides a basis for co-constructing and realising children's rights.

Together, the authors of these two chapters highlight the importance of leadership as a driver of children's rights. Malcolm's chapter provides an example of how leading from *the top*, through government policy, can challenge educators' thinking and needs practical supports for effective translation into improvements for children and communities. Palkhiwala and Mevawalla's chapter shows how leading from *the bottom* through working within communities can challenge the status quo and actively promote changes in understandings and enactments of children's rights.

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Preamble

The States Parties to the present Convention.

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom.

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance.

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the

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United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in Article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children.

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth".

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration.

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries.

Have agreed as follows:

Part I

Article 1

For the purposes of the present Convention, a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and. as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
   (a) For respect of the rights or reputations of others; or
   (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
(c) Encourage the production and dissemination of children's books;
(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

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

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate

protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of 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.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
   (a) To diminish infant and child mortality;
   (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
   (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
   (d) To ensure appropriate pre-natal and post-natal health care for mothers;
   (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
   (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25
States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26
1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27
1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

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 primary education compulsory and available free to all;
   (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
   (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
   (d) Make educational and vocational information and guidance available and accessible to all children;
   (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

   (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
   (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30
In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31
1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32
1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;
(b) Provide for appropriate regulation of the hours and conditions of employment;
(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33
States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34
States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;
(b) The exploitative use of children in prostitution or other unlawful sexual practices;
(c) The exploitative use of children in pornographic performances and materials.

Article 35
States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36
States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37
States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age;
(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 15 years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all 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; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

    (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
    (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

        (i) To be presumed innocent until proven guilty according to law;
        (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
        (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and,

unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

   (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
   (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or
(b) International law in force for that State.

Part II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than 6 months after the date of the entry into force of the present Convention and thereafter every second year. At least 4 months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within 2 months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of 4 years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of 2 years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of 2 years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

   (a) Within 2 years of the entry into force of the Convention for the State Party concerned;
   (b) Thereafter every 5 years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every 2 years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;
(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

Part III

Article 46
The present Convention shall be open for signature by all States.

Article 47
The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48
The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49
1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50
1. Any State Party may propose an amendment and file it with the Secretary-General of the UnitedNations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within 4 months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States

Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a twothirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51
1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52
A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective 1 year after the date of receipt of the notification by the Secretary-General.

Article 53
The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54
The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.