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Children's Rights and Early Years

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Abstract

Critical findings yielded by brain research emphasize the implications for children's development and teacher's developmentally appropriate practice and the importance of a reconsideration of the pedagogy. Shaping relationships based on love and care in order to enhance a learning environment based on the paradigm shift in child care. Neuroscience specialists point out the importance of the nurturing environment for the developing brain. Building relationships during the early years is part of a proper emotional and cognitive development for children in early childhood education and care settings. The quality of early childhood services depends on how children relate to their caregivers and to what extent their vulnerabilities and needs are met. It is every child's birth right to receive love, respect, compassion and empathy. These are the basic and essential ingredients for support. The right to love has not been mentioned in any Declaration so far, but its relevance cannot be denied. Ensuring quality early childhood education is a matter of social justice since children are not the only ones involved, but so are the working parents and caregivers who need to have their rights fulfilled as well.

I have conducted interviews with caregivers from three different settings of early childhood education and care in Iasi and Bucharest, Romania, in order to explore the affective dimension of care between caregivers and children younger than three and caregivers' perceptions of children's rights in the early years.

Among the findings of my research is that the physical and organizational environment has serious effects on the quality of all programs. The findings also emphasize the tensions between the infants' rights and the educators' or caregivers' responsibilities in enacting those rights and implementing them into practice.

Keywords: affective equality, child rights, early years, professional love

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The visibility of children in the society has started along with the end of the 19th century, when the state, through its intervention, was due to assure and guarantee a childhood for all children (Jans, 2004). Later on, when the compulsory education was introduced, the child's space was separated from that of the adult's in order to protect children from slavery, labor and exploitation, but also, to facilitate child's literacy, reading and writing and education in the spirit of morals, patriotism and citizenship (as final destination of childhood).

Therefore, the children's rights movement nowadays negotiates the position of the child in the family, but most importantly that one in the society. Children are influenced by the changes in the society and cannot be regarded ignoring the impact those changes have on their well-being. For instance, the evolution of traditional institutions like family, science, labor, state and democracy can become a direct stressor in children's lives (Jans, 2004).

The public and political attention regarding the child and childhood has been concentrated on the utilitarian view of the child as a "becoming" – the human capital theory describes the value of a child as a future citizen. That perspective generated research about the vulnerable children and the phenomena of these particular categories affecting the society like educational failure, educational abandonment and juvenile delinquency. The "normal" child is absent in the social and political measures of the states (Bühler-Niederberger, 2010).

The sociology of childhood introduces a new approach and focuses on the new image of the child. The manner in which childhood is interpreted, understood and institutionalized by adults reflects their commitment to children (James & James, 2001). Children need to be visualized as entitled social actors and childhood should be structured as their social space.

Recent socio-educational measures have been directed towards the children rather than the collective phenomena (Qvarsell, 2005). That is why discussions about children's rights consider primarily the opportunities children themselves have in order to influence their own condition.

The United Nations Convention on the Rights of the Child (1989) is the first universally ratified international document that envisions children as right holders. Once it was adapted, several questions regarding the term "child's rights" were enunciated both in theory and in practice.

Some consider the Convention to be a reconciliation document that treats both children and parents with respect. Others criticize it to be permissive and attributing too much power and control to children in detriment of parents. Its most important role is making children visible and challenging the state parties and social actors to revise their assumptions and capitalize children as human being with rights "here and now", an idea that was first introduced by Janusz Korczak (1878-1942, a Polish educator, pediatrician and children's author).

Children's rights are considered a concept under construction by Rodham, because there are still diverse and at the same time contrary understandings about them. Freeman argues that the importance of children's rights relies in the respect and dignity we attribute to them (1998).

This is different when we talk about young children (especially younger than three years old) that are still regarded as growing human beings and developing according to established stages (according to developmental psychology or a paternalistic view). Young children are perceived to be too immature in expressing and influencing their own state of being, they are considered subjects of need, care and education under the strict supervision of the adults.

Thus, children's rights in early childhood raise the dilemma: how do we treat children: as vulnerable, needy and dependent (*becoming*) or actors in their own construction (*being*)?

According to Stainton Rogers (2004), in order to address the tensions between a needs-based approach and a rights-based one in the early years, one should consider the advantages and the latter.

Recent global initiatives in early childhood strive to resolve and "break the cycle of inequities that has dominated the lives of millions of children and families"¹. The World Declaration on Education for All (Jomtien, 1990) and the Dakar Framework for Action on Education for All (EFA, 2000) state that "learning begins at birth" and shifts the focus onto the early years from a rights perspective. Along with the Millennium Development Goals (Millennium Declaration, 2000) and the United Nations "A world fit for children" (2002), these initiatives had a significant contribution for developing quality programs and committing to strengthen the conceptualization of an early childhood education and care approach that addresses the child holistically.

In General Comment No 7(Committee on the Rights of the Child, 2005), the importance of the early years and implementing the rights of the young children are underlined. The early years are defined in the same document as the period of rapid growth and development (physical development, brain development, cognitive and communicative capacities, etc.) and a time when children express strong emotional attachment towards parents and other persons responsible for their rearing, nurturing, guidance and protection. That is why it is important to introduce human rights education in early childhood education and care programs. These programs have to encourage children's participation and make available practical opportunities of enacting the rights of children according to their concerns, interests and development capacity.

The articles 2,3,6 and 12 from the UNCRC² should be the basis of practice in early childhood education and care and development of the strategies and policies regarding the child's protection.

An important aspect of the document is the list of recommendations for strengthening the capacity of States Parties in early education and care. The Committee points out that States parties should adopt comprehensive plans, strategic and regular early education and care in a rights-based framework. This involves allocating resources to services, infrastructure and the continuous training of the staff working with young children. Regarding capacity building

¹Rights from the start, Global Campaign for Education http://globalactionweek.org/app/webroot/files/reports/GAW_RFTS_FINAL_ENG.pdf

²United Nations Convention on the rights of the child, 1989

for research in early childhood, the State is encouraged to consider the perspective of human rights, especially the right of the child to participate, including the child's participation in the research.

This approach has been used by Woodhead (1997) as *practice according to context of early development* and creates opportunities for using children's rights in order to assess the practice of early development. *A 'rights' perspective is serving as a powerful antidote to 'needs' in many areas of policy-making. Children's rights breaks through the web of paternalist, protectionist constructions that emphasize children as powerless dependents, separated-off from adult society and effectively excluded from participation in shaping their own destiny. This is especially true in respect of rights that empower children to participate in the process of defining their 'needs', treatment and destiny.* (Woodhead, 1997, p. 81)

Smith (2007) states that, although it is not explicitly mentioned in the UNCRC, the Convention is of particular relevance in terms of early education and care. The preamble emphasizes the importance of family and family support, but also acknowledges the main entitlements and needs that should benefit children. Articles 28 and 29 relate to children's right to education. Article 29 states that children's education should be directed so that it touches "the full development of the personality, talents and mental and physical abilities." To achieve these goals, children should receive education at the highest standards and experience a rich and stimulating environment in the early years.

The Right to Love and Care

Both education and care cannot be separated when working with young children. The "ethic of care" of the educator/caregiver is the responsibility he/she has to children.

From the scientific point of view, *love* could mean the special relationship based on unconditional affection established between primary relatives (mother and child especially) or a person that is in charge of the child. One argument can be that it is not just the feeling of loving someone, but the whole action to care for someone (in this case a child under three years old perceived as being vulnerable and dependent), to care, to reflect good intentions in practice (the best interests of the child) and result in well-being and optimal development of the child.

The work of a practitioner that involves love and attachment (*love laboring*), is just as valuable, even if it may not involve physical labor (Lynch, 2007). *Love laboring* assumes to always have the interests of the person you are caring for, maintaining its presence in mental planning and anticipating and prioritizing needs and interests. Emotionally, it involves listening, talking, holding and challenging the other person, and to identify yourself emotionally in times of distress (Lynch, 2007).

The notion of love / affection in the context of early education and care is poorly understood. Yet it is imperative to understand how people who work in these institutions internalize this concept and how it influences the educational process.

The term *professional love* can be interpreted through the intellectual aspect of care (Noddings, 2003). The term professional love cannot be trivialized, and its existence cannot be denied. It features a dialogue between caregivers and parents.

Both *love* and *care*, allow a life of success and represent the ultimate expression of human interdependence. Being deprived of the ability to develop supportive relationships or emotional experience of being involved in them is a human deprivation and an essential dimension of *affective inequality* (term introduced by Kathleen Lynch, 2005). Having someone in your care (*to care for somebody*) is both an activity and an attitude. This duality is characteristic of the wider relations of love, care and solidarity. Solidarity implies active involvement for others and not just passive empathy. Because love, care and solidarity involve work, when the benefits and challenges of this work are not distributed equally, this lead to affective inequality and may have as consequence the deprivation of those whom we care about in providing a decent life (Lynch et al. 2009). Society cannot force someone to love, therefore the right to establish relationships of love and care cannot be guaranteed.

Parents may be forced to care for their children, but cannot be forced to love them. In order for these relations to flourish, we need to recognize and support the work involved in providing love, care and solidarity and equal distribution of burdens and benefits between women and men.

The quality of relationships of love, care and solidarity is also affected by other dimensions of equality: respect, access to resources and power. Despite the importance attributed to love, care and solidarity, they have long been treated as personal and private matters in both the liberal and in the radical-egalitarian traditions. Because of this, they were not an issue of policy to be implemented in theories and empirical investigations. Nussbaum (in Lynch et al, 2009) draws attention to the public order significance of care as human capability and basic needs.

The importance of quality interactions in early education and care and the relationship between teachers' interpretations and educational level in play and routine contexts has been studied closely by Degotardi (2010). Interaction between teacher and child requires sensitivity (measured by how the teacher responds to child behavior and intentions: emotional affection, warmth and contingent manner) and cognitive stimulation (stimulation quality of language and cognition).

The relationship between teacher's educational level and his/hers interpretative complexity level of sensitivity and stimulation has an impact on the quality of early education and care. Although she could not identify clearly whether reflective and effective style of interpretation causes sensitive and stimulating interactions and whether educator's interpersonal communication causes practitioners to develop a richer and deeper understanding of children,

the fact is that both have an impact on service quality and the level of stimulation of the child (Degotardi, 2010). Qualifications of educators affect the complexity of practitioners' interpretations; both practical and theoretical experience is associated with training programs in early childhood education and care (Degotardi, 2010; Brownlee et al, 2000).

Building Relationships in The Early Years – A Neuroscience Perspective

Brain architecture depends on influences of genetics, environment and experience. Genes determine the original plan of the building and brain architecture. Equally, however, the environment in which they grow may favor or disfavor its original architecture.

Research on the brain explains the importance of the first 3 years of life, recognizing that the actions of parents or others caring for the child have serious impact on the child's development. Brain development is facilitated by the dynamic interaction between rearing (education) and nature. The brain is affected by stimulation and power it receives. At birth, the baby has about one hundred billion nerve cells called neurons, more than they will ever need. Much of the excess neurons are lost at birth, and the rest are not yet connected. Neurons have axons and dendrites that send electrical signals receiving these signals; synapse is the connection between axon and dendrite of another neuron. After birth neurons extend gain weight and multiply synapses. Each neuron forms a large number of synapses, sometimes up to 1500. Malnutrition, neglect and abuse and other adverse conditions of the child, are affecting its development. Interactive experiences, in turn, contribute to optimum development. Synapses that are used flourish and get preserved while others are eliminated (Shore, 1997).

Early care attachment impacts the child, but also the brain development.

Parents should be able to pay attention to the signals and respond accordingly to the child (Berger, 1999). They should answer children's emotions and recognize moments when stimulation is required, or when baby needs to rest. Children have inherent capabilities: they are able to develop skills, such as crawling or walking, without actually learning how to make them. The same conclusion was reached by the group of researchers from the Center on the Developing Child¹ (Harvard University, USA), that studied how brain development influences early childhood and effective programs of early childhood education and care.

Accordingly, attachment can be defined as an emotional connection formed by babies with parents or primary caregivers. Children who have secure attachment feel confident to explore their environment which helps them learn, which is why caregivers' responsibility is to protect, care and form appropriate relationships with each of the children in their charge.

¹<http://developingchild.harvard.edu/>

Gillespie and Hunter (2011:63) established a number of useful strategies to build these attachments. To create a healthy attachment with children in care educator must:

- observe and understand each child's unique references. The observation can identify how a child responds to touch or new experience;
- be consistent and responsive;
- encourage the child smile and ensure a positive state. Laughter and good humor helps establish relationships and convey the message that the environment is safe for the baby;
- take care of their own emotional state, if it is exposed to stress and fatigue is less likely to respond sensitively and consistently to the requirements of the child.

Oberman and Ramachandran (in Rusthon, 2010) argue that mimics that convey emotions of sadness, of joy, of excitement will cause similar emotions through mirror effect in children. Subtle changes in mood or attitude body language have an impact on how the child feels, thinks and establishes links. This is also affected by how careful what children are to be taught. Body language educator can send mixed messages. Baby confusion can lead to opposing interpretations of teacher behavior; it may become anxious or distracted.

The latest concern in early education and care is to explore the learning principles in order to meet the needs of the contemporary child. First to make the connection between neuroscience and education were Bredekamp and Copple (1997). For a better understanding of children's learning in relation to brain mechanisms, Gallagher (2005) highlighted three critical elements: neural development, stress hormones and brain specialization that inform and support the optimal development practice.

Language training, cultural norms and social identification and the distinction between good and evil require the neurological intensive growth thus fortifying the connections between neurons. This rapid growth of the brain inspires children to explore, discover, play and make connections between them, others and the environment naturally. These connections, in fact, are responsible and effortless assimilation of several languages (Nevills and Woolfe in Rushton et al, 2010).

The two teacher responsibilities are to develop a modeling environment for learning and establish the commitment to learning. To create this learning environment the educator must intrigue and capture the child's interest.

Research

In Romania, even though there is a strategy for the early childhood education, there is no special focus for the 0 to 3 year olds and settings of ECEC (crèches).

The history of early childhood education in Romania is being written. Until recently, the public settings for children between 0 to 3 years have been a part of the Health System, because they were based particularly on giving protection and were similar to nurseries. The staff that is working there is basically the same as 20 years ago: nurses and other medical staff: infirmaries and doctors. These centers provide only nutrition, sanitary, safety and basic care needs.

Romania lacks a monitoring system of achievement in the early years. From 2011, the New Education Law nr. 1/2011 was enforced and for the first time early childhood education was mentioned as a priority and its importance was emphasized, but there are no methodological instruments in order to be put into practice at the moment. The early childhood education is not part of the compulsory education. The New Law of Education reconfigures the educational cycles. Compulsory education starts at 6 years, with the Preparatory Class, before entering primary education.

In my doctoral thesis, I analyze three different setting for early childhood education in Romania. First, I have evaluated 6 of the public crèches in Iasi (city located in the North East of Romania). Secondly, I have visited and interviewed the staff in two private crèches (one of which is not yet accredited by the Ministry of Education, Research and Youth) and four early childhood education centers ANTANTE from Bucharest.

In the private crèches, the number of staff is higher: there are three mind developers taking care of 10 children. The personnel have educational training and at least five years of experience with young children. Given the fact that it has opened fairly recently (September 2011), the number of children attending the private crèche is still low, ten children, although the capacity is for 30 and the equipment is according to the early childhood standards stated in the Strategy for early childhood issued by the Ministry of Education, Research and Youth and international guidelines for early childhood development (Starting Strong III Report, 2012¹, European Commission Provisions on Early childhood education and care²). This fact is also due to the accreditation problems new early childhood education settings face: the process is very long and the specific requirements are sometimes unclear because there are no legislative norms on the methodology private crèches.

The data of the research was generated through interviews with educators, nurses, social pedagogues and managers working in early childhood

¹OECD, Starting Strong III, 2012-A Quality Toolbox for Early Childhood Education and Care <http://www.oecd.org/education/preschoolandschool/startingstrongiii-aqualitytoolboxforearlychildhoodeducationandcare.htm>

²Eurydice, 2009, Early Childhood Education and Care in Europe: Tackling Social and Cultural Inequalities http://eacea.ec.europa.eu/education/eurydice/documents/thematic_reports/098EN.pdf

institutions and observations of day-to-day life in the three case study centers: six public crèches in Iasi, one private crèche in Iasi and four recently open early childhood care and education centers ANTANTE¹ in Bucharest. As a first stage interviews were conducted in order to analyze the caregivers' perceptions of children's rights in the early childhood.

Analyzing the relations between children and the persons working in crèches, I have observed that there is an obvious difference in attitudes in the three settings. The public crèches in Iasi are based on protection, supervision and care. The everyday schedule is dully followed and any interruption or intervention creates frustration for the personnel. The day starts with events like: arrival at the crèches in the morning, breakfast and then potty time are to be at the exact time for each one of the children. In the bathroom children are supposed to sing songs or recite poems and if they do not manage to do that, they are sometimes shouted. Emotional components have long been neglected in institutional education, and the case remains in the public crèches. As opposed to this situation, in the ANTANTE centers, caregivers and educators take time with each child in separate.

Another starting point was that neuroscience points out the importance of the nurturing environment for the developing brain. It is every child's birth right to receive love, respect, compassion and empathy. These are the basic and essential ingredients of support. The right to love hasn't been mentioned in any Declaration so far, but it cannot be denied.

When under stress, the brain is programmed to respond in two ways: fight or flee. In times of perceived or real danger, it makes sense that the brain would resort to simple, basic patterns of self-preservation; however when the brain is hijacked, it is at the expense of critical and careful thought. One of the boys in ANTANTE centers showed real progress while at the crèche, but as soon as his parents came he would change his behavior drastically: he would start kicking the caregiver and the other children and he would not listen to them. That is because of the attitude parents have towards the crèche and the staff there, they would immediately reward this behavior with a chocolate in order to compensate for their absence and encourage him to act this way. Although the social pedagogue maintains the relationship with the parents and encourages them to continue the activities at home, this is one of the failed cases. The collaboration with parents seems to be deficient, although in some cases parents returned to the centre impressed by the things their child started to recite at home, or other things he/she learned at the crèche.

Teachers need to "orchestrate immersion" through differentiated curricula that purposefully meet the varied interests, styles, and levels of all learners in the classroom.

Low expectations for children ultimately result in limited teacher effort to provide interesting or challenging experiences. As the results of the qualitative inquire conducted by me show these low expectations are due to the lack of training on the staff's part regarding child development, psychology and

¹<http://www.antante.org/>

specific early childhood appropriate educative experiences. A critical ingredient in any best practice program is the opportunity for young children to learn from experience through interactive feedback. In cases when there is only one caregiver in a class of 20 children, like in the case of the public crèches, this can create frustrations on the caregiver's part or the children's: children, who want to share a success in drawing for instance and are not given the attention, start crying or abandon the activity. Another similar situation is during the "watching cartoons" activity in the public crèches, some children want to play or simply get bored with the cartoon and start making noises to draw attention, in this case, the caregiver will have to force the child to watch the cartoons.

Conclusions

The benefits of quality early education and the long-term effects on the society have been argued by several researches (from a human capital perspective, an economic perspective and more recently neuroscience).

Reforming child care will encourage access to high quality, affordable, flexible services and support well-qualified staff and the development of community/parent boards.

This reform must take into account making new sense of existing and constantly improving theories and interpretations in order to introduce a specific attention to the neuro-affective development of the child and the love labor of those working with them in early childhood institutions. Accountability and setting measurable standards represent crucial steps for early childhood as the concept of developmentally appropriate practices. If the objectives are not set universally for all early childhood settings, there will be a lack of transparency and the data will fail to be conclusive.

Ensuring quality early childhood education is a matter of social justice since children are not the only one involved, but also working parents and caregivers, who need to have their rights fulfilled as well.

One of the findings in my research is that the physical and organizational environment has serious effects on the quality of all programs and also revealed the tensions between the infants' rights and the educators' or caregivers' responsibilities in enacting those rights and implementing them into practice. These tensions were much related to the insufficient funding of these services.

There are still many questions to be answered, but when it comes to children's rights in the first years the duty bearers are everyone, and even though we still need to "harden" the children's rights discourse, we should avoid their superficial realization and provide more evidence that it works from the field. This, I think, is the easiest way to argue for a change.

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