

## Rights of the Child

The rights of the child is a major consideration across all areas of policy and policy development. It is essential that all policies, procedures and practices are child-centred. The time from birth until six years of age is a very significant time in a child's life. Research shows that the early years of childhood are critically important for brain development. The brain develops more rapidly during these years than at any other later period and we know that this development is significantly affected by the child's early environment and experiences.

A **right** can be defined as an interest of sufficient importance to impose on others certain things they have a duty to do, or provide, in order to protect and to allow the right-holder to enjoy that interest.

A **human right** is commonly understood as an inalienable, fundamental right to which a person is inherently entitled, simply because they are a human being.

Every single person irrespective of their age has human rights. Young children have particular rights, because being young makes them more vulnerable and dependent.

It is important that all providers of services for children and all professional early years carers and educators are familiar with the United Nations Convention on the Rights of the Child (UNCRC), which Ireland signed up to in 1992.

The UNCRC provides an internationally accepted standard to be applied to basic human rights affecting children. It defines a child as anyone below the age of eighteen. The UNCRC details the special rights of children, including their right to participate in a democracy in ways that reflect their age and maturity. It challenges governments and others to question their assumptions, and it values children as people in their own right today, rather than what they will become tomorrow.

It consists of 41 articles, each of which details a different type of right. These rights are not ranked in order of importance; instead they interact with one another to form one integrated set of rights. They include survival rights, development rights, protection rights and participation rights.

The UNCRC has had a major impact on several fields, including law, welfare and health. It requires that children **including the very youngest** be respected as persons in their own right. Young children have particular requirements for physical nurturance, emotional care and sensitive guidance as well as for time and space for social play, exploration and learning.

**Articles 3 and 12** of the UNCRC have particular relevance for early childhood education and care provision:

- **Article 3** states that the best interests of the child must be of paramount consideration in all actions concerning children.
- **Article 12** states that the child's views must be considered and taken into account in all matters affecting her/him.

(United Nations [UN] General Assembly, 1989)

**Article 12** is considered to be 'the linchpin' of the Convention (Freeman, 1996<sup>1</sup>), which recognises children's personality and autonomy – 'children as people and not just objects of concern' – and that children must be listened to.

**Article 13** is equally important in setting out children's rights to give and receive information.

**Article 29** says the education of the child should be directed to 'the development of the child's personality, talents and mental and physical abilities to their fullest potential'. In order to adequately fulfil Article 29 so that children reach the highest possible standards of educational achievement, they must experience a rich environment in infancy and early childhood.

*To achieve the right of participation requires adults to adopt a child centred attitude, listening to young children and respecting their dignity and their individual points of view. It also requires adults to show patience and creativity by adapting their expectations to a young child's interests, levels of understanding and preferred ways of communicating.... The right to express views and feelings should be anchored in the child's daily life at home...and in his or her community; **within the full range of early childhood health, care and education facilities...***

(UNCRC Committee on the Rights of the Child, 2005)

In Irish law, Article 42A.1 introduced an explicit statement in the Irish Constitution in 2012 recognising and affirming that children have natural and imprescriptible rights and stating that the State has an obligation to ensure, as far as practicable, that those rights are protected and vindicated. This is a very significant development in Irish Constitutional law for the protection of the rights of children.

A [Summary of the UN Convention on the Right of the Child](#) on the website of the Ombudsman for Children.

There is also a [poster of the UN Convention on the Right of the Child](#) you could display in your service.

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<sup>1</sup> Freeman, M. (1996). *Children's rights: A comparative perspective*. Brookfield, VT: Dartmouth