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Defining rights: Children's rights in theory and in practice

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Numerous definitions, theses and legal interpretations of children's rights are indicative of the complex philosophical, theoretical and cultural tensions nuanced in the United Nations Convention on the Rights of the Child. This article presents a range of arguments both for and against children's rights, particularly very young children's rights, with a view to promoting a deeper interest in the rights of the child in early childhood services.

Introduction

> The most fundamental of rights is the right to possess rights. (Freeman, 2007, pp. 7–8)

Alongside a growing body of research focused on children as citizens (Smith, Bjerke & Taylor, 2009; Taylor & Smith, 2009), arguments are emerging in reaction to a contracting fiscal environment that is bruising early education services in New Zealand (Te One & Dalli, 2010). Recent policy changes in the sector have been critiqued as detrimental to achieving quality. May and Mitchell (2009) argue for free, universally provided early education, and children's rights to a quality education is being promoted as a citizenry right. The advocacy potential of the United Nations Convention on the Rights of the Child (UNCROC, Child Rights Information Network, CRIN, 2007) may well make it a useful tool for re-establishing the importance of key quality measures, such as a fully qualified workforce (Carr & Mitchell, 2010). Research (Te One, 2009) has found that because of low-level awareness of UNCROC amongst teachers and parents in a parent-led service, the implications of this Convention for them were not well understood. This paper explores various interpretations, definitions and models of children's rights with a view to raising awareness of UNCROC's potential usefulness in relation to children from birth to five years old attending early childhood services. It begins by introducing some of the complexities in the field of children's rights.

What exactly are rights?

The word 'rights' is difficult to define (Alderson, 2000; Alston, 1994a, 1994b; Freeman, 1992) and there are many diverse and contrary understandings about what constitutes children's rights. Alexander (1995) likens the debates to plaiting with fog and knitting with treacle. Michael Freeman (2002, p. 6) describes children's rights as "just claims or entitlements that derive from moral and/or legal rules," and argues that rights, in particular children's rights, are important: "if we have rights we are entitled to respect and dignity" (Freeman, 1992, p. 29).

The release of UNCROC in 1989 prompted questions about what the term 'child's rights' meant in theory and in practice. Researchers and professionals (see Jones & Welch, 2010; Qvortrop, Corsaro & Honig, 2009; Taylor & Smith, 2009; Te One, 2009) with an interest in children continue to grapple with interpreting and implementing UNCROC at an international level, at a national level, and more recently, at a local level.

Rights are often complex aspirational statements that defy simple categorisation. Arguably perceptions of children's rights depend on how childhood is constructed, and on children's ability to exercise agency. UNCROC's universal approach to children's rights has been problematic: is it a child's rights, or children's rights? Can there be universal rights (Bentley, 2005; Jones & Welch, 2010)? Child sociologists argue that childhood is constructed differently in different times and places (James, Jenks, & Prout, 1998; Prout & James, 1990; Pufall & Unsworth, 2004; Waksler, 1991; Wyness, 2006). Further, there is no agreement on where childhood ends, or in some instances, begins. In fact, "the term child has a connection less with chronology than with power. The question 'what is a child?' is answered by those in authority – those who have power in society" (Franklin, 1986, p. 8). So, exactly what role do children have in society? Their status, let alone their rights, is both ambiguous and contentious.

Another reason children's rights become problematic is because the words 'children' and 'the future' are often linked. Views of children as adults in waiting – vulnerable, dependent, naïve and innocent – serve to disempower and marginalise them as a silenced, disenfranchised class (John, 1996, 2003; Oldman, 1994). Ambiguous attitudes to children and to childhood confuse understandings about children's rights, often resulting in questions about children's entitlements. Are children entitled to the same types of rights as adults, or are children's rights different because they are children? In fact, children's rights are human rights.

Questions about children's rights are divisive (Federle, 1994; Freeman, 2007; Guggenheim, 2005; Reid, 2006; Yelland, 2005). Those for and against children's rights can be positioned along a continuum. At one end, children's rights are perceived as detracting from adults', in particular parents', rights. Some advocates critical of children's rights argue that the state diminishes the role of parents by granting children a voice in decisions that affect them (Almog & Bendor, 2004; Alston, 1994a; Alston, Tobin, & Darrow, 2005; Guggenheim, 2005; Reid, 2006; Simon, 2000). This, it is argued, undermines the sanctity of families, and parental rights to raise their children without risk of social engineering. At the other end of the continuum, advocates for children's rights (Alderson, 2000, 2004; Alderson, Hawthorne, & Killen, 2005; Freeman, 1998, 2007; Hart, 1992, 1997; Lundy, 2007; Shier, 2001; Smith, 2000, 2002, 2007a, 2007b) support consulting children in all matters that concern them, and the balance of power shifts in favour of children.

Consulting children

The perspectives discussed above illuminate the complexities of balancing the rights of one group (children) with the rights of another (adults). The question now becomes one of how to balance power (see Franklin, 1995) which can exist

on many levels in educational settings: between children, between teacher and children, between teacher and teacher discussing children, and between teacher and parent discussing children. How to balance this power depends on how children are consulted or listened to about matters that concern them – a point expressed in Article 12 of UNCROC. Listening to children can be understood as a political act that unites the child with civil society, and as such, is critical to facilitating children's participation in society. Rinaldi (2006) refers to the act of participation as the pedagogy of listening which allows space for children's views to be heard and has the potential to generate understanding and awareness in educational settings and in the wider public arena. However, the pedagogy of listening is difficult to achieve. Contemporary research, supported by theory, foregrounds the voice of the child (Carr, 2001; Clark & Moss, 2001; Einarsdottir, 2005; Lofdahl & Hagglund, 2007). Listening to the child's voice includes the child being heard, and being listened to, the right to express an opinion, and the right to contest, challenge, debate, and question. This translates as agency. While there is some evidence that young children are exercising agency in early childhood assessment practices in particular (Carr, Lee, & Jones, 2004), perceptions of agency are not explicitly articulated in terms of children's rights (Te One, 2009).

The enduring perception of infants and young children as needy and vulnerable (Dahlberg, Moss & Pence, 2007; Stainton Rogers, 2004; Woodhead, 2005) is sometimes used as an excuse to not consult with children, and therefore denies them the right to voice an opinion. There is a tension between this perception and a children's rights discourse which views all children as agentic, capable and competent in expressing an opinion (see for example, Alderson, 2000; Freeman, 2007; Lansdown, 2005; Smith, 2007a). Woodhouse (2004) attempts to resolve this tension by interpreting rights as either 'needs-based', or 'dignity-based' – dignity-based rights recognise children's emerging capabilities by acknowledging their competence, and encompass Article 12 of UNCROC. At the same time, children are entitled to adult support and protection which includes their right to have their basic needs provided (Articles 5 and 18 of UNCROC are examples of protection rights).

Stainton Rogers (2004) resolves the tension between needs and rights with an alternative 'quality of life' discourse that concentrates on what makes life worthwhile, and implicitly supports children's rights. The quality of life discourse takes into account children's needs but, in principle, it is a rights-based approach that holds more potential for enhancing quality for the following reasons: firstly, it is strengths based as opposed to a deficit approach; and secondly, it shifts the focus from the individual to the situational and, in so doing, removes unhelpful perceptions such as blaming a child or a family for their circumstances. This perception ignores the social, economic and political context which may have created adverse circumstances in the first place.

The quality of life discourse's route to change is political action. Implementing children's rights takes more than moral fortitude and rhetoric to become a reality; it needs political conviction to implement policy. While not a new idea, children's rights acknowledge adults' responsibilities to care for children and these responsibilities include respecting children's rights to express, or form, a point of view, and in so doing, assert their rights to be involved in decisions that affect them. If, in meeting a need, for example, the child's right to be consulted and informed is disregarded, the issue becomes one of protecting the child's rights.

Different interpretations of children's rights.

Interpretations of rights have been predicated on acting in the child's best interests, on children's competence and capacity, and on protecting rights for the rights-holder in the future. What follows is a discussion of interpretations of rights followed by a section on models developed to evaluate children's rights in practice. The article concludes with a discussion about the relevance of these various interpretive devices to the early childhood sector and argues that implementing rights depends on context.

The 'interest' thesis

One way to define a right is to identify the interests that rights protect (see Archard, 1993; Eekelaar, 1992). This definition suggests that the child is a rights holder, and the adult should be the executor of these rights. The child is regarded as a citizen entitled to rights endorsed by society's legal and political frameworks (Federle, 1994) but not necessarily capable of exercising their rights to, for example, participate in decisions that affect them in the same way as adults. For example, which early childhood service to enrol in will usually be a decision made by the adults in a child's life, based on what is in the child's best interests. Because of the age of the child, the adults are responsible for acting in the child's best interests.

Eekelaar (1992) usefully categorised interest rights. Firstly, basic interests actuate at two levels: in the home where parents have a duty to provide care within their social capabilities; and at a national level where the state has a role to enforce the prevention of neglect. Secondly, developmental interests are defined as "an equal opportunity to maximise the resources available to [children] during their childhood [so that] their capacities are … developed to their best advantage" (p. 47). Typically the responsibility lies within the family to do this, but the wider socio-economic and political environment directly impacts on this: "[a]s far as the 'developmental' interest is concerned, … societies may choose to actualize it in harmony with their overall social goals, which may (but not necessarily) involve creating equality of opportunity and reducing socially determined inequalities" (p. 47). Thirdly, autonomy interests entitle the child to make his or her own choices and decisions, which "can conflict not only with the child's own basic or developmental interests, but also with the interests of the child's parents" (Eekelaar, 1992, p. 47). Eekelaar concludes that following this line of argument, "[c]hildren will now have, in wider measure than ever before, that most dangerous but most precious of rights: the right to make their own mistakes" (p. 58).

The 'caretaker' thesis

A recurring theme in the literature on children's rights centres on perceptions of children's capacity, or incapacity, to decide for themselves. The caretaker thesis of rights poses the question: What would the child want if he/she was mature enough to decide for him or herself? Infants and young children are dependent

on adults to exercise, or claim some rights on their behalf. Simply put, the caretaker assumes responsibility for protecting the child's rights because the child is not yet considered competent to exercise these rights. For example, the onus is on the adult to "choose what the child would choose if competent to make choices, and choose with regard to the interests of the adult the child will become" (Archard, 1993, p. 58).

Critics of this interpretation argue that "[a]dult 'experts' on children's rights will not know what is of most concern to children in relation to their rights, unless they make themselves aware of children's views" (Taylor, Smith & Nairn, 2001, p. 139). Supporters of the caretaker thesis, usually parents, argue that because they know their child, they are in the best position to judge what is in the best interests of their child.

The 'choice' thesis

Haar's (2004) account of the discourses influencing children's rights notes that the caretaker perspective is "based on the requirement that, in order for the individual to be recognised as a rights' holder, he or she was to be capable of making and exercising choices." (p. 18). Many have suggested that this is problematic, especially for younger children "who may not be competent to make choices. Thus, according to the protagonists of the 'choice' (or 'will') theory, a person cannot be deemed to be a rights' holder unless they are able to choose whether or not to waive their rights" (p. 18). This rationale has implications for the adults in young children's lives because children are often unable to claim these rights for themselves. The choice thesis depends on systems being in place (arguably embedded in a pedagogy of listening) and on adults' capacity firstly to recognise children's rights to be informed of choices that influence their lives, and secondly, to understand children's emerging capabilities to exercise their right to choose. This is a particularly contentious thesis because choices, by definition, involve two or more parties, and in this case, the affected parties are likely to be parents and their children. A perception that children's rights to choose will undermine parental authority and family values is not uncommon.

Protection rights, provision rights, and participation rights

Another popular interpretation of children's rights categorises the Articles of UNCROC as either protection rights, provision rights or participation rights, as illustrated in Table 1. Arguably, acting in the best interests of the child is an example of a protection right; the 'caretaker' thesis can be interpreted as a provision rights thesis; and the 'choice' thesis aligns with children's participation rights.

Categories of children's rights	Definitions and relevant articles of UNCROC (Lansdown, 1994, p. 36; Te One, 2009)
Provision rights	Rights to minimum standards of family life (Articles 5, 27) and access to parental care (Article 18), health, education (Articles 24, 28), social security (Article 26), physical care, special care (Articles 6, 23), development (Article 29), play, recreation, culture and leisure (Article 31).
Protection rights	The right to be safe from discrimination (Article 2), for adults to act in a child's best interests (Article 3), physical and sexual abuse (Articles 19, 34), exploitation (Articles 32, 35, 36), substance abuse (Article 33), injustice (Article 40), and conflict (Article 38).
Participation rights	Civil and political rights, such as the right to a name and an identity (Articles, 7, 8, 30), to be consulted and to be taken into account (Article 12), to physical integrity and to privacy (Article 16), to information (Article 17), to freedom of speech and opinion and to challenge decisions made on their behalf (Articles 13, 14).

Table 1: Categories of rights and accepted definitions

To implement UNCROC effectively, and to act in the best interests of the child, requires balancing of the three categories of rights which also potentially conflict. Recent New Zealand research found examples of all three types of rights are interdependent, interrelated, and interwoven, depending on the context for implementation (Te One, 2009). In a Crèche for under-two year olds, teachers advocated for protective practices that enabled children to participate in the daily programme in appropriate ways; in a parent-led co-operative sessional early childhood service for infants through to five-year-olds, the adults focused on providing age-appropriate resources for children and encouraged free and spontaneous play; in a sessional, teacher-led service for four-year-old children, the early childhood community focus was on developing social competence which developed a culture of respect for one another's rights amongst the children and their teachers and facilitated children's rights to participate in the programme.

Models to evaluate implementation

> There are a wide variety of structures for children's participation but it is remarkable how rare it is for these to be made explicit. (Hart, 1997, p. 45)

Article 12 of UNCROC directs adults to respect children's views, or at the very least, consider them respectfully. As noted earlier, interpreting this article is problematic, and so it follows that implementing it has implications for the private and public sphere also. There is no doubting the support for Article 12's intentions, but for it to take effect a shift in attitude is required (Lundy, 2007; Moss & Petrie, 2002). If children are regarded as participants in the community, this could potentially change how people regard one another (Melton & Limber, 1992). Children's agency, voice, and therefore participation are not autonomous acts, and the process of participation is an "irreducible reality of human interdependence" (Dunne, 2006, p. 47). One danger is that children's participation is prescribed, which disregards the fact that, like adults, children have the right to choose not to participate. The debate is whether or not that choice is active or passive, not whether or not children's right to participate in community (of whatever type) decisions exists. This lends support to Thomas' (2007) suggested components for a potential theory of participation to:

a) encompass all the sites where children's participation may or may not take place;
b) be located in a broader context of inter-generational relations;
c) understand the distinction between 'participation' meaning activity that children engage in conjointly with adults, and children and young people's autonomous activity;
d) accommodate the new kinds of participatory practice with children and young people that have been developed (particularly in countries of the majority world);
e) account for the demands of children and young people to have the same political rights as adults. (p. 215)

Contexts for children's participation influence how rights are realised within the context of a community. One major obstacle for very young children in particular is the low status of children and childhood: and "those who work with young children are too much in the shadow land" (Dunne, 2006, p. 15). Hence there is need for informed discussion about children's rights as part of developing a critical ecology (Te One & Dalli, 2010) amongst early childhood professionals.

Models for evaluating children's participation are a potential tool for educating people about UNCROC. Hart's (1992) 'ladder of participation' model is a staged mechanism for evaluating children's participation in projects ranging from the lowest rungs of token involvement through eight stages to child-initiated/adult-shared decision making. Through participating in community-based activities, children experience first hand the democratic processes. Regular and ongoing participation alongside more experienced peers (often but not exclusively adult) transforms the nature of their participation from onlooker to group member, assuming new roles and responsibilities (Hart, 1997; Rogoff, 2003).

Shier's (2001) 'pathways to participation' model includes reflective questions across three broad categories: openings – are you ready to, for example, listen to children?; opportunities – are you able to listen to children?; and obligations – are you required to listen to children? Shier's model was intended "as an additional tool for practitioners, helping them to explore different aspects of the participation process" (p. 109). Four factors combine to facilitate children's participation in matters that concern them:

- Space: Children must be given the opportunity to express a view.
- Voice: Children must be facilitated to express their views.
- Audience: The view must be listened to.
- Influence: The view must be acted upon, as appropriate. (Lundy, 2007, p. 933)

Current perceptions of children's participation as 'cosy', where the child's voice is "held out as an unquestionable good" (Lundy, 2007, p. 931), detract from the purpose and intent of participation rights. Unless voice is located within a rights discourse, Lundy argues, listening becomes an option that adults can either endorse or not.

Early childhood education and children's rights

There are compelling reasons for all professionals in the New Zealand early childhood sector to engage with UNCROC:

1. The number of children under three in full-time early childhood care and education services has increased dramatically in the past five years (Education Counts, 2008).
2. Cuts to accepted measures of quality in early childhood education have the potential to impact negatively on the quality of experience for children. Cuts to training incentives and professional development for teachers are of particular concern, especially as the current Administration does not appear to regard trained professionals as essential for under-one and under-two-year-old children (Te One, 2010a; Te One & Dalli, 2010).
3. Reported declines in the number of native Maori language speakers and reduced numbers of Kohanga Reo (Action for Children and Youth Aotearoa [ACYA], 2010).
4. High levels of poverty are associated with poor educational, social and health outcomes which affect children under five the most. There are long-term impacts of deprivation (ACYA, 2010).
5. On-going problems with child abuse is of national concern (ACYA, 2010).

Infants and very young children actively make sense of the world, shaped by the cultural beliefs and values of their families and communities, and through relationships with others. Their experiences as participants in their communities include care and education arrangements. Citing Articles 18, 28 and 29, General Comment 7 (UNCROC, 2005) argues for states' parties, i.e., countries that have signed UNCROC, to support parents; to encourage child-centred practices that include participating in early education of good quality; and, for early childhood professionals to develop partnerships with parents to realise the intent of the respective articles. Article 28 (1) establishes the right to education,

progressively, and "on the basis of equal opportunity" (CRIN, 2007, p. 12). Article 29 (a) entitles children to an education "directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential" (CRIN, 2007, p. 13). These particular articles are relevant to the programmes offered in early childhood settings as well as in the macro policy environment where advocacy for children's rights to universal access to affordable early education of high quality is required to retain hard-won conditions and improve on them (Dalli, 2010; May & Mitchell, 2009; Te One & Dalli, 2010).

Similarly, Article 31 of UNCROC is interpreted as a right to play (David, 2006). Learning through play has become a catch cry in early education, and is closely aligned with notions of free choice (Somerset, 1986). Playcentre philosophy (Densem & Chapman, 2000; Morris, 1994; Somerset, 1986), in particular, has popularised the construct of play as children's work, a principle central to most early childhood education services in Aotearoa New Zealand. Many advocates argue that learning through play enhances holistic development and cognitive development, which are in fact rights established in Articles 28 and 29 of UNCROC. The benefits of play, and in particular, time to play, are not always to the fore of discussions in the public arena.

Theoretically, children's play is regarded as an essential development process (UN General Comment 7 which refers to socio-cultural theories of development) which is not necessarily widely understood. There is a philosophical acceptance that childhood and play are inextricably mixed; however, situating play in the early childhood sphere further marginalises children as separate from adults (Mayall, 2000). Those in favour of accelerated, focused educational play are often at odds with those who advocate for the playfulness of play (Alcock, 2005) and for the important mediating role play experiences have in creating cultural meaning. The question now is, how can the various theses and models currently used to interpret UNCROC be usefully implemented in the early childhood sector?

From theory to practice

> One of the first roles of adults in relation to participation rights is to help children formulate a view. This can take place alongside listening. Children cannot develop a voice and agency unless they first have the opportunity to understand and develop an opinion. (A. B. Smith, personal communication. 2009)

The proliferation of models to evaluate children's participation rights is perhaps an indication of an underlying problem adults still have with Article 12. These models are limited if the wider context for that participation is not acknowledged. For example, the shift from tokenistic to genuine participation (Hart's 1992 model) has limited meaning for children if the places they participate in do not recognise their rights beyond adult-controlled projects. All models designed to evaluate children's participation rights have limitations. For example, they can be critiqued for delineating tasks, or factors, to stages. This can make them inimical to work with very young children, where relationships are the core of interactions and experiences. Rigidly interpreted and applied models also create a tension with the cultural relativist positions. Perhaps this is because cultural

processes accepted and adopted by children's rights advocates are not the norm, and a type of institutionalised discrimination towards children's participation is. Another reason could be that participation is not a misunderstood concept, but avenues or spaces for participation are ill-defined. On the other hand, evaluation models promote an awareness of the conditions required to effectively implement children's participation rights.

Research investigating perceptions of children's rights in three New Zealand early childhood centres found that teachers' and parents' awareness of children's rights was limited but each of the three services demonstrated practices that were unconsciously rights based (Te One, 2009). The data revealed a close relationship between the context in which rights were implemented and the perceptions participants (adults and children) held about these rights. Data from a sessional state kindergarten for three and four year-old children acknowledged the relationship between teachers' conditions of service and "the culture of the place":

> We have a purpose-built building. I think it must be really hard in those converted houses with lots of different rooms, and working on top of one another. I think it must add to the stress of the teacher because houses are built on smaller sections, and children need space. So they need more rights to have space like ours. (Individual interview, Kindergarten)

There are observable benefits to children when their environments are designed to facilitate participation in the experiences offered in early childhood settings. The relationship dynamic between the natural, physical and social environment has a positive effect when these are of high quality. Paid non-contact time enabled all the teachers to meet together twice a week during the day. One teacher commented:

> Yes, [non-contact time is] very valuable! We're all together working. I think that is a right for children – that all the teachers know about each child and are working for that child. (Individual interview, Kindergarten)

The Kindergarten data revealed a commitment to empowering children's participation in the programme and was an example of participation rights articulated in UNCROC. Elements of the three 'rights' theses were evident: when children first began, the teachers' actions represented a level of caretaking to encourage a sense of belonging; developmental interests were paramount initially as children were encouraged to assume some autonomy and exercise choices about what, how, when and where they would participate during sessions.

In some situations, acting in the best interests of the child may be at the expense of listening, particularly for infants where research indicates that a discourse of concern or protectionism dominates (Stainton Rogers, 2004). The caretaker thesis is evident in situations where, historically, very young children are not regarded as active participants with non-verbal ways and means of expressing themselves (Alderson et al., 2005). In this context, the role of the professional is to advocate for the infant, and in that sense, they enact the role

of caretaker, making decisions on behalf of the child to act in his or her best interests but, at the same time, protect his or her rights to voice an opinion:

> We advocate for the child – they communicate their needs to us and we've got to be really aware of their needs, because they are so young. They communicate by crying and things like that, you know gestures I think we are all aware of it because at times we do talk about children's rights. (Individual interview, Crèche)

Moss (2006) identified risks to listening, implying that merely being willing to listen is "a tokenistic gesture" that serves management accountability: "You need to want to listen in the first place and no amount of bullet points will help you if you don't have a culture of listening" (p. 30, citing a personal communication with Olé Langsted). Even though teachers at the Crèche listened to children, this was constrained:

> In some ways [the children] don't have choices … we have a routine, it's flexible, but there is meal time here, and sleep time here, so on and so on. So in that respect, children can't just say 'Oh, I'm not feeling that hungry today, I don't really want to sit at the table for 20 minutes while everybody else eats.' They don't have a choice [and they have to] follow the group. I think it's to do with the ratios as well. There isn't enough staff and there's too many children to actually [be flexible] and say 'Oh maybe we'll go through to lunch later.' It really has to work like clockwork. (Individual interview, Crèche)

Models to evaluate participation would be useful in this context because they highlight the necessary elements for effective implementation of UNCROC. Shier's (2001) model, for example, uses a three-strand approach which encourages teachers to question their own actions alongside the environmental and management structures.

The choice thesis is of particular interest within early childhood where the notion of children's right to choose is deeply embedded in current thinking. This is generally understood to mean that children have the right to choose what to play, and where to play in their early childhood centres (May, 2001; Somerset, 1976, 1986), something reiterated by a parent in a sessional, parent-led early childhood service (Playcentre) where play was regarded as a child's right:

> I believe […] play is like their right. And sometimes … I think that we endeavour … I don't say we achieve it all the time … to give them learning or extend their learning in the direction that they're trying to go. (Parent interview, Playcentre)

This view derives from several sources. Historically, it has best been described as free play (Somerset, 1976) and can be linked to Article 31 of UNCROC (the rights to leisure and recreation) and to Article 29 (the right to develop to full potential). According to Somerset, spontaneous (or free) play is the natural way children learn and, its status "should be assured" (Fisher, 2002, p. 128). Providing an environment for children to ensure play was regarded as a responsibility by parents:

> We have a responsibility to ensure that they've got those emotional things, and physical things and [we need to make sure that] creative things [like paint and collage] are available for them to reach. They can reach them, they're low enough, and they are accessible to them. So we have to do that … to ensure they can reach them and they know where they are. (Parent interview, Playcentre)

The example above exemplifies how provision rights were enacted as part of enhancing children's rights to a choice. The child rights-holder is regarded as capable and competent enough to exercise a choice within the Playcentre:

> When I turn up to Playcentre for my duty, at 9 o'clock in the morning, I look at myself as being there totally for [children]. I come second and they have to come first. You're focusing on how can I make their morning – how can I stimulate them. (Parent interview, Playcentre)

Positioning children as most important creates an imbalance which potentially inhibits the rights of adults:

> There's that whole continuum where the power is with the child. We try to encourage children to develop their own resources so that they can solve their own problems, instead of jumping in and solving them. (Parent interview, Playcentre)

The choice thesis resonates with early childhood education's advocacy for children's rights/freedom to choose what to play, who to play with, and where to play during a session, or over a day (Te One, 2010b). This approach is consistent with Articles 12 and 13 because exercising choice is in fact a participation right. While UNCROC does not specifically mention the right to choose where to play, Article 31 (a provision right) refers to "the right of the child to leisure and recreation, and to engage in play and recreational activities appropriate to the child" (CRIN, 2007, p. 14). Furthermore, supporting the children's right to choose approach aligns with current practices in New Zealand early childhood education where children's perspectives on their learning are deemed central to curriculum planning (Meade, 2005; Ministry of Education, 2005). A closer familiarity with the models for evaluating the depth of engagement with UNCROC could provide teachers, parents and others working with young children with a dual purpose: increased awareness of the implications of UNCROC and possible insights into how existing structural arrangements could increase children's participation in day-to-day events, a process known to support their development and learning.

Conclusion

Paulo Freire (1993) coined the phrase "conscientization" to describe the process of deepening awareness of the political environment, and the role of citizens in democratic processes. As the politics and policies of the early childhood sector change, teachers, parents, those working with young children, and indeed young children themselves, may benefit from understanding the importance of UNCROC and the complex issues associated with children's rights. Thoughtful,

informed debate, in this case understanding children's rights and then how these might be implemented in early education programmes, can (and do) offer opportunities for democratic practices to be encouraged amongst our youngest citizens, founded on respect for the rights of others.

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