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T20 POLICY BRIEF

Task Force 01

FIGHTING INEQUALITIES, POVERTY, AND HUNGER

Review of International Good Practices in Applying a Children's Rights Approach to Care Policy

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Abstract

Despite the importance of reproductive labour, it is just now receiving attention in policy dialogues. The necessity for policies to support care provision in households, communities, and institutions is becoming more widely recognised as policymakers acknowledge the fact that vulnerable people are burdened with reproductive labour due to societal structures.

A growing body of literature is centred around care providers and how policies can support them. It has become paramount to assess whether care policies are attuned to the specific needs of care beneficiaries, such as children. Many policies and legal instruments have established obligations for countries regarding the protection of children's rights, and promoted ways to ensure these rights are realised. These recent developments constitute important steps towards ensuring good quality childcare and achieving the Sustainable Development Goals by 2030.

This policy brief explores what the application of a children's rights approach to childcare entails. It draws from the literature on care services, social protection, and children's rights to identify examples of good practices implemented by G20 countries. It finds that eight principles of children's rights should be followed when designing and implementing childcare policies. We outline recommendations for G20 countries to cater for children's rights in care policies by supporting family and non-family childcare. To implement these suggestions, countries need to overcome cultural, political and economic constraints.

Keywords: Children's rights, childcare, parental leave

Diagnosis of the Issue

Reproductive labour, such as childcare (Table 1), is a central aspect of modern economies that has only recently received more attention from policy makers. Practitioners and researchers have been contemplating how to support care providers from more vulnerable segments of the population. Moreover, as several G20 countries are currently dealing with ageing populations, childcare is emerging as a strategy for governments aiming to prevent a decline in fertility rates. This underscores the significance of addressing the needs of care policies in the context of demographic shifts. Policies that support childcare include parental leave as well as measures to support the accessibility, affordability, and quality of non-family childcare.

Table 1. Types of childcare¹

Family care	Non-family care
<ul style="list-style-type: none"> ● Parents/ guardians ● Other relatives and acquaintances 	<ul style="list-style-type: none"> ● Domestic workers ● Small-group care ● Childcare centres ● Educational institutions

On the other hand, given what it means to receive care - namely, to depend on others - it is central to investigate how care policies cater to the needs of those on its receiving end. In the case of children, there exists a growing body of literature, legal instruments,

¹ Gromada, Richardson, and Rees, 'Childcare in a Global Crisis'.

and policies with the purpose of protecting and promoting their rights. A children's rights approach (CRA) can be broken down into the following principles²:

Human rights	1.	Dignity
	2.	Universality and inalienability
	3.	Interdependence and indivisibility
	4.	Transparency and accountability
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Child-specific human rights	5.	Child's best interests
	6.	Participation (right to be heard and taken seriously)
	7.	Non-discrimination
	8.	Life, survival, and development

Research assessing current childcare policies from a CRA has been scarce, especially outside of Europe³. Therefore, this policy brief explores what the application of a CRA to childcare could look like, drawing from the eight principles presented above and evidence on child development and care policies from selected G20 countries.

The starting point for this discussion is based on an exploratory analysis of family and non-family childcare policies considered good practices among G20 countries, focusing on how these measures tend to address the eight principles of children's rights. Common challenges faced by those countries in providing childcare through a CRA are listed in

Table 2.

Table 2. Challenges to the application of a CRA to childcare policy

² Unicef ECARO, 'Presentation of the Tool Kit and Child Rights Approach'; Tostensen et al., 'Supporting Child Rights: Synthesis of Lessons Learned in Four Countries'.

³ Mangan, 'European Recommendations'.

Challenges	Large, structural inequalities translate into unequal access to quality childcare: less affluent children are more likely to receive worse quality care	Parental leave differentiating between types of workers and the need to contribute to social insurance schemes: children whose guardians cannot contribute may be subjected to a lack of care	Mechanisms used for monitoring and evaluating non-family care may not measure child development, participation, and autonomy	Precarious working conditions of care providers hamper their ability to interact with children, especially those with special physical, cognitive, emotional, or linguistic needs
Undermined principles				
Dignity	👍	👍	👍	👍
Universality	👍	👍		
Indivisibility			👍	
Accountability			👍	
Best interests	👍	👍	👍	👍
Participation	👍		👍	👍
Non-discrimination	👍	👍		👍
Life		👍	👍	👍

This study builds on the experiences from Brazil, the Council of Europe, Iceland and South Korea to explore how the abovementioned challenges may be overcome to ensure that care policies adhere to a CRA. Note that this is not an exhaustive list of good practices. Rather, these countries were chosen based on i) a literature review of best practices in



implementing childcare policies in general, and ii) an attempt at drawing from experiences across different world regions.

Table 3 in the Appendix further elaborates on the justification for choosing the four good practices analysed in this study.

Recommendations

Family care

Policies must ensure guardians are well-prepared to provide care in line with the children's rights principles. The main policy instrument to support guardians in doing this is parental leave⁴ that is:

- awarded to all guardians involved,
- adequate length,
- adequately paid and
- not just tied to childbirth.

In **Brazil**, mothers may take between 120 and 180 days of paid maternity leave. Paternity leave is still globally unusual and remains limited to short periods: 5 to 20 days in Brazil⁵ (see the Appendix for an overview of parental leave in G20 countries). Further, until infants are 6 months old, lactating women may interrupt work twice a day to nurse⁶. This supports their children's right to life and a healthy development.

South Korea stands out for allowing each parent to take one year of parental leave until the child is eight years old⁷. This is central to ensure care is available for children during early childhood, supporting their cognitive development.

To promote the coverage and adequacy of leave benefits, governments must subsidise leave contributions and benefits for guardians who do not have the capacity to participate

⁴ Gromada, Richardson, and Rees, 'Childcare in a Global Crisis'.

⁵ Sorj and Fraga, 'Licenças maternidade e paternidade no Brasil'.

⁶ ILO, 'Los cuidados en el trabajo'.

⁷ Kim, 'Korea Country Note'.

in social insurance schemes. Both **Brazil** and **South Korea** offer financial incentives to SMEs to support their employees in taking leave. Further, as of 2020, **south Korean** mothers who were not eligible for the contributory maternity benefit could, still, receive KRW500,000 per month over a period of three months⁸.

Non-family care

Various policies ensure that non-family care uphold children's rights. Below are examples of how different measures can support the principles presented in the Introduction.

i. Dignity

This principle refers to the right to be treated with respect and care, regardless of what institution children are in contact with. Legal frameworks should embed this principle into all procedures involving children, making dignity a central aspect of childcare decision-making. The **Council of Europe** fully integrates children's dignity into its principles, establishing it as the fundamental right. In its 2011 Recommendation on Children's Rights and Social Services Friendly to Children and Families, the **Council** defines that a wide range of services and tools must be tailored to children's needs and the respect of their dignity, such as financial assistance, health care, education, specialised social services and intensive care services.

⁸ Sorj and Fraga, 'Licenças maternidade e paternidade no Brasil'; Kim, 'Korea Country Note'.

ii. Interdependence and indivisibility/ universality

Children's rights should be universally enjoyed across all institutions at all times, including ensuring comprehensive childcare services that are readily accessible and holistic in nature.

Brazil's Constitution enshrines childcare as a universal right and a state obligation, turning childcare provision part of education policy⁹. Based on this, as of 2019, the National Education Policy sought to guarantee a 100% preschool enrolment rate (94,1% achieved) and a 50% enrolment rate in early childhood education (*creches*, 37% achieved)¹⁰.

Establishing general availability and affordability of non-family childcare ensures the universality principle is adhered to during actual care provision. UNICEF recommends, for example, that at least 1% of the GDP should be invested in early childhood education, a benchmark reached by **Iceland** as of the early 2000s¹¹. As of 2021, Icelandic childcare is remarkably accessible and inexpensive, reflected in its high enrolment rates, using less than 10% of guardians' earnings¹².

iii. Transparency and accountability

In order for children to hold those responsible for guaranteeing their rights are realised, this concept requires children to be informed about their rights. . Therefore, it is

⁹ SNDCA and Conanda, 'Estatuto da Criança e do Adolescente'.

¹⁰ Cipriano et al., 'Um retrato pós-BNCC'.

¹¹ Unicef Innocenti, 'The Child Care Transition'.

¹² Gromada and Richardson, 'Where Do Rich Countries Stand on Childcare?'

imperative to have accessible and age-appropriate communication mechanisms in place to educate children on those rights. In 2009, the **Council of Europe**'s Children's Rights Division created the Discover Your Rights booklet for children and young people under alternative care¹³. Similar tools could be developed by G20 countries.

iv. Child's best interests and life, survival, and development

All decisions that affect children should set their best interests as their priority, putting their needs ahead of other considerations. G20 countries must thus ensure that care mechanisms place children's needs at the centre.

Providing adequate training and comfortable working environments is essential for childcare workers, enabling them to identify and meet children's needs¹⁴. Guaranteeing a low child-to-staff ratio is another key ingredient, as exemplified by **Iceland**'s five to one ratio¹⁵.

Moreover, childcare providers must be frequently inspected by independent evaluators. In 2022, **South Korea**'s Ministry of Health and Welfare announced modifications to the daycare centre evaluation system by including staff and parents' perspectives, with its results later disaggregated by indicator when publicly available¹⁶.

¹³ Mangan, 'European Recommendations'.

¹⁴ Unicef Innocenti, 'The Child Care Transition', 8.

¹⁵ Gromada and Richardson, 'Where Do Rich Countries Stand on Childcare?'

¹⁶ Park, '보육, 양육서비스의 질적 도약으로 모든 영유아의 행복한 성장을

뒷받침하겠습니다'.

Although this is not yet a regular practice worldwide, definitions of childcare used for monitoring and evaluation (M&E) must include indicators for child development.¹⁷

v. Participation

Children have the right to have a say in decisions and matters that affect them. **Brazil's** ECA establishes a legal framework that demands treating children as citizens and agents in their own lives, positing that children are subjects with rights, assuring meaningful participation. By including children as data sources, M&E mechanisms could also play a central role in ensuring children's participation¹⁸.

vi. Non-discrimination

Fair treatment and protection without distinction based on age, gender, ethnicity, religion, language or any other characteristic must be embedded in all legal and institutional frameworks. The **Council of Europe's** Recommendation Rec(2005)5 of the Committee of Ministers to Member States on the Rights of Children Living in Residential Institutions enshrines this principle by calling for the respect of ethnic, religious, cultural, social and linguistic backgrounds for children placed in institutions.

¹⁷ OECD, 'Korea'.

¹⁸ OECD.

Scenario of Outcomes

Although securing childcare adherents to CRA is essential, implementing these recommendations is not equally feasible across the G20.

Opposition from the public

Parental leave can be undermined by the attitudes of the affected families. Social and cultural norms that assign childcare to women can be major barriers in the implementation and uptake of paternity leave, as fathers might not be inclined to take time off for childcare when they are eligible for paid leave and even when mothers earn higher salaries¹⁹.

Communication strategies aimed at educating kids about their rights may also be impacted by social norms surrounding children's autonomy, and some guardians may oppose encouraging their autonomy. An increased role of a government in childcare may also lack public acceptance depending on local contexts.

Obstacles to feasibility

Inequalities permeating institutions might undermine the feasibility of these recommendations. Structural racism, patriarchal values and other normalised prejudices can influence which provisions are taken to protect children from discrimination. Moreover, marginalised groups that lack political representation may have little opportunity to participate in decisions like childcare staff qualification requirements,

¹⁹ Barbosa, Costa, and Franca, 'O Valor das Oportunidades Perdidas pela Realização do Trabalho de Cuidado no Brasil'.

among others. Thus, policies may exclude relevant perspectives if no active efforts are made to involve civil society in decision-making.

A CRA requires that societies consider children as capable agents, and the part childcare policies play in communities' well-being. Childcare staff must be trained, and their working conditions must be improved to ensure childcare professions provide the best quality to children and are attractive. Additionally, equipment must be purchased and maintained, and childcare fees are likely to require subsidies to ensure less affluent children are adequately covered.

Legislation is necessary to protect women from labour market discrimination, as employers may be hesitant to hire or keep female employees to avoid granting them maternity leave. To counter such discrimination, G20 countries would need to reverse the current global trend of increasingly precarious labour conditions.

Institutional path dependencies and political economy can also undermine our recommendations. To ensure childcare a CRA requires significant investments and even reforms in the childcare and education sectors. **Iceland**'s non-family childcare is highly ranked in terms of general quality²⁰ and is funded by around 0.8% of the GDP. This proportion drops to around 0.5% in **South Korea** which, in the same ranking, scores considerably lower^{21,22}.

²⁰ not considering the CRA

²¹ Gromada and Richardson, 'Where Do Rich Countries Stand on Childcare?'; OECD, 'Public Spending on Childcare and Early Education'.

²² This comparison does not consider cases where efficient childcare spending may yield better results with fewer resources.

Similarly, governments may need time and resources to incorporate this brief's suggestions regarding M&E mechanisms. Modifications of definitions, such as that of what quality childcare entails, may face political challenges depending on norms regarding children's development. Some countries lack centralised M&E mechanisms or depend on the private sector to inspect childcare services. The more actors are involved, the more friction can affect the definition of M&E parameters and frequency.

Overall, social norms, political concerns and resource constraints are obstacles to these recommendations. Nevertheless, a paradigm shift where G20 countries consider the rights of children as the root of their care policies and from which a set of principles are followed is necessary for the future of childcare. To guarantee that children's rights are protected during the provision of care, policymakers should consider these challenges worthwhile to tackle and overcome.



References

- Addati, Laura, Umberto Cattaneo, and Emanuela Pozzan. ‘Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work’. Geneva: ILO, 2022.
- Barbosa, Ana Luiza Neves de Holanda, Joana Simões de Melo Costa, and Maíra Penna Franca. ‘O Valor das Oportunidades Perdidas pela Realização do Trabalho de Cuidado no Brasil’. In *Cuidar, Verbo Transitivo: caminhos para a provisão de cuidados no Brasil*, edited by Ana Amélia Camarano and Luana Pinheiro. Rio de Janeiro: Ipea, 2023.
- https://repositorio.ipea.gov.br/bitstream/11058/11842/35/Cuidar_Verbo_Transitivo_Book.pdf.
- Cipriano, Ana Cláudia, Ana Clara Ramos Simões, Cecília Dutra Carolino, Anne Caroline da Silva, Paola Vieira Guedes, Priscila Carvalho de Castilho, Luiz Guilherme Dacar da Silva S Scorzafave, Rayssa Helena de Souza Lemos, and Daniel Domingues dos Santos. ‘Avaliação da qualidade da educação infantil - Um retrato pós-BNCC’. São Paulo: Fundação Maria Cecília Souto Vidigal, 2022.
- Gromada, Anna, and Dominic Richardson. ‘Where Do Rich Countries Stand on Childcare?’ Florence: Unicef Innocenti, June 2021.
- Gromada, Anna, Dominic Richardson, and Gwyther Rees. ‘Childcare in a Global Crisis: The Impact of COVID-19 on Work and Family Life’. Florence: Unicef Innocenti, 2020.
- ILO. ‘Los cuidados en el trabajo: Invertir en licencias y servicios de cuidados para una mayor igualdad en el mundo del trabajo – Informe regional complementario para América Latina y el Caribe’. Lima: ILO RO LAC and ILO GEDI, 2022.

https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_860719.pdf.

———. ‘The Benefits of Investing in Transformative Childcare Policy Packages towards Gender Equality and Social Justice’. ILO Brief. Geneva: Gender, Equality, Diversity and Inclusion Branch of the International Labour Organisation, October 2023. <https://doi.org/10.54394/LCOE5158>.

Kim, H. ‘Korea Country Note’. Edited by A Koslowski, S Blum, I Dobrotić, G Kaufman, and P Moss. *International Review of Leave Policies and Research 2020*, n.d. Accessed 21 March 2024.

Mangan, Ronan. ‘European Recommendations on the Implementation of a Child Rights-Based Approach for Care Professionals Working with and for Children’. SOS Children’s Villages International, 2016.

OECD. ‘Korea’, 2016. <https://www.oecd.org/education/school/ECECMN-Korea.pdf>.

———. ‘Parental Leave Systems’, 2022.

———. ‘Public Spending on Childcare and Early Education’, February 2023.

https://www.oecd.org/els/soc/PF3_1_Public_spending_on_childcare_and_early_education.pdf.

Park, Jihye. ‘보육, 양육서비스의 질적 도약으로 모든 영유아의 행복한 성장을 뒷받침하겠습니다’. 보건복지부, 13 December 2022.

SNDCA, and Conanda. ‘Estatuto da Criança e do Adolescente’. Brasília: MMFDH, 2022.

Sorj, Bila, and Alexandre Fraga. 'Licenças maternidade e paternidade no Brasil: direitos e desigualdades sociais'. *Revista Brasileira de Estudos de População* 39 (2022): e0193. <https://doi.org/10.20947/S0102-3098a0193>.

Tostensen, Arne, Hugo Stokke, Sven Trygged, and Kate Halvorsen. 'Supporting Child Rights: Synthesis of Lessons Learned in Four Countries'. Stockholm: Sida, 2011.

Unicef ECARO. 'Presentation of the Tool Kit and Child Rights Approach'. Geneva: Unicef ECARO, 2018.

Unicef Innocenti. 'The Child Care Transition: A League Table of Early Childhood Education and Care in Economically Advanced Countries'. Florence: Unicef, 2008. <https://www.unicef-irc.org/publications/507-the-child-care-transition-a-league-table-of-early-childhood-education-and-care-in.html>.

Appendix

*Table 3. Justification for selecting Brazil, the Council of Europe, Iceland, and South Korea as good practices to be analysed in this study*²³

Table 4. Length of Parental Leave in G20 Countries (2022)²⁴

²³ Gromada and Richardson, ‘Where Do Rich Countries Stand on Childcare?’; ILO, ‘The Benefits of Investing in Transformative Childcare Policy Packages towards Gender Equality and Social Justice’; Mangan, ‘European Recommendations’.

²⁴ OECD, ‘Parental Leave Systems’; Addati, Cattaneo, and Pozzan, ‘Care at Work’.



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