Participation, Agency, and Children's Rights: A case study

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The study of children and the variety of ways they interconnect with adult society is complex. The desire for more scientific knowledge on child governance has existed for over a century (Mentha et al, 2015). Mentha et al. (2015) emphasize Kantian philosophy when examining child governance, agency, and participation: "how do I cultivate freedom when there is restraint" (Kant, 1899/2003 cited in Mentha et al., 2015, p. 625). In this project, I too, will ask this question. My intention was to explore the perspectives of Nova Scotian Early Childhood Educators (ECEs) on participation, agency, and children's rights. My focus on how we do (or do not) provide/integrate opportunities to build the skill of agency and participation into the time restraint of a preschool day.

Literature Review

A literature review on participation and agency in early childhood revealed a small number of key themes. Decision-making emerged as a subset of participation (Hudson, 2012; Harcourt & Haggland, 2013), with different perspectives among early childhood educators. Some educators emphasized children's autonomy and viewed decision-making as essential for their development, while others had a protectionist approach (Prout, 2003), perceiving childhood as an innocence to be preserved. Educators' mindsets need to shift towards a number of possible collaboration systems including child-adult, child-child, child-family and providing opportunities for children's decision-making (Theobalt et al., 2011; Quennerstedt 2016).

The United Nations Conventions on the Rights of the Child (UNCRC) was the first legally binding human rights document in the world. It challenged global precedents by valuing both welfare and agency. Canada ratified this document in 1991. UNCRC in Canada is influenced by various factors. While Canada ratified the convention, it has not yet ratified the Optional Protocol on a Communication Procedure, which allows children to challenge rights violations (Keanally, 2017). Canada has received criticism for symbolic implementation, ranking poorly in early childhood services, child poverty, and children's well-being (UNICEF Innocenti Report Card 8, 2008; UNICEF Innocenti Report Card 10, 2012; UNICEF Innocenti Report Card 11, 2013). The absence of a monitoring system and the inclusion of a legal provision allowing spanking, reflect a lack of commitment to children's rights (Callaghan et al., 2017). Public opinion on children's rights in Canada has shown a lack of awareness and education, leading to skewed perceptions. Discrepancies exist between the age limit for children's political participation and the UNCRC's recommendation for no age limit (Covell et al., 2018; Committee on the Rights of the Child, 2009). Political participation for the purpose of this paper can be defined as the ability to contribute to the decisions that affect one's own life. An example from Manitoba would be that children are not provided a lawyer until age 12 (Covell et al., 2018).

Critiques have been directed at Canada regarding children's social and political participation, emphasizing the need for legislative action and non-tokenistic opportunities (Campbell & Rose-Krasnor, 2007; UNCRC, 2009). Although Canadian officials claim alignment with the UNCRC's philosophy, the lack of corresponding legislative measures undermines this assertion (Herczog, 2013).

Methodology

The population for this study was made up of five ECE's sampled from Nova Scotia. Three ECE's identified with the pronouns she/her and two with he/him. Three of the ECEs were from the Halifax area, one was from Hubbard, and one from Beaverbank. Four of the ECEs had a level 3 qualification, and one had a level 2 qualification, and all qualifications were achieved in Nova Scotia. The ECE's years of experience ranged from 3 to 30. Three of the ECEs identified as having heard of the UNCRC during their educational training and two stated they had not heard of the document (see table 1).

Participant Demographics

Alias*	Pronouns	Location	Qualification	Years of Experience	Received ECE Training in NS	Heard about the UNCRC during Educational Training
Bethany (4)	She/Her	Halifax	3	5+	Yes	Yes
Frank (8)	He/Him	Halifax	3	5-6	Yes	No
Alyssa (16)	She/Her	Hubbards	3	30	Yes	Yes
Rose (27)	She/Her	Halifax	2	20	Yes	No
Moe (50)	He/Him	Beaverbank	3	3	Yes	Yes

Table 1. Participant Demographics (*all names are pseudonyms)

The recruitment process for ECEs in this study involved the researcher sending an informational flyer including background information on the project to Early Learning Centers via email retrieved from the NS Government listing of publicly registered licensed daycares. As notice spread of the research project, daycare's offered to place the flyer into their weekly flyers and newsletters. Interested ECE's contacted the researcher by email, who then forwarded a letter of consent and a letter of information. If a participant consented, a date was mutually agreed upon and a Microsoft Teams link was sent to the participant.

All the semi-structured interviews were conducted over Microsoft Teams. When the interview began the participants were alerted of the ability to verbally withdraw consent at anytime. These semi-structured interviews allowed for flexibility and for the researcher to co-create authentic conversation with every participant.

Interview Questions

1. What are your beliefs around children's participation and agency in the classroom?

2. Describe a way in which you facilitate children's participation in the classroom?

3. How do you use your classroom environment to facilitate participation?

4. Describe a situation where you felt it was difficult for children to participate?

5. What is children's agency from your perspective?

6a. What do you know about children's rights?
6b. What do you know about the United Nations Convention on the Rights of the Child?

Demographic Questions

1. How old are you?

2. What are your pronouns?

3. Where are you located?

4a. What is your level of Early Childhood Education Certification?
4b. How many years of experience do you have?

Findings and Discussion

Using thematic analysis, the data was coded into three main themes: Participation, Agency, and Children's Rights. A decision was made not just to categorize the theme as "UNCRC" due to width of responses in interview conversations. "Children's Rights" were coded as any discussion of the broad topic of children's rights by participants (which was further broken into four sub-themes). Participation in this context was drawn from the Merriam-Webster (2021) definition: the act of participating. However, based on the literature review the researcher was open to broader contexts. Closer to Article 12.1 of the United Nation Convention of the Rights of the Child, where participation was considered as taking part in and being consulted in the decisions that happen to you (UNCRC, 1989). Agency was defined as the "capacity to choose, act and influence" (Mentha et al., 2015, pg. 626). Coding the data initially flowed smoothly, however as the process continued and data began to fit in more than one category, the process became more complex.

Participation

Most participants described their programming style as child-centered and child-led, focusing on observing and expanding on children's interests. However, none of the participants mentioned explicitly asking children about their interests. The coding process categorized participation into two separate categories: "Child Led Participation," which referred to children participating in programming based on their own volition, and "Agency," which described children participating independently with little direction or incitement.

Moe: For some children engaging and participating might look like onlooking and becoming familiar with the situation. But for some it's doing something first because that's the way their world works.

Bethany: Children participating in class is more so they're engaged in play.

The environment was seen as a facilitator of participation by the participants, with each having a different perspective. Alyssa highlighted the importance of creating a sense of belonging for children, which enhances their comfort and participation. Frank emphasized the

role of materials in engaging children, while Moe and Rose discussed the inclusive use of the environment to support participation.

> Frank: But also, if the materials don't interest them than I guess depending on the activity like if it was a group activity and you want the whole class to participate, and they're not interested than I guess it depends on the material.
>
> Moe: So based on my perspective I think a child is participating when they have the tools and the support necessary to engage how they choose to.

Barriers to participation were commonly attributed to the word "diagnosis" (although not explicitly defined this term alluded to developmental delay and disabilities). Although its interpretation varied among participants. Bethany mentioned that a diagnosis could lead a child to fixate on certain skills or interests, potentially hindering their participation. However, it is essential to consider the perspectives and experiences of children with disabilities, as historically, they have been excluded from a multitude of contexts not limited to political participation (Stephens et al, 2017; Stasiulis, 2002).

> Rose: You've got a child who's non-verbal they can't sing, they want to I'm sure they do, but they can't. Is that fair to them? So now you need to manipulate some type of play for them, so I find that part challenging. [they] can't do it, [they] won't do it, and I think it's unfair to expect that whether they are typical or a child with needs to put that onto them.

Children with diverse abilities are historically under documented across contexts in Canada (Stephens et al., 2017; Stasiulis, 2002). Further, most of the documentation done on this population is conducted through the people who are in "caregiver" roles (Read et al., 2012). Facilitating participation with someone and making sure that they are still authentically represented is not being exercised across Canadian contexts. I take care not to critique the educators in this process but listen to their perspective. Canada is not a role model for perfect execution of disability and diverse ability representation especially in the early years. Critical disability theory and the continued self-advocacy of diverse scholars share the reality of living in Canada and navigating its systems. I commend the participants for sharing their authentic truth, but acknowledge that populations with disability are advocating for representation and *human* rights (Mitchell, 2015; Quennerstedlt, 2016).

Engagement & Resistance

An unforeseen result of this study was that participant-defined perspectives of participation typically matched what could be defined as child engagement. They view non-engagement in activities as an example of non-participation. However, per research criteria, non-engagement is, by definition, an act of participation: deciding and making choices for oneself. Merriam-Webster (2021) provides multiple definitions in regard to the term engage, including: to provide occupation, to gain attention, however, most notably is to *induce* participation. Interestingly, across contexts the choice to not engage can be considered as an act of agency. Participants above described how they would observe and use their observations to provide activities that are engaging to children. By definition, activities that "should" draw their attention. However, should a child choose not to use these materials, they are in fact exercising a form of agency by denying engagement with a particular activity or item. These actions meet the definitions for participation and agency of this research project. This is a nuanced finding that in the case of this project ECEs did not personally consider preschoolers participating if they

weren't engaging in activities, however by the definitions in research and literature they were exercising agency.

Agency

Defining agency was not consistent across participants. Most participants asked for the researcher to provide a definition of agency first before they responded with their own perspective of agency. Agency was described as a "buzzword" by Rose. Rose and Bethany remark that they had to "look it up" before the interview so that they could articulate themselves more clearly. With that in mind, definitions of agency weren't always in line with definitions of agency developed for this research project.

Fostering agency was observed when educators assisted children in making their own choices and following through on their volition. This involved following the children's lead, providing materials when requested, and finding compromises or solutions to meet children's needs.

Rose: If children don't want to go to the gym than a teacher will stay behind with the children who don't want to go. That's a choice.

Bethany: You have to start somewhere. Oh we should add this! Oh well here add that. Or maybe we could try this? And than using your materials to go farther.

Moe described their perspective of how they first need to teach children different means of communication: verbal/non-verbal so that they can communicate their ideas with you. Children enter early childhood centres with diverse backgrounds, histories, and current contexts. Early Childhood Educator's strive to meet the needs of all children by creating communication systems with them.

Moe: For example younger toddlers or infants, you really have to start from the ground up and teach sign language or pointing. You really have to attune yourself to the child and understand them as a unique individual to understand how they communicate choice's the materials to help you.

When thinking with/of fostering agency, teacher-led agency emerged as participants discussed agency in reference to teachers setting up or leading scenarios with children. Although this may not meet this research criteria for agency, it represents the participants' perspectives. A concept that tied in with teacher-led agency was the idea of guidance. Guidance was also emphasized, with participants fostering agency and making participant-described "good choices," modeling expectations, considering the importance of learning decision making and balancing participant balances.

Alyssa: we try and give them as much autonomy as they want.

Bethany: And providing opportunities through provocations, through projects, through different activities and what not.

Participants shared throughout their experiences of both participation and agency that they feel they need to balance these ideas with guidance. One participant shared that they used materials in the room to model expectations through participation in programming. Another shared that they balance agency with making participant-labelled great choices and if children are participating in the program, they feel that they will know more thoroughly what is expected of them. Typically throughout this project participants spoke about concepts of good and great choices when identifying consequences of guidance as opposed to natural occurring events. Children or the perspectives of children were not explicitly labelled or included in the discussion

of choices. Hudson (2012) shares that our perspectives on children and their capacities will affect our perspectives on participation and agency. Hudson (2012) describes that ECEs who view choice as a stepping stone for autonomy and identity are more likely to provide opportunity. However, some ECEs may feel more like they need to guide children to the correct or what the ECE feels is the correct or socially acceptable choice. These ECEs may feel like learning how to make great choices is more important than the opportunity for children to make choices themselves regardless of outcome. Covell and Howe (2007) remind us that the best way to learn to make positive choices is to have practice making choices. The researcher recognizes that agency was not consistently defined by any participant.

Children's Rights

The participants in this research project expressed their support for children's rights and acknowledged the importance of implementing them in their practice. However, when it came to political participation ("the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously" [UNICEF, 2010, paragraph 12]), only three participants made comments that aligned with recognizing this specific right. This finding suggests that while the ECEs recognized children's rights in general, their awareness of the nuances of political participation rights was limited.

> Bethany: I don't know if educators are aware of like the difference between children's rights and human rights.
> Bethany: We all know that everyone has the right to water, food, health, safety but I don't know if everyone knows that children have the right to their opinions heard and stuff.
> Moe: I think I'm very focused on the rights of the child.
> Rose: I'm huge on children on children having rights and being respected.

Moe, one of the participants, stressed the significance of supporting children in a self-labelled safe and positive manner to create a foundation for their participation and agency. Typically, participants used safe to describe environments that adults felt children could not endure physical harm or environments that could promote social-emotional wellness. It was not discussed what roles children play in identifying safety or what the relationship between agency and safety. Alyssa and Rose also emphasized the role of relationships in fostering a sense of belonging in the classroom. This aligns with the existing literature, which states that participation and agency are skills that can be developed through building relationships (Choi, 2020).

Overall, the participants emphasized the importance of children's rights and their commitment to implementing them. However, their understanding of political participation rights and the UNCRC itself was not consistent. Further research is needed to explore the gap between ECEs' awareness of political participation rights and their education on the UNCRC.

Discussion and implications

What are the perspectives of ECEs in Nova Scotia reflect that definitions in practice differ from current literature. In this case study, participants' perspectives shared that participation to be engaged in programming. While children's rights were championed by all participants, the fact that participation is a right was not distinctly paired during these conversations. Explicit discussions of political participation are becoming more prominent in empirical literature but these terms do not mean the same thing to everyone. Article 42 of the

UNCRC shares the importance of continuing the education of children's rights both to educators and to children. With a strong theme of the priority of children's rights in practice this is a great opportunity to continue to grow knowledge in practice about the diversity and breadth of what falls under the umbrella of rights. Agency is a new term for participants. Its use in the media and lack of consistent definition can make it difficult to concisely define, especially in practice. Participants share that while they hear this term, they don't feel like they have the backing of legislation to be able to facilitate it well. Global criticism of Canadian legislature on a large scale (Campbell & Rose Krasner, 2017; Committee on the Rights of the Child, 2009; Covell & Howe, 2007; Covell et al., 2018). While the practice of children's rights is championed in theory, it is less understood in practice. We continue to advocate on behalf of children, and beside them there is workforce of educators demonstrating readiness to learn how best to co-facilitate critical skills. Hopefully moving forward legislature and development will continue to support the ever-willing educators to learn and grow best practices as research continues to emerge.

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