

# Democratic Participation in Early Childhood Education and Care - Serving the Best Interests of the Child

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*Abstract:* The meaning of democratic participation in Early Childhood Education and Care (ECEC) remains vague and difficult to implement. Thus, the aim of this paper is to contribute to this gap of knowledge by shed light on the meaning of democratic participation in relation to the best interests of the child, by analysing General Comment No. 14 (2013). The research uses theories on democracy in ECEC to discuss the results (Biesta, 2014, 2015; Moss, 2007, 2011; Pettersvold, 2014; Einarsdottir, Purola, Johansson, Broström, & Emilson, 2015). The study investigates how key terms (*rights, participation, unity/collective, equality, influence and responsibility*) relate to democratic participation. Findings indicate that these terms are used to align with ideas about the “best interests of the child”. Furthermore, the study identified specific groups of children who can be in vulnerable situations and their explicit right to express their views and to influence decisions affecting them in ECEC institutions. I therefore argue that understanding democracy in ECEC must focus on inclusion of children who can be in vulnerable situations because this is in the best interests of the child.

*Keywords:* Best Interests of the Child, Democratic Participation, Document Analysis, General Comments

## Introduction

Perspectives about young children as active citizens, their agency, and their democratic participation in early childhood education and care (ECEC) have received increasing recognition in international research and policy the last two decades (Emilson, Folkesson & Lindberg, 2016; Juutinen & Viljamaa, 2016; Moss, 2007; Smith, 2002; Theobald & Kultti, 2012; Woodhead & Moss, 2007). However, ideas about democratic participation in ECEC remain elusive for implementation in practice. Using document analysis, this paper explores ideas about democratic participation in a Norwegian/Nordic ECEC context in relation to the “best interests of the child” discussed in Article 3 of the Convention on the Rights of the Child (CRC; United Nations, 1989). The analysed document is *General Comment No. 14 (2013): On the right of the child to have his or her best interests taken as a primary consideration (art. 3, para.1)* (GC14; Committee on the Rights of the Child, 2013).

The UN Committee on the Rights of the Child (the Committee) publishes General Comments (GCs) to provide explanatory notes for interpretation and implementation of the CRC. The analysis is guided by the research question:

*What do the results of a document analysis of the Committee’s GC14 reveal about the meaning of democratic participation in ECEC, in relation to serving the best interests of the child?*

By analysing GC14 and drawing attention to the GCs’ significance and relevance for ECEC, the study aims to shed light on the meaning of democratic participation in relation to the best interests of the child. The findings can provide possible directions for Norwegian and international ECEC institutions how participatory practices for our youngest children can serve the child’s best interests and contribute to a more inclusive practice in ECEC through a larger focus on children in different kinds of vulnerable situations.

### *The Norwegian and Nordic Context*

Section 1 of the Norwegian Kindergarten Act<sup>1</sup> declares, “The Kindergarten shall promote democracy and equality and counteract all forms of discrimination”<sup>2</sup> (Ministry of Education, 2005). Section 3 of the law explicitly states children’s right to participate in ECEC. The Framework Plan for Kindergartens in Norway further asserts that “the children’s participation in everyday life in kindergarten lays the foundations for continued insight into and [experience with<sup>3</sup>] participation in a democratic society” (Directorate for Education and Training, 2017, p. 55). This quote illustrates both the value of and the close relation between democracy and participation in Norwegian ECEC policy documents. In both documents, democracy is linked to equality and counteracting discrimination against children with disabilities and children from other nationalities or ethnic backgrounds than the majority, among others. Other Nordic countries likewise consider democracy an important value in ECEC (Einarsdottir et al., 2015).

However, Sigurdardottir and Einarsdottir (2016) found that teachers in Nordic ECEC institutions do not stress democracy when they communicate values to children. Values in ECEC are

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<sup>1</sup> The Ministry of Education in Norway use the word *kindergarten* in laws and curriculum, when they translate the Norwegian word *barnehage*. In this paper, I use the word *kindergarten* when referring to articles in the Norwegian law and Framework Plan (curriculum).

<sup>2</sup> My translation.

<sup>3</sup> The English translation of the original Norwegian *Framework Plan for Kindergartens* leaves out two words: *erfaring med* (“experience with”). I have inserted this phrase in brackets because I argue that it is relevant for the meaning of the sentence.

often communicated through law and curriculum, and teachers are obligated to educate children within the frame of these values. Einarsdottir et al. (2015) described and concretised democracy by looking for keywords connected to the value of democracy in the national curricula for ECEC in all Nordic countries. I understand these keywords as a *construct* of democratic participation. I assert that examining components and elements (keywords) connected to democratic participation can be helpful to explain, communicate, and understand the abstract idea of democratic participation. The words Einarsdottir et al. (2015) commonly found were: *democracy, rights, participation, solidarity, equality, influence, and responsibility* (p. 103). In this study, Einarsdottir et al.'s keywords/terms, which have been prominent in other Nordic research (Emilson & Johansson, 2009), represent the starting point for the construct of *democratic participation*.

### ***The Committee and the General Comments***

The Committee monitors children's rights and has written and published General Comments since 2001. General Comments clarify and interpret selected articles of the CRC and discuss important questions and themes regarding children's rights, such as children's rights in early childhood (GC7; the Committee, 2005), children with disabilities (GC9; the Committee, 2006) and indigenous children (GC11; the Committee, 2009). General Comments are not legally binding, but they are considered valuable guidelines for the interpretation and application of the CRC (Smith, 2016, p. 25). Interest in the CRC, children's rights, and the importance of the General Comments is rising internationally, as shown in interdisciplinary research texts (Howe & Covell, 2013; Phillips, 2016; Reynaert, Bouverne-de Bie, & Vandeveldel, 2009; Vaghri, Arkadas, Kruse & Hertzman, 2011; Woodhead & Moss, 2007).

## **Theoretical and empirical perspectives**

### ***The best interests of the child and children's right to participate***

The principle of the best interests of the child is expressed in Article 3 of the CRC, which states: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration" (CRC, United Nations, 1989).

Countries ratifying the CRC have committed themselves to ensuring that all actions and decisions concerning children are based on what best serves children's interests. Article 12 of the CRC declares that States parties:

[...] shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child (CRC, United Nations, 1989).

Therefore, the child's right to express his or her view is a right to participate and to be heard. However, as Kirsten Sandberg (2016, p. 93) emphasised, this right requires that *someone* is responsible for listening to what the child says and ensuring that the child is an active participant.

The Committee has identified four of the articles in the CRC as general principles (GC5, para. 12). These are Articles 3 and 12, as well as Article 2, concerning the right to non-discrimination, and Article 6, addressing the child's inherent right to life, survival, and development. These four principles are significant for the interpretation of other articles in the CRC (Smith, 2016, p. 19). In this study, which investigates democratic participation and the child's best interests, the relationship between Article 3 and Article 12 is particularly important.

***Democratic participation in ECEC***

Biesta (2015, p. 37) noted a structural similarity between education and democracy. He wrote that “both education and democracy are focused on an existence in the world, that is, an existence with what and who is the other. This is an existence that draws us outside of ourselves, outside of a being-with-ourselves”. To exist as democratic subject in a grown-up way is not about acquiring a set of skills and competencies, or to be in a process of developing democratic maturity [...], To exist as grown-up democratic citizens is an ongoing challenge, not only for children, but also for adults (Biesta, 2015, p. 37). Biesta (2014) rejected the idea that democracy is a goal achieved through education and comes only after education. Democratic education is closely connected with political existence. In other words, existing politically is acting “in concert” or in fellowship without erasing plurality. Every situation is unique and forces us to rethink and reinvent what political existence might mean and how we can bear plurality and differences to be “home in the world” (Biesta, 2014, p. 117).

The prevailing idea in education sees communication as transmission of information, without any transformation or distortion (Biesta, 2014, p. 26). For Biesta, communication is meaningful, a meaning-guided and a meaning-generating process (Biesta, 2014, p. 28). The process is dialogical, and the quality of participation is what counts. Education is therefore not something one does to children, but something the teacher does together with the children in fellowship through interaction and participation (Biesta, 2014, p. 42).

Peter Moss (2007, 2011) expressed his view that democracy and education are inseparably interconnected and discussed democratic practice in ECEC as operating at several *levels*: (a) at the national level, through e.g. national framework and curriculum; (b) at the local level, e.g. the municipality; and (c) at the institutional level. The democratic practice involves activities where both children and adults are engaged and bringing politics into the institution. Moss underlined that each level should support democratic practice at more local levels to create democratic space and conditions for active democratic practice (Moss, 2007, p. 9).

Mari Pettersvold (2014) investigated ECEC teachers’ understanding of democracy and the significance for children’s democratic participation in Norway. Pettersvold identified three *types* of democracy<sup>4</sup> being used in ECEC: The first type, *liberalistic democracy*, is characterised by setting the individual’s freedom high. In an ECEC-context, this means that children can have freedom from adult control and make independent choices. The second type, *democracy based on majority*, is reflected in a participation practice where it is considered valuable for children to experience to renounce their sovereignty in favour of the community. This understanding of democracy in ECEC is reflected when “democratic” means that the majority decides. The third type, *deliberative democracy*, is described as a practice that emphasises having children communicate, listen to the views of others, and understand that it is possible to reach an agreement despite differences in viewpoints (Pettersvold, 2014, pp. 133–136). Pettersvold (2014, p. 142) argued that *deliberative democracy* is beneficial because it allows children to experience participation as a commitment to the fellowship.

Biesta’s *understanding* of democracy (2014, 2015), Moss’s *levels* of democracy (2007, 2011), Pettersvold’s *types* of democracy (2014), and Einarsdottir et al.’s study on *values* on democracy (2015) serve as discussion partners for the analyses later on.

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<sup>4</sup> My translation of the three types of democracy. These types of democracy are well established in political science, but Pettersvold refers to Eriksen and Weigård (1999) and Englund (2007).

## Methodology

### *Document analysis of General Comment No. 14*

This research employed document analysis as a methodology. Document analysis is a systematic procedure for reviewing or evaluating documents that require data to be examined and interpreted in order to elicit meaning, gain understanding, and develop empirical knowledge (Bowen, 2009, p. 27). Drawing inspiration from different document analysis techniques, this paper uses a combination of methods: word count, keywords in context, and classical content analysis (Leech & Onwuegbuzie, 2007).

I developed a step-by-step description of the process to make the procedure systematic and to comply with requirements for research transparency and validity. In document analysis, when texts are taken out of the original context, this *decontextualises* the material (Thagaard, 2009, p. 159). In this process, the researcher tries to find new meanings in the extracts from the text and introduces them into another context, thereby *recontextualising* the material, as in this study. This method can also be understood as *reductionist* because illuminating and including some parts of a text causes other parts (maybe most) to be excluded (Ryghaug, 2002). In addition, this analysis has a *deductive* approach (the search for predetermined keywords), where the systematic procedure controls the reading in a certain direction and can thus omit other perspectives. However, this approach has an advantage: Extracting most of the text makes it possible to present the remainder in a more complete way and, to a certain extent, compare the results from the Nordic research.

In 2013, the Committee published GC14, which consists of 21 pages, divided into six chapters. The purpose of GC14 is to provide a framework for assessing and determining the child's best interests. The Committee underlined that the "best interests of the child" is a dynamic concept that involves an assessment appropriate to a specific situation and emphasises that the "child's best interests" is a three-fold concept. It is a substantive right; a fundamental, interpretative legal principle; and a rule of procedure (GC14, paras. 1, 6).

The main objective of the GC14 is to strengthen the understanding and application of children's right to have their best interests assessed and taken as a primary consideration or, in some cases, the paramount consideration. The Committee wants to promote a real change in attitudes leading to the full respect of children as rights holders at any level of society. As the Committee addresses "persons working with and for children", this includes teachers in ECEC (GC14, para. 12). The target groups for GC14 are governments, other stakeholders, and society. Specifically mentioned are judicial or administrative authorities, civil society entities and the private sector, including profit and non-profit organisations, and persons working with and for children, as well as parents and caregivers (GC14, para. 12). In other words, the Committee addresses GC14 to both individuals and national governments.

### *Approach to the analysis – the five steps*

The first step in the analysis process was to obtain an overview of all the texts published as *General Comments*<sup>5</sup>. A thorough reading of all 23 published *General Comments* resulted in the selection of GC14 as the object of analysis because the construct of democratic participation is connected to the best interests of the child, and this was the main theme in this text.

In step two, I reread the selected document more thoroughly and from different angles. Einarsdottir et al.'s (2015) keywords on democracy (democracy, rights, participation, solidarity,

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<sup>5</sup> The first published General Comment is General comment No. 1: The Aims of Education. The document was published in 2001. The last published General Comment is Joint General Comment No. 4 of the CMW and No. 23 of the CRC in the context of International Migration: States parties' obligations in particular with respect to countries of transit and destination. This text was published 2017.

equality, influence and responsibility) served as a starting point: Since all the *General Comments* documents focus on children's rights, I expected the term *right(s)* to be used often. An initial search in GC14 showed that *right* is used 126 times. An NVivo word-frequency search on GC14 with a four-letter minimum length on the word and with stemmed words revealed that the following words: *child (children)*, *interests*, *best*, and *rights* are the most used words in the document. This high frequency indicated the term *right* could be difficult to use in further analyses. A second search revealed that the term *democracy* or *democratic* is not used at all in the document. As a result, the key terms used as the bases for the next step in analysing the construct of democratic participation were: *right*, *participation*, *solidarity*, *equality*, *influence*, and *responsibility*.

The third step was to search the document systematically for these key conceptual terms and construct a table to summarise and illustrate where usage is evident in the document. Using the word-search feature in Word 2016, the terms were counted. To ensure that all uses of the key conceptual terms were included, the search strategy also included different grammatical forms of each term (e.g., *participation* and *participate*). This search revealed that *solidarity* is not used in GC14. Since the Committee could have used similar concepts and synonyms when discussing issues related to solidarity, the search for this term was extended. A synonym search produced some alternative terms: *unity*, *fellowship*, *togetherness*, and *collective (collectively)*. Searching for these terms revealed that the Committee used the terms *unity* and *collective*, so these two terms were included in the results.

The fourth step was to reconstruct the analysis table to include all possible terms and add the content of the paragraphs in which the terms were formulated. The table was constructed with three columns: number and location of the paragraphs where terms were mentioned, complete quotes, and interpretations/notes.

From this dataset, it was possible to move the fifth step: to look for connections between the terms used in the quotes and relate them to "best interests of the child". Upon searching in the constructed dataset, quotations, which did not combine any of the six conceptual terms and the term *best interests*, were excluded. This search revealed that *best interests* in combination with the word *right(s)* is used 83 times. While this finding indicated that these terms were very important and closely connected, they were still not expedient to use in the analysis because they covered too much of the document. Since the purpose was to extract quotations, the term *right(s)* was removed. One paragraph was still included in the dataset that mentions the word *right*: In Paragraph 43, the Committee clarifies the direct link between CRC Article 3 and Article 12. I included it because it has a direct connection with the next paragraph in which all the set criteria are evident. This contributed to a reduction of data, thereby increasing the density and illuminating the link between the other terms. In the remaining quotes, the term *right* is used 14 times.

## Results

### *Democratic participation and the best interests of the child*

Table 1 illustrates the connection between *best interests* and the terms *participation*, *unity/collective*, *equality*, *influence*, and *responsibility*. The terms could be used more than once in each paragraph, and each paragraph could include more than one of the five terms as described below.

Table 1

*Terms Related to Democratic Participation in GC14 Connected to Best Interests*

Conceptual terms including grammatical variants and synonyms	Number of times conceptual term mentioned	Number of times conceptual term mentioned in relation to best interests
Participation / Participate	4	4
Unity / Collectively / Collective	5	5
Equality / Equal	3	2
Influence / Influences / Influenced / Influencing	2	2
Responsibility / Responsibly / Responsible / Responsibilities	7	5

The selected terms were formulated mostly in conjunction with the concept *best interests* (Table 1). Working with the data in this way provided an overview and greater understanding of the nuances of democratic participation. The following sections present the different terms in the same order as in the table, with references to the paragraphs in GC14.

### ***Participation***

GC14 first connects the child's best interests to participation when it describes the formal, strict decision-making process for an individual child or group of children and states that every "best-interests determination" requires the child's participation (para. 47). Further, the GC14 emphasises that being very young or in a vulnerable situation neither deprives children of "the right to express their views, nor reduces the weight given to the child's views in determining his or her best interests" (para. 54). To guarantee the exercise of equal rights for children in such situations, GC14 requires that the measures adopted must be subject to an individual assessment to assure a role for children to be involved in any decision-making process (para. 54). GC14 also underlines the meaning of communication with children to facilitate meaningful child participation. This includes informing children, offering possible solutions, and collecting information from children and seeking their views (para. 89). GC14 underscores that access to ECEC is in a child's best interests:

It is in the best interests of the child to have access to quality education, including early childhood education [...], free of charge. [...] In order to promote education, or better quality education, for more children, States parties need to have well-trained teachers and other professionals working in different education-related settings, as well as a child-friendly environment and appropriate teaching and learning methods, taking into consideration that education is not only an investment in the future, but also an opportunity for joyful activities, respect, participation and fulfilment of ambitions [...] (para. 79).

The term *participation* is mentioned beside joyful activities, respect, and fulfilment of ambitions as an important purpose of education, indicating that GC14 considers children's participation as something beyond being included in decision-making processes. Education is considered as an investment, although GC14 does not specify whether this is an investment for the child or for the society.

***Unity and collective***

Since the term *solidarity* was not used, a search for synonyms revealed that the Committee uses the similar terms *unity* and *collective*. *Unity* is used once and linked to preserving family *unity* and the child's right *not* to be separated from his or her parents, "except when [...] such separation is necessary for the best interests of the child" (para. 60). The fundamental character of the best interests' principle as a substantive right is evident, as the child's best interests takes precedence over the child's right to be with his or her parents.

The term *collective* is in two paragraphs (two times), used related to collective agreements and decisions. In Paragraph 23, however, GC14 underlines that the child's best interests is "conceived both as a *collective* and individual right, and that the application of this right to indigenous children as a group requires consideration of how the right relates to *collective* cultural rights" (para. 23; emphasis added). When GC14 employs the term *children*, it implies that the right to serve children's best interests applies to children not only as individuals, but also in general or as a group.

***Equality***

GC14 highlights the direct link between CRC Articles 3 and 12 and their complementary roles. Article 3 "aims to realize the child's best interests", and Article 12 "provides the methodology for hearing the views of the child or children and their inclusion in all matters affecting the child, including the assessment of his or her best interests" (para. 43). Then, GC14 states that the evolving capacities of the child must be considered when "the child's best interests and right to be heard are at stake":

The more the child knows, has experienced and understands, the more the parent, legal guardian [...] responsible for him or her have to transform direction and guidance into reminders and advice, and later to an exchange on an equal footing. Similarly, as the child matures, his or her views shall have increasing weight in the assessment of his or her best interests (para. 44).

The goal related to equality is for the child to grow up and gradually be given the right to exchange opinions. The same paragraph adds that babies and very young children have the same rights as all children to have their best interests assessed, even if they cannot express their views or represent themselves in the same way as older children. The same applies to children who are not willing to express their views (para. 44).

The second time *equality* is used also relates to very young children and children in vulnerable situations (e.g., having a disability, belonging to a minority group, or being a migrant). These children have the right to express their views, and their views are as important as those of other children in determining the child's best interests. As mentioned above, "to guarantee the exercise of equal rights for children in such situations", the Committee requires "an individual assessment which assures a role to children themselves in the decision-making process" (para. 54). Equality means that the rights are for all children, regardless of age or situation.

***Influence***

The Committee connects influence to CRC Article 12 and children's right to express their view, noting:

Any decision that does not take into account the child's views or does not give their views due weight according to their age and maturity, does not respect the possibility for the child or children to influence the determination of their best interests (para. 53).

The child's influence is directly related to the determination of the child's best interests. GC14 underlines that the determination of what is in the child's best interests should start with an assessment of the specific circumstances of each child. Elements related to this "[influence] how they will be weighed against each other" (para. 49). The term *influence* is used to describe the impact the different elements in such determination should have; as such, it is not related to the influence of children, but to that of adults in decision-making processes.

### ***Responsibility***

Responsibility in relation to best interests is mentioned five times in three paragraphs. The Committee connects the term *responsibility* to adults' legal responsibility to gradually give the child the right to exchange opinions on equal footing (para. 44, also presented above). The next paragraph discusses parental separation and mentions responsibility three times. GC14 concludes that shared parental responsibilities generally are in the child's best interests, but underlines that in individual decisions the only criterion shall be what is in the best interests of the particular child (para. 67).

The last paragraph in which GC14 mentions the term *responsibility* was cited above under the headline Participation (para. 79): Access to good and free education, well-trained teachers, and appropriate teaching and learning methods is in the best interests of the child. GC14 adds that "responding to this requirement and enhancing children's responsibilities to overcome the limitations of their vulnerability of any kind, will be in their best interests" (para. 79). The focus is on children's responsibility and on what education can add to children's own responsibility to cope with any limits their vulnerability could give them.

## **Discussion**

The question guiding the investigation is *what do the results of a document analysis of the Committee's GC14 reveal about the meaning of democratic participation in ECEC, in relation to serving the best interests of the child?* The study aimed to shed light on the meaning of democratic participation in relation to the best interests of the child. Through a rigid method that extracted most of the document's text and that tied democratic participation to the child's best interests, the remaining text (the result) identified particular groups of children that need attention. These groups are the youngest children and babies, children in vulnerable situations (e.g., having a disability, belonging to a minority group, or being a migrant), indigenous children, and children who are unwilling or unable to express their views. This reveals an additional dimension to how a democratic practice must contribute to a more inclusive practice in ECEC by focusing on such groups of children and will thus be given attention in the last part of the discussion. The discussion incorporates three themes: the value of democratic participation connected to the child's best interests, how we can develop and understand democratic participation in ECEC, and the notion of democracy in ECEC towards a more inclusive concept of democracy, which involves the groups of children mentioned above.

### ***The value of democratic participation and the connection to the child's best interests***

The analyses clarify the connections between assessments of the child's best interests and children's rights to education, including ECEC (GC14, para. 79). The CRC represented the starting point for the study. Articles 3 and 12 do not use the terms *democratic* or *participation*, and the Committee does not use the term *democratic*. However, the analyses show that, in the elaboration on the construct of democratic participation in GC14, the document uses the terms *rights*, *participation*, *collective*, *unity*, *equality*, *influence*, and *responsibility*. Einarsdottir et al. (2015, p. 108) reported that, among the Nordic countries, Finland is the only one where democracy is not explicitly mentioned in the

curriculum guidelines. Even so, the researchers concluded that democracy is an important value in the Finnish curriculum guidelines because ideas about children's rights, participation, and influence are discussed and these are basic notions of democracy. In this paper's deconstruction of the abstract term and value *democratic participation*, the same conclusion can be drawn because GC14 uses all the associated terms. GC14 thus supports that children in ECEC are entitled to experience democratic participation.

The analyses reveal that all terms are used in conjunction with ideas concerning children's best interests. Determining what is in the best interests of a specific child or an identified group of children in a specific situation would not be possible without genuinely listening to the views of the child or group of children. The Committee states that CRC Articles 3 and 12 are complementary. Article 3 cannot be correctly applied if the conditions of Article 12 are not considered (GC14, para. 43). In other words, democratic participation must be interpreted within a "best interests" context in ECEC because this is important for the understanding of democratic participation. Although the CRC is incorporated into Norwegian legislation and children have an explicit right to participate in ECEC<sup>6</sup>, the principle of the best interests of the child does not exist in the Norwegian Kindergarten Act. Moss (2007) wrote that democratic practice in ECEC operates not only at the institutional level, but also at the national level. In this case, the particularly close connection identified between the two principles could prompt the Norwegian government to include the principle of the best interests of the child into the national law, since this can complement the concept and practice of democratic participation in ECEC.

### ***Developing and understanding democratic participation in ECEC***

The Norwegian Framework Plan for Kindergartens state that children's participation in ECEC "lays the foundations for continued insight into and [experience with<sup>7</sup>] participation in a democratic society" (Directorate for Education and Training, 2017, p. 55). Participation is understood as something the child can learn in ECEC, since young children will lack such experience. The goal implied is that children can learn to participate in a democratic society. This goal is aligned with CRC Article 12, where children's views are to be "given due weight in accordance with the age and maturity of the child" (para. 1).

GC14 discusses children's right to be heard within this frame; the more the child knows, has experienced, and understands, the more the child's views shall be weighted (GC14, para. 44). For ECEC children, this might imply less weight on their views, since age and maturity are factors for assessing a child's best interests. GC14 clarifies at the same time that babies, very young children, and even children who are unwilling or unable to express their views have the same rights as all children to have their best interests assessed (para. 44). In other words, the child's right *to express* his or her view applies in any case at any time, but the child's right *to be listened to* can be limited by the child's low age and immaturity. The framing of GC14 discloses the Committee's attempt to understand childhood in a contemporary society, across time, to develop children's rights in a manner that reflects today's priorities while being bound to the formulations given in the CRC, which was written 29 years ago.

Biesta (2015, p. 37) offered an additional perspective, noting that democratic existence or participation is not linked to age or maturity, nor is it gained through training skills and competencies. Instead, Biesta (2015, p. 37) wrote that existing as a grown-up democratic citizen is an ongoing challenge, for both children and adults. Democratic participation, therefore, is not something teachers can simply give to children in an explicit way. It needs to be expressed as a *value* in ECEC that

<sup>6</sup> The Norwegian Kindergarten Act, Section 3.

<sup>7</sup> See footnote 3.

continually is evident, explicitly and implicitly, in the practices and interactions. One main challenge for both children and adults is to be able to accept difference and plurality in other people's views. In ECEC, this issue can be addressed through communication about both being and bearing differentness, sharing or negotiating with others, or inviting others to play. This might imply that democratic practice also must be understood as an *inclusive* activity in ECEC where the teachers are responsible for creating inclusive settings that the children can act in. Such practice must include evaluation of the pedagogical work through participatory methods and contesting dominant discourses. Preschool teachers can contribute by welcoming curiosity, uncertainty, and subjectivity (Moss, 2011).

Pettersvold (2014), also inspired by Biesta's texts, identified different types of understandings of democracy when teachers talk about how they work to facilitate children's right to a democratic practice. The third type, *deliberative democracy*, is beneficial because it allows children to experience participation as a commitment to the fellowship (Pettersvold, 2014, p. 142). The questions remains: Is it possible and is it always desirable to make all children in ECEC (and teachers) talk together, listen to the views of others, and understand that there can be different views, but still come to an agreement? One critique of *deliberative democracy* is that this is a highly demanding type of democracy that can lead to exclusion, instead of inclusion (Pettersvold, 2014). Who *can*, who is *allowed*, and who *wants* to participate? All people are different culturally, socially, and physically; as such, some are interested in participating while others are not. To *resist* and *refuse* to participate or be unwilling to express one's views must also be understood as a part of children's democratic rights in ECEC, according to GC14. The educational task for teachers is to offer an environment where the child can experience himself or herself in fellowship and respect with others, including when and in particular, the child expresses resistance, opposition, and unwillingness.

### ***Democratic participation in ECEC – a need for a more inclusive understanding and practice***

GC14 states that access to good education is in the best interests of the child and serves several purposes: Education can be an investment for the future and provide opportunities for "joyful activities, respect, participation and fulfilment of ambitions" (GC14, para. 79). In addition, education can strengthen children's resilience, so they can cope with being in vulnerable situations (para. 79). GC14 exemplifies a child in a vulnerable situation as one who "has a disability, belongs to a minority group, is a migrant, etc." (para. 54). This is essential and illustrates the GC14 document's views on both the power of education and children's ability to self-manage vulnerable situations. In this area, and aligned with Biesta (2014), the Committee uses GC14 to develop a more nuanced understanding of children and children's capacities relating to democratic participation as well as teachers' responsibilities for providing an environment for children's opportunities to exercise democracy. Some initiatives can be made, such as physical adaptation of the ECEC environment or organise children into smaller groups; in addition, teachers must have knowledge of special needs education. Note that GC14 does not recognise children as vulnerable, *per se*, but emphasises that a child can be *in a vulnerable situation*. GC14 underlines that children in such situations should not be deprived of opportunities to express their views or have the weight of their views reduced. This reveals an important point of view for teachers in ECEC working with children's democratic participation to realise the children's best interests. Teachers must focus on children in vulnerable situations if they want to develop democratic practice for all children in ECEC; hence, their understanding of democratic participation is essential.

GC14 highlights that the child's best interests are "conceived both as a *collective* and individual right" (para. 23). This includes indigenous children as a group so that nation states are obligated to consider how children's best interests relate to their *collective* cultural rights. Einarsdottir et al. (2015, p. 109) noted shifts in understanding of the practices of democracy from an individual focus to a more collectively-oriented perspective, which has implications for the expression of

children's rights in ECEC towards a more collective understanding of democratic participation. This affects how much the majority are willing to bear with "the other" (i.e., the minority). Biesta (2014, p. 117) highlighted the importance of reinventing political existence and "how we can continue trying to be at *home in the world*". In this context, the majority must strive to give opportunities to indigenous- and minority children and recognise that they may require special consideration as a collective group to live out their cultural rights in ECEC. In a Nordic context, such consideration could require nations to give Sámi and Kven children full access ECEC that takes account of their language and culture. A recognition of multiple perspectives and diverse paradigms and a respect for diversity connect to the local level of government (Moss, 2007). The local level of democratic practice "captures that idea of political commitment, citizen participation and collective decision-making that may enable a community to take responsibility for its children and their education (in its broadest sense)" (Moss, 2007, p. 11).

This leads back to Pettersvold's (2014) three identified types of democracy, which are important when children (and adults) are exercising democratic rights since they represent different democratic practices when acting in a group or community. At the same time, they all have limitations. Liberalistic democracy places too much emphasis on individual rights. The second type, democracy based on majority, always lets the majority decide, running the risk of ending up with the *tyranny of the majority*. Even deliberative (or discursive) democracy has its limitations. Pettersvold (2014) referring to Lars Løvlie (2007), who criticised deliberative democracy, claiming it is a risk that some children learn to play by the rules and have better prerequisites than other children in a discursive democratic practice, which can lead to exclusion. The notion of democracy lacks an inclusive dimension.

The results show that distinct groups of children appear when using the methodological approach which extracts most of the text. The remaining text explicitly mentions children with disabilities, those who belong to a minority group, those who are migrants, and those who are unwilling to express their views. This finding is important for understanding the concept of democratic participation. A democratic practice implies that those who represent the majority must accept otherness while those who constitute the minority must be given explicit attention and recognition in ECEC. For example, children with disabilities may require special adaptations in ECEC to allow them to achieve their best potential. However, this cannot be participation in activities specifically constructed for children with disabilities because such practices might lead to further marginalisation. The Norwegian Kindergarten Act, Section 1, connects ECEC teachers' work on democracy to discrimination and counteracting all forms of discrimination, aligned with CRC Article 2. Working with children's democratic rights in ECEC must therefore focus on inclusion in different kinds of minority groups, but inclusion can easily be overlooked in the three identified types of democracy. These groups of children can still experience difficulties and face barriers to the full enjoyment of their democratic rights in ECEC. Such obstacles are not necessarily the disabilities, language barriers, or cultural differences themselves but rather a mixture of attitudinal, social, cultural, and physical obstacles, which children in these groups encounter in ECEC. The teacher's knowledge and understanding of democracy must contain an inclusive element that is accepting of differences and plurality in combination with an assessment appropriate to a specific situation that emphasises the child's best interests. These distinct groups of children have a right to be heard and to exert influence in matters affecting them, but this fact needs more attention in ECEC. Their rights can function as a valuable tool for inclusion, since they ensure a participatory decision-making process in ECEC.

## Conclusions

By deconstructing the concept of democratic participation and tying it to the child's best interests, the analyses show that democratic participation is a significant value in GC14 although the document does not specifically use that term. A child's best interests in a specific situation will be impossible to pursue without the participation of the child. The close connection identified between the two principles should lead the government of Norway and other countries to include the principle of the best interests of the child into national laws concerning ECEC, since this can complement the concept and practice of democratic participation in ECEC. By describing the method systematically, this study sought to make the mode of approach visible and replicable for other research projects using documents as data. The methodological approach allowed a significant finding in the identification of distinct groups of children. How we treat these groups of children at all levels is, in a sense, the hallmark of society's or the majority's understanding of democratic participation. When conducting democratic practises, teachers must consider that these groups of children have an explicit right to express their views, to influence, and to participate in actions or decisions affecting them in ECEC.

The lack of attention to democracy as a value indicates that ECEC teachers have a gap in knowledge in this area. One suggestion could therefore be that ECEC teacher education should emphasise knowledge of democracy and children's rights as well as teachers' responsibility to create inclusive settings in ECEC. Democratic participation needs to be expressed as a *value* that continually is evident, explicitly and implicitly, and understood as an *inclusive* activity in ECEC that enables children to act, grow up, and live in a fellowship with differences and plurality because that is in the best interests of the child.

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