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Child Rights-Based Pedagogy in Early Childhood Education: Insights from Portuguese Educators

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Abstract

Promoting children's rights in early childhood education is internationally recognised as a priority, yet its practical implementation remains challenging. This qualitative study explored the perceptions of three early childhood educators in northern Portugal regarding children's rights and how these are reflected in their practices. Guided by an interpretive paradigm, the study sought to understand participants' beliefs through semi-structured interviews, conducted with full ethical compliance, including informed consent, withdrawal rights, and anonymity. Data were analysed using MAXQDA, through an inductively generated coding system. Findings indicate that educators acknowledge their vital role in upholding children's rights and in fostering respectful learning environments. However, significant gaps were found in the realisation of the right to participation, with tensions between educators' stated values and their described practices—particularly regarding children's involvement in decision-making. A prevailing emphasis on protection often limited children's autonomy and agency. The study highlights the complexities of translating policy frameworks, such as Portuguese legislation and the UNCRC, into consistent pedagogical action. Despite its small sample size, the study offers valuable insights into the barriers to implementing a rights-based pedagogy and underscores the need for enhanced educator training, active listening practices, and the recognition of play as a fundamental right.

Keywords: children's rights; early childhood education; child rights-based pedagogy; educator perspectives; participation



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1. Introduction

The promotion of children's rights has become a widely recognised international commitment, grounded in key guiding documents such as the United Nations Convention on the Rights of the Child (UNCRC) (ONU, 1989). This Convention emphasises the need to establish an education system rooted in children's rights. However, translating this vision into educational practice remains a complex and uneven process. As Horan et al. (2015) note, children often report low expectations regarding participatory school environments, feeling that their voices are only considered on peripheral issues. This highlights an urgent need to invest in pedagogies that genuinely respect and actively promote children's rights, particularly the right to participation.

Children's rights are traditionally organised into three categories—protection, provision (or development), and participation—to which the COVID 4P Log Project adds a fourth: prevention (UNICEF, 2017; Davidson et al., 2021). Protection rights ensure that

children are safeguarded against all forms of violence, abuse, exploitation, and discrimination. Provision rights guarantee access to essential services such as housing, nutrition, healthcare, education, and leisure, promoting holistic development and support for families. Participation rights ensure that children are heard, have freedom of expression, and can influence decisions that affect them. Finally, prevention rights aim to anticipate and avoid rights violations by ensuring legal representation, social support, and emotional well-being.

A rights-based pedagogy views education as a holistic process (Giardiello et al., 2019) and recognises children as competent and active social agents (Wyness, 2015). This approach places children's rights at the heart of educational interactions and decision-making (Tibbitts, 2017), drawing on both the UNCRC (1989) and the Universal Declaration of Human Rights (ONU, 1948). Its primary goal is to promote children's well-being, protection, quality education, and full participation in society. As such, it is closely linked to education for citizenship and democracy, encouraging children to learn about and exercise their rights from an early age, while nurturing values such as peace, solidarity, and human dignity (Mansikka & Lundkvist, 2022). The State plays a critical role in creating the structural and institutional conditions necessary to fulfil these rights (Colliver & Doel-Mackaway, 2021).

This pedagogical approach also reinforces the right to childhood by ensuring rich, meaningful, and playful experiences that align with children's emotional needs and developmental stages (Tsabar, 2021). Play is not only a right but also a crucial medium through which other rights are experienced and exercised (Brogaard-Clausen et al., 2022; Canning et al., 2022; Hattingh, 2023; Whitaker & Tonkin, 2023). The literature recognises play as fundamental to children's agency, creativity, emotional expression, and sense of belonging (Canning et al., 2022; Tang, 2019).

The literature recognises the right to participation as a driving force behind the realisation of all other rights (Torremorell et al., 2021). Accordingly, a participatory educational space is characterised by being inclusive, accessible, safe, and culturally responsive, fostering children's well-being, enjoyment, and engagement in the experiences they live. Such environments are organised to stimulate autonomy, interaction, and decision-making (Correia et al., 2020; Oliveira-Formosinho & Formosinho, 2013). Furthermore, they value the expression of children's voices, respecting their right to freely express their opinions in ways appropriate to their age and context, with adult support in mediation, access to information, and diverse forms of expression (Cuevas-Parra, 2017; Lundy, 2007, 2012). Active listening to children's ideas—audience—involves creating both formal and informal channels of communication, ensuring that their views are genuinely considered by decision-makers (Kennan et al., 2019; Welty & Lundy, 2013). Finally, influence refers to the real impact children have on decision-making processes and the organisation of daily educational life. It involves ensuring that they are informed about how their contributions have been considered, thereby promoting meaningful and transformative participation (Cuevas-Parra, 2017; Welty & Lundy, 2013).

According to Giardiello et al. (2019), implementing a rights-based pedagogy requires rethinking the curriculum as an interconnected puzzle composed of four key dimensions: empowerment, holistic development, family and community engagement, and strong relationships. These elements are essential to fostering children's well-being, participation, communication, and sense of belonging within educational communities. Drawing on recognition theory, Thomas (2012) identifies three critical axes to support participation: love, rights, and solidarity. "Love" refers to interpersonal relationships that build trust and self-esteem; "rights" involve recognising children as human beings deserving of respect; and "solidarity" calls for collective action grounded in shared democratic values. This aligns with Robson's (2019) perspective that a rights-based pedagogy is inherently driven by values such as empathy, justice, and respect.

Such a pedagogy is also ethical and context-sensitive (Robson, 2019), positioning children as co-constructors of knowledge and values. Educators are called to critically reflect on their assumptions about learning and to engage with children as experts in their own experiences (Brownlee et al., 2019). This involves acknowledging children's unique ways of thinking and exploring the world (Bruner, 2000), tuning into their interests in everyday interactions (Church & Bateman, 2019), and supporting them in understanding complex ideas through dialogue and inquiry.

In Portugal, the commitment to children's rights is firmly embedded in various national policy and curricular documents aligned with the principles of the UNCRIC (1989). The Portuguese Constitution (*Constituição da República Portuguesa—CRP—Título I | DR, 2005*), particularly Article 69, establishes the protection of childhood as a fundamental duty of the State, guaranteeing conditions for children's full development. This legal framework is reinforced by instruments such as the Law for the Protection of Children and Young People at Risk (Law No. 147/99) (*Lei de proteção de crianças e jovens em perigo | DR, 1999*), the Basic Law of the Educational System (*Lei de bases do sistema educativo | DR, 1986*), and the National Strategy for the Rights of the Child 2021–2024 (*República Portuguesa & CNPDPCJ, 2023*). The Curriculum Guidelines for Preschool Education (OCEPE) (Silva et al., 2016) play a central role in defining pedagogical principles that prioritise active listening, participation, autonomy, and children's well-being, in line with a rights-based approach. Initiatives such as the "Child-Friendly Schools" project aim to integrate these rights into everyday school life, encouraging pedagogical practices that respect, protect, and promote them. This normative and programmatic structure reflects a comprehensive approach, although challenges persist in consistently translating these principles into educational practice, particularly concerning the rights to provision, participation, and prevention.

Within the scope of this study, a child rights-based pedagogy is understood as an educational approach that places the rights enshrined in the United Nations Convention on the Rights of the Child (UNCRIC, 1989) at the heart of pedagogical practice, recognising children as competent, active social subjects worthy of respect. This pedagogy is guided by principles such as prevention, protection, provision, participation, dignity, justice, well-being, and holistic development. It promotes educational contexts in which children feel free to express their views, are actively listened to, and can influence decisions that affect their lives. More than a normative framework, this pedagogy entails educational practices that value play, dialogue, active listening, autonomy, and democratic interaction. Educators are called to act as sensitive and reflective partners, acknowledging and supporting children as co-constructors of knowledge and of pedagogical culture. It is, therefore, an ethical, relational, and contextual pedagogy, committed to building inclusive, accessible, and socially just educational environments in which children's rights are lived and experienced in everyday life.

Within this theoretical framework, the present study aims to examine how a group of early childhood educators in Northern Portugal perceive and implement a rights-based pedagogy in practice. Focusing specifically on the rights to protection, provision, participation, and prevention, the study explores both the challenges and the enabling conditions that shape the enactment of this pedagogical approach.

2. Materials and Methods

The methodology adopted in this study is framed within a qualitative, exploratory, and descriptive approach, aiming to deepen the understanding of early childhood educators' conceptions of children's rights and how they perceive the enactment of these rights in their pedagogical practices.

Specifically, the study seeks to analyse educators' conceptions of children's rights and investigate their perceptions of their own practices in relation to the principles enshrined in those rights. The research paradigm is predominantly interpretative, aiming to capture the meaning of phenomena from the participants' perspectives (Savin-Baden & Major, 2023).

Given the focus on conceptions, this approach allows for in-depth immersion in educators' subjectivities, their beliefs, and the ways in which these beliefs are interpreted in their professional daily lives (Savin-Baden & Major, 2023; Bruner, 2000).

Although the institution from which participants were recruited is part of a broader research project, for the purposes of this specific study, each educator and her individual interview were treated as distinct units of analysis.

The interviews analysed here correspond to the initial phase of the wider project, enabling a detailed and contextualised exploration of each participant's conceptions and perceptions.

This study thus offers insights into the tensions between theoretical frameworks, individual conceptions, and perceived practices, contributing concrete data to the academic discussion on the challenges and opportunities surrounding educators' professional agency.

2.1. Study Participants

The research was conducted in an early childhood education institution in northern Portugal and involved a group of three early childhood educators. Participants were selected through purposive sampling, based on their relevance to the phenomenon under investigation and their integration in the broader research project.

At the initial stage of the study, the educators were aged between 40 and 50 years and held higher education qualifications, including undergraduate degrees, postgraduate diplomas, and master's degrees in early childhood education. The group showed professional stability, with lengths of service at the current institution ranging from 12 to 20 years. One of the educators also had an additional 8 years of experience at another preschool.

These professionals worked with age-homogeneous groups of children (aged 3, 4, or 5), whom they accompanied throughout the full early childhood education cycle. Throughout their careers, they had attended continuing professional development courses relevant to the focus of the study, totalling at least 29 h. Among these training sessions were Developing Quality in Partnerships (DQP), which focused on the quality of the educational environment, and Children's Right to Participation in ECE: Resources and Practices, developed within the PARTICIPA project.

2.2. Data Collection and Analysis Procedures

Data were collected through individual semi-structured interviews, allowing participants to freely express their opinions and experiences while ensuring that the core topics of the study were addressed. The interview script, specifically developed for this study and validated by researchers and subject-matter experts, was structured around six thematic blocks: (i) Professional background; (ii) Organisation of the educational environment; (iii) Children's rights in educational contexts; (iv) Educational practices developed in context; and (v) Synthesis and meta-reflection on the interview itself. This article, however, focuses its analysis on how the educators' discourse—particularly from the blocks concerning children's rights and educational practices—relates to and aligns with the principles of a Child Rights-Based Pedagogy.

The ethical procedures applied in this study were designed and implemented by established research ethics guidelines. The project was submitted to and approved by the Ethics Committee for Research at the University of Salamanca. This approval certified that the proposed methodology and procedures ensured the protection and integrity of participants, in line with the institution's ethical standards. Ethical safeguards were

guaranteed through a robust and transparent informed consent process. Participants were clearly informed about the objectives, methodology, and phases of the project through a detailed summary that enabled them to make a well-considered decision regarding their voluntary participation. The signing of the informed consent form formalised this agreement, clarifying participants' right to withdraw from the study at any time without any consequence. Additionally, in line with the ethical code of conduct (CIEB, 2020), participant protection was reiterated at the beginning of each interview. The purpose of the study, the nature of the data collected, methods of analysis, and their exclusive academic use were explained again, emphasising the commitment to confidentiality and anonymity. Audio recording of the interviews only took place after obtaining explicit verbal consent, demonstrating respect for each participant's autonomy and integrity.

After data collection, the interviews were meticulously transcribed to facilitate analysis. For this, the Pinpoint tool (Pinpoint, 2020) was used—a service that enables audio-to-text conversion. The resulting textual corpus was then imported into MAXQDA (2023), a specialised software for qualitative data analysis.

Thematic content analysis, a systematic technique for identifying, analysing, and reporting patterns (themes) within the data, was the method chosen. Following the steps proposed by Braun and Clarke (2006), this approach enabled the identification of core themes, leading to the development of categories and subcategories. The categorical system follows an alphanumeric organisation, where the letter identifies the category and the number the subcategory (e.g., A1). The outcome of this analysis is presented in Table 1, which summarises the conceptual framework used to interpret participants' discourse.

Table 1. Categorical system resulting from content analysis.

Category	Subcategory
A: Conceptions of Children's Rights	A1: Legal Knowledge of Children's Rights A2: Relevance of Children's Rights
B: Educators' Conceptions of Their Practice	B1: Educator's Role in the Classroom B2: Commitment of Children's Rights in Practice
C: Factors Undermining Children's Rights	C1: Related to the Children C2: Related to Daily Management C3: External to the Kindergarten

The content analysis was structured around three main categories, which served as lenses to interpret the educators' discourse: A: Conceptions of children's rights; B: Conceptions of practice; and C: Factors undermining children's rights. The first category explores the knowledge and perceived relevance educators attribute to children's rights, as well as their perception of their role in promoting these rights. The second category focuses on how rights are perceived and enacted in the daily classroom practice. The third category identifies and analyses constraints that, according to the educators, hinder the full realisation of children's rights—whether related to the children themselves, the management of daily routines, or external factors beyond the institution.

This hierarchical and interconnected structure enabled an in-depth and contextualised analysis of participants' discourse. The analysis of categories and subcategories is based on the 4 P's model—prevention, protection, provision, and participation—as outlined in the theoretical framework (Davidson et al., 2021; UNICEF, 2017). While the analysed data reveal multiple dimensions of children's rights, particular emphasis is placed on a more detailed analysis of the right to participation, recognised as a driving right that promotes the others (Torremorell et al., 2021). The right to participation was examined in greater detail using Lundy's (2007, 2012) model of children's participation, which includes four key elements: space, voice, audience, and influence. This model provides a comprehensive framework for assessing the conditions that enable meaningful participation in educational contexts.

To ensure the inclusion of participants' voices in the analysis, excerpts from the interviews are integrated throughout the results section. These excerpts aim to illustrate the educators' perspectives in their own words and contribute to a more authentic understanding of their professional practices. The quotations were originally collected in Portuguese and have been freely translated into English by the researcher, preserving the meaning and tone of the original statements as faithfully as possible.

To preserve confidentiality, participants were assigned pseudonyms. These fictitious names were freely chosen by the educators themselves, ensuring both anonymity and a sense of ownership over their narratives. For clarity and anonymity, the quotes are identified using a coding system. The abbreviation EI refers to Initial Interview (translation of *Entrevista Inicial*), E refers to early childhood educators (translation of *Educador de Infância*), followed by the educator's pseudonym and the date of the interview. For example: (EI-E-Clarisse-02/03/2023).

3. Results

The following section presents and analyses the study's results. Its primary objective is to give voice to the perceptions of the early childhood educators, revealing how the collected discourse relates to the research focus. Based on the previously detailed content analysis, the results are now presented, enabling a deepened understanding of the participants' conceptions regarding children's rights and how they perceive the enactment of these rights in their practices.

3.1. A: Conceptions of Children's Rights

The category "Conceptions of Children's Rights" encompasses the discourses that reveal how the educators understand, prioritise, and contextualise children's rights. The analysis of the subcategories allows for a detailed understanding of these conceptions, highlighting the presence of an adult-centred perspective that permeates their practice.

3.1.1. A1: Legal Knowledge of Children's Rights

The educators demonstrate an intuitive understanding of children's rights, yet their interpretation is often constrained by classroom rules and norms. Clarisse states that the "fundamental rights that children have, notably those enshrined in the Constitution, are all guaranteed here in our institution" (EI-E-Clarisse-02/03/2023). Although the Portuguese Constitution ([República Portuguesa, 1976](#)) is recognised as the primary reference document, some discourses reveal gaps in the understanding of the rights themselves. This limitation becomes particularly evident when educator Maria attempts to articulate her view of what constitutes a child's right in the classroom context:

"It's like this: rights are, now... I don't quite know how to explain this. The child has a wish, which is their right, but if that wish does not fit within the classroom context or disturbs the other children, I do not grant it. So, there I am limiting a bit; I no longer give them total freedom." (EI-E-Maria-28/02/2023)

In this excerpt, the educator equates a "wish" with a "right," indicating a conception of the child where individual will is the starting point for claims. However, this conception is quickly limited by an adult perspective that must grant this right, conditioning it to classroom management and the group's well-being. Her practice suggests an approach where rights are not inalienable but rather concessions made by the adult, which can be withdrawn in the name of order. This perspective departs from the universal and unconditional principle of rights established in the United Nations Convention on the Rights of the Child ([UNCRC, 1989](#)), implying a vision of the adult as the primary decision-maker and moderator.

The subordination of freedom to rules contrasts with the theoretical framework that defines the child as an “active and competent social agent” (Wyness, 2015). Diana, on the other hand, links the lack of awareness of rights to age: “They have more awareness of duties than rights because they are very young. I think they need to be taught more to fulfil duties than to exercise rights” (EI-E-Diana-02/03/2023).

Diana establishes an implicit hierarchy where compliance with rules and obedience precede autonomy and the understanding of one’s own rights. This perspective assumes maturity as a prerequisite for participation, which contradicts the theoretical framework of a pedagogy based on children’s rights. Rights and duties, from this viewpoint, are not opposites but complementary, and their exercise should be intrinsic to educational interactions and decisions, managed and negotiated collectively. Diana’s emphasis on duties may lead to a more directive practice, less sensitive to the child’s voice, autonomy, and agency.

3.1.2. A2: Relevance of Children’s Rights

The interviewees acknowledge the importance of certain rights, particularly the right to play. Clarisse considers that “play is fundamental” and “it is the most important thing the child has,” as “it is through play that the child learns” (EI-E-Clarisse-02/03/2023). Diana reinforces this idea by critiquing the pressure to accelerate academic skills development: “playtime is sometimes sacrificed. And I think children should not have that time taken away. Children need time to be children. And being a child means playing” (EI-E-Diana-02/03/2023). Maria also values “free play” as something “very important in the daily routine.” This perspective aligns with the literature that recognises play as a fundamental right (Brogaard-Clausen et al., 2022; Hattingh, 2023).

3.2. B: Educators’ Conceptions of Their Practice

Category “Educators’ Conceptions of Their Practice,” deepens the analysis of how educators translate their understandings of children’s rights into actions and pedagogical strategies used in everyday practice. This section explores the convergences and divergences between a pedagogy based on children’s rights—ethical, relational, and contextual—and the perceptions of the realities experienced in daily practice. The interviews reveal the educators’ views on their role in the classroom, how they guarantee rights in the routine, and the extent of their commitment to the principles of participation, provision, and protection. It is within this reflective space that the challenges of implementing a pedagogy that values children’s agency and autonomy become apparent, as they confront the structures and demands of group management and curriculum planning.

3.2.1. B1: Role of the Educator in the Classroom

The educators conceive their role in a hierarchical and central way regarding the guarantee of children’s rights. Clarisse uses the metaphor of the educator as a “hero” who is part of the children’s “growth,” but admits that, despite trying to be a “partner,” she often “falls into the mistake of doing it” and has to be “the leader.” Diana considers her role as “a reference for the child, an example, a safe harbor.” Maria sees herself as a “group guide,” trying to “understand what the needs, desires, and interests are, and to be alongside them” (EI-E-Maria-28/02/2023).

Their conceptions of their role oscillate between the figure of “conductor of a band” (EI-E-Clarisse-02/03/2023) and a “group guide” (EI-E-Maria-28/02/2023). Clarisse states that “we have to direct the classroom in many things. Otherwise, they don’t orient themselves.” Maria tries to “negotiate” with the children but admits that the planning “is done by me and my colleagues” and that her ideas “end up imposing themselves. It’s inevitable.” These discourses show that, despite the intention to give voice to the child, practice is often dominated by the figure of the educator, who directs and defines the activity plan.

This limitation contradicts the principle of a pedagogy based on rights, which promotes children's autonomy and decision-making.

The early childhood educators recognised the central role they played in promoting children's rights. They identified themselves as fundamental models and references for the children. This understanding was accompanied by a sense of responsibility to guarantee an environment of respect and promotion of rights within the classroom. They perceived themselves as facilitators and active participants in the children's development while acknowledging the importance of a collaborative environment. They emphasised the importance of an approach grounded in humility, partnership, and guidance in pedagogical work. Their reflections reinforced the educator's role as a mediator between children's needs and educational goals, promoting mutual respect, mutual learning, and children's autonomy.

However, these reflections also reinforced the educator's role as a mediator between children's needs and educational goals, promoting mutual respect, mutual learning, and autonomy. This self-perception, while positive in terms of care and commitment, may conflict with the vision of a pedagogy based on rights that positions educators as "sensitive and reflective partners" and children as "co-constructors" (Brownlee et al., 2019).

3.2.2. B2: Commitment of Children's Rights in Practice

The discourses of early childhood educators revealed a greater emphasis on the rights to protection and provision, although some aspects of participation were also mentioned.

(a) Provision

Regarding provision rights, the educators referred to the guarantee of the right to food, happiness, love, equality, and play. Play was strongly highlighted and emphasised—"I really value free play" (EI-E-Maria-28/02/2023). They mentioned that every day, a moment in the routine was dedicated to children's free play. They also acknowledged the importance of participating in the children's play, especially when suggested by the children themselves. Although they could not always engage, they still recognised its value.

An analysis of the remaining conversations with the educators confirmed the implementation of the rights they had mentioned. Love, affection, attention, happiness, and equality were recurring themes in their dialogues. Children's identities were also recognised—they were addressed by name and not differentiated based on their origin, culture, gender, or any other factor.

When asked about potential breaches of children's rights in their practice, Clarisse acknowledged:

"Regarding Mário, that worries me. He is often deprived of things he has the right to—for example, playing with the others. That really concerns me. And if I seat him next to me, it's not because I enjoy it, or because I'm mean, or because I pushed him aside." (EI-E-Clarisse-02/03/2023)

Her discourse reveals an added difficulty in guaranteeing the rights of children with specific needs, resulting in the deprivation of certain rights, namely through the use of punishments, such as restricting a child's access to play. Some moments were also mentioned in which children's free play time was reduced, or they were forced to play in places and with materials chosen by adults. This occurred either because the schedule was filled with more structured activities or because adults directed or constrained the children's play by participating in it. The educators' discourse confirmed these practices, as seen in statements like:

"For example, I put a game on the mat—those little caps or free construction. And I say, 'Don't take it off.' Because it's easier, organisationally, for them to stay

there and try. ‘Don’t spread it around.’ But maybe the theory doesn’t say that, there’s probably an author who says we have to give them freedom, let them. . . Of course, the space is even big. But maybe we leave them in the classroom, and then I can’t manage anymore. Of course, the group is three-year-olds, but I have to have a minimum of organisation, little by little we also learn that and gradually manage it. But a little organisation helps me get organised. . . Otherwise we never get anything done. But there will be someone who says it has to be the opposite. But. . .” (EI-E-Diana-02/03/2023)

“Usually, like I said, it’s in the afternoon. In the morning we have more structured activities. But after nap time, they usually have their time for free play, and I really value it.” (EI-E-Maria-28/02/2023)

“Well, we can talk about small things, like the fact that they have to sit on a chair—that has to be taught.” (EI-E-Clarisse-02/03/2023)

(b) Protection

The early childhood educators demonstrated a clear concern with protection rights, particularly highlighting actions aimed at safeguarding children from abuse, both within and outside the institution. This concern is evident in Maria’s discourse, as she emphasised the sensitivity with which she approached situations involving children in vulnerable contexts, such as those with divorced parents. According to her:

“I’m very concerned about abuse—it really affects me. For example, children of divorced parents, when I see situations here that really move me, and I try to change them. Sometimes, we don’t have enough sensitivity and don’t treat them properly. . . For me, physical and psychological abuse of a child are things that worry me deeply. I think it’s what concerns me the most.” (EI-E-Maria-28/02/2023)

Furthermore, the educators also emphasised the importance of ensuring both the physical and psychological well-being of children. Continuing Maria’s statement, she affirmed that the institution fully provided for children’s basic needs, promoting their physical health and safety. She also highlighted her prioritisation of psychological well-being:

“Physical well-being is completely ensured. I have no children who concern me in that regard, whether at home or here, where we don’t ensure basic conditions. But for me, their psychological and physical well-being is the most important.” (EI-E-Maria-28/02/2023)

This emphasis on comprehensive well-being reflects an educational practice aimed at balancing attention to both the material and emotional needs of children, ensuring a safe and nurturing environment.

The educators did not explicitly recognise any violations of children’s protection rights. However, their discourses revealed an overprotectiveness that could potentially limit children’s freedom and development. Clarisse acknowledged this when she said about the children: “They are very protected. Maybe we shouldn’t intervene so much.” (EI-E-Clarisse-02/03/2023). There appeared to be a lack of physical challenges for children. Even the simple handling of scissors was seen as dangerous and therefore kept out of children’s reach, with their use being closely controlled by adults, as Clarisse confirmed: “In small groups, unless it’s something very precise or more risky for them, like scissors, for example.” (EI-E-Clarisse-02/03/2023).

(c) Prevention

When asked directly about the safeguarding of children’s rights in practice, preventive rights were not explicitly highlighted in any of the interviews. However, upon analysing

the broader discourse of the participants, the data revealed certain actions, some of which intersect with rights already associated with protection.

When educators reflected on the organisation of space, preventive action aimed at avoiding physical injury could be identified. A statement from Diana illustrates such a preventive measure: “(...) At the beginning of the year, for example, we try (...) to keep the tables closer to the walls so they have more space, and if something happens, it won’t be so complicated. (...)” (EI-E-Diana-02/03/2023).

Another precaution noted in the interviews related to screening and early identification of children with specific needs. Diana emphasised the importance of requesting support from specialised professionals to identify potential developmental challenges: “And now the doctor (...) I asked her to come and screen all of them, because I was really worried—there were children who simply didn’t speak, just didn’t speak at all.” (EI-E-Diana-02/03/2023).

The educators did not acknowledge any transgressions concerning children’s preventive rights. However, the mere absence of recognition of potential gaps or noncompliance in this area could itself be interpreted as a limiting factor. Prevention requires a proactive and reflective stance, demanding the ability to identify potential risks or situations that may compromise children’s rights (Davidson et al., 2021). The failure to recognise problems may, inadvertently, leave room for the continuation of risk situations.

(d) Participation

The commitment to children’s rights is evident in the care and affection demonstrated by the educators; however, their practices concerning participation and influence are limited. Clarisse acknowledges that participation is “where I fail the most,” since “children’s participation is more about what I propose and not so much about what they propose” (EI-E-Clarisse-02/03/2023). She admits that “children do not participate as much as they should” and that planning is often led by the adult, which she considers “a mistake I make” (EI-E-Clarisse-02/03/2023). Maria and Diana also share this perspective, where participation is restricted to giving children a “voice” or choosing play activities, without any real impact on curricular planning. The absence of genuine and transformative participation (Cuevas-Parra, 2017) emerges as one of the main weaknesses in the practical implementation of a rights-based pedagogy.

Although the right to participation was not among the most frequently highlighted by the educators during the interviews, the analysis of their discourse revealed that they attempt to promote children’s participation, albeit in indirect and sometimes conditioned ways. The analysis was based on Lundy’s model (Lundy, 2007, 2012), which breaks participation down into four components: Space, Voice, Audience, and Influence.

In terms of space, the educators expressed concern for the children’s well-being, although they did not elaborate beyond that during the interviews. However, their broader discourse revealed some attention to both physical and social space. Educators referred to attempts to adapt the learning environment based on the children’s needs and interests, and highlighted children’s participation in tidying and organising the space, as well as in the accessibility of materials.

Regarding social space, the educators’ comments demonstrated a commitment to fostering equality, cooperation, and mutual support, as well as offering children “some freedom,” particularly during free play moments.

The educators were also aware of certain shortcomings in their practice that could lead to rights violations. One notable gap in space was the lack of cultural diversity consideration, including diversity among the children themselves. This was justified by the educators due to the shared experiences among children, possibly resulting from the socio-cultural homogeneity of the city where they were born and live. As Maria

stated: “At the cultural level, they more or less have the same experiences, and I don’t feel the need to include different things because they more or less live the same things.” (EI-E-Maria-28/02/2023). The educators also acknowledged the lack of children’s participation in certain daily routines, such as preparing the space for meals.

The analysis further confirmed these identified needs, adding that there is a necessity to increase the diversity of spaces and materials, and to co-construct rules that do not limit children’s participation.

Regarding voice, the early childhood educators considered themselves to be individuals who planned moments for children to share their ideas, particularly during large group gatherings, as highlighted by Maria: “I consider myself someone who pays attention to the children. I enjoy listening to them.” (EI-E-Maria-28/02/2023).

Although they did not explicitly identify any needs or transgressions related to this dimension, their discourse revealed a recurring concern about the lack of time for such moments—despite valuing them greatly. As Diana noted: “Sometimes we don’t have time to listen.” (EI-E-Diana-02/03/2023).

The audience dimension was not explicitly addressed by the educators when directly asked about children’s rights. However, their previous statements—particularly from two of the educators—revealed a strong concern with paying attention to all children, even when the topics or moments might not seem particularly relevant to the adult. The words of Diana and Maria made this clear:

“And even when they say something, (...) there are moments when we value that opinion and even that conversation or topic, which sometimes has nothing to do with what we’re doing, but maybe it’s important to them. Not to us, but maybe in their little heads they remembered something. I always try to listen, even if I don’t always manage to, Cristiana.” (EI-E-Diana-02/03/2023)

“I always try not to dismiss it. Because as an adult, I also like to be heard. I may not... but I never say to a child ‘you’re wrong.’ I try not to do that. I try not to say, your opinion doesn’t count.’ I always try to listen to them and at least try to understand why they are behaving in a certain way, or why they are saying something. In that respect, I think I haven’t failed much because I give them voice and try never to devalue what they say. I think that’s very important to me, because children are not all the same, and dismissing an opinion can sometimes cause great sadness or problems for the child. It can... That worries me a little—I always try not to dismiss their opinions.” (EI-E-Maria-28/02/2023)

About influence, the educators stated that there was no defined moment in the daily routine dedicated to joint planning with the children. Clarisse was categorical, saying: “In planning, there is no role for anyone else. I’m the one who does it.” Maria echoed this view, stating: “The planning is done by me. By me and my colleagues.” However, the educators acknowledged that they took the children’s needs and interests into account, gathered through observation and assessment, when developing all documents guiding their pedagogical practice. For example, Maria mentioned that if a topic comes up during group discussions, she “keeps the ideas” and tries to include them in the plan for the following month.

Through the analysis of indirect references to child participation, it became evident that, although not immediate, children’s preferences and ideas occasionally influenced the educators’ planning—particularly when it came to exploring themes of interest. Maria gave the example of a child who shared an experience with animals, which inspired a project on the topic, including the study of “the life of the cow and the calf.” Diana added that instead of choosing a story herself, she might select a book that a child brought from home.

This respect for children's preferences was also reflected in moments of free play. Maria emphasised that she "values free play very much," and Clarisse reinforced this, stating: "It's very rare for me to tell them where to play," and that "during free play... they choose where to go and what they like to do most."

It was also inferred that the educators recognised the importance of diverse spaces and materials in supporting this dimension. Maria noted that after consulting with the group, she would "change the classroom setup according to their preferences." Diana mentioned that materials, such as water and wipes, were "all at their level," thus promoting autonomy.

Nonetheless, some needs were also evident in their indirect discourse. One such need related to the space and materials, as these continued to be defined and arranged by the adults. The educators also retained a degree of adult direction in the choice of materials, in structuring play, and in forming groups. Another significant issue was the adult's closed and leading role in conflict resolution. In some instances, the discourse revealed a subtle form of adult influence, as illustrated by Clarisse's statement: "And they also have the right to say they don't want to do it. But they also have the right, after a few days, if time passes, to say, 'today I could actually do that,' and I lead them to where I want." (EI-E-Clarisse-02/03/2023).

This excerpt highlights adult-led decision-making, which influences the child's choices, suggesting a subtle redirection of their opinions rather than a commitment to genuine listening and the promotion of autonomy.

3.3. C: Factors Undermining Children's Rights

Ensuring children's rights in early childhood education is a central objective, yet its implementation can be challenging. The analysis of early childhood educators' discourse reveals that various factors—both internal and external to the preschool context—may hinder the full realisation of these rights. This category explores the main obstacles, divided into three subcategories: those directly related to perceptions of the child, those connected to the management of daily routines, and, finally, external factors which, in the participants' views, influence pedagogical practices.

By examining these different dimensions, it becomes clear that children's age, the rigidity of routines, and social and institutional pressures intersect, creating a complex landscape that challenges the development of a genuinely child-centred pedagogy rooted in rights-based approaches.

3.3.1. C1: Related to the Children

Educators' discourse suggests that children's age and perceived lack of maturity are seen as limiting factors to their full participation and understanding of their rights. Maria and Diana argue that three-year-old children "do not yet have a notion of rights" and that their attention span is "very short," which, in their view, justifies an approach more focused on "duties."

This view of childhood—as lacking the competence to engage in the construction of their own educational experience—contradicts the perspective of the child as an active, capable agent, able to construct knowledge and values. By disregarding children's capacity for engagement and expression, even at an early age, this approach fails to align with theories that position children as co-constructors of their development (Bruner, 2000; Robson, 2019) and ultimately compromises their fundamental right to participation.

3.3.2. C2: Related to Daily Management

Rigidity of routine and time management are identified as factors that compromise children's participation. Clarisse admits that "we already bring half the activities prepared to the classroom" and that prior planning is a way to organise so that the day does not become "a mess." Maria points to the "very rigid routine" as an obstacle. Diana acknowledges the

tension between planning and the time needed for free play, and although she has “sacrificed the activity” to give more time for playing, she admits that “it’s not always possible.”

This rigid structure and lack of flexibility prevent adaptation to children’s spontaneous needs and interests, compromising their right to active and genuine participation.

3.3.3. C3: External to the Kindergarten

The educators mention external factors that influence their practices. Clarisse justifies the imposition of rules to prepare children for the “limits” of society. Maria and Diana express the pressure from parents for the early development of academic skills, which can lead to the “sacrifice” of playtime. Additionally, Diana reveals the “fear of the news” and the concern of being “misinterpreted,” which leads her to “hold back a little” in her practices and be less free.

These external factors create an environment of pressure and insecurity that may restrict the educators’ freedom to adopt a more flexible child rights-based pedagogy.

4. Discussion

The analysis of the data collected in this study reveals that the educators generally recognise the importance of an educational approach that values children’s rights, a commitment aligned with the Portuguese legal and pedagogical framework (UNCRC, 1989; Portuguese Constitution; Silva et al., 2016). However, as noted by Horan et al. (2015), the results highlight a significant gap between the principles established in public policies and their practical implementation in educational settings.

The educators emphasised progress in safeguarding protection rights but identified difficulties in effectively operationalizing rights related to provision, participation, and prevention. In particular, the realisation of participation rights is limited, manifested in a lack of active listening and inclusion of children in decision-making processes about their daily educational experiences. This limitation, evident in the organisation of spaces, selection of materials, planning, and choice of activities, contrasts with the frameworks proposed by Lundy (2007, 2012) and Welty and Lundy (2013), which stress active listening (audience) and genuine influence of children in decisions as crucial elements for meaningful participation.

The overemphasis on protection rights, as reported by the educators, can lead to the negation of other rights, restricting the development of autonomy and self-regulation. This practice runs counter to a holistic pedagogy (Giardiello et al., 2019) and the right to childhood, which values play as a fundamental means for agency, creativity, and well-being (Brogaard-Clausen et al., 2022; Whitaker & Tonkin, 2023). Excessive care, even if well-intentioned, limits essential opportunities for learning and the exercise of autonomy, freedom, and responsibility—key pillars for empowerment and democratic citizenship (Mansikka & Lundkvist, 2022).

The identified constraints, such as curricular pressure and lack of time, hinder the adoption of an emergent and ethical pedagogy (Robson, 2019) that acknowledges children as experts in their own experiences (Brownlee et al., 2019). Although the educators demonstrate concern for inclusion and equity, there is a clear need to strengthen both initial and ongoing training focused on children’s rights and sensitive listening, to foster more democratic and participatory educational environments where children are, in fact, co-constructors of knowledge and pedagogical culture (Bruner, 2000).

This study shows that despite a solid normative commitment, the real challenge lies in transitioning from theory to practices that genuinely value children’s voice and agency in everyday life.

5. Conclusions

This study aimed to understand the conceptions and perceptions of three early childhood educators from northern Portugal regarding the integration of children's rights into their pedagogical practice, within the framework of a Child Rights-Based Pedagogy. Although this is a small-scale study, the data collected identify trends and challenges that warrant critical reflection.

The educators expressed a clear intention to uphold children's rights in daily educational settings, particularly concerning well-being, listening, and protection. The analysis revealed that they value the idea of the child as a rights-holder, aligning with a participatory perspective in early childhood pedagogy (Oliveira-Formosinho & Formosinho, 2016). Their conceptions reflect an understanding of the rights to be heard and to well-being as central pillars of the educational relationship, under the UN Convention on the Rights of the Child (UNCRC, 1989) and the Portuguese Curricular Guidelines for Pre-school Education (Silva et al., 2016).

However, their perceptions also reveal tensions between the principles they uphold and the constraints they face in their contexts. While the educators voiced a desire to promote children's participation, their descriptions of practice show that these principles are often embedded within more traditional structures of classroom organisation, with decision-making still largely adult-driven. This issue is widely discussed in the literature, which highlights the structural and cultural challenges that hinder the transition to genuinely participatory practices (Lundy, 2007, 2012).

Listening, often valued as an expression of care and relational connection, appeared more as an adult's relational stance than as a systematic, intentional process to incorporate children's voices into pedagogical decisions (Clark, 2017; Sousa, 2019). As Horan et al. (2015) also note, many children continue to report that their voices are only symbolically heard, or on marginal issues. The data from this study supports that reality, revealing practices of partial or conditional listening.

The right to participation, as enshrined in the UNCRC (1989), emerged as one of the most challenging aspects for the educators. Despite recognising the child as an active social agent (Wyness, 2015; Giardiello et al., 2019), their pedagogical practices did not always reflect the principles of audience and influence that define genuine participation (Lundy, 2007; Welty & Lundy, 2013). This gap reinforces the importance of strengthening initial and ongoing training for early childhood educators, to support practices that make children's rights effective in daily educational life (Brownlee et al., 2019).

Additionally, the educators expressed legitimate concerns regarding institutional and contextual constraints that limit the implementation of more participatory approaches, highlighting the need for the State to provide structural and cultural conditions that enable the full realisation of children's rights (Colliver & Doel-Mackaway, 2021). This is also aligned with the commitments outlined in Portugal's National Strategy for the Rights of the Child (2021–2024).

Although the small number of participants does not allow for generalisation, the data offer valuable insights into the persistent challenges of constructing a pedagogy centred on children's rights. The study confirms the need to:

- Strengthen educator training, with a focus on the practical realisation of children's rights in everyday pedagogy (Brownlee et al., 2019);
- Promote educational environments that integrate protection and participation, ensuring age- and context-appropriate opportunities for expression and decision-making (Giardiello et al., 2019; Cuevas-Parra, 2017);
- Foster active listening practices, ensuring that children's voices have real impact on decisions that affect them (Lundy, 2007; Welty & Lundy, 2013);

- Value play as both a right and a fundamental pathway to experiencing other rights (Brogaard-Clausen et al., 2022; Canning et al., 2022).

This research thus offers an exploratory contribution to the ongoing reflection on the realisation of children’s rights in early childhood education, reinforcing the importance of building a pedagogical culture in which these rights are understood and enacted as foundational to everyday educational practice.

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