

Children's rights and the operation of Greek kindergartens

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This paper provides a critical analysis of the impact of Presidential Decree 200 (1998) regarding the operation of kindergartens in Greece, on children's enjoyment of their rights. It appears that the Decree does not respect, protect or fulfil the participation rights of the child, whereas it respects, protects and fulfils some provision rights (the right to education for all but not the right to participate in a culture other than the official) and some protection rights (the right for adults to act in a child's best interests but not the right to be safe from discrimination) of the child. The Decree withholds or allows adults to withhold certain rights from children who are not able-bodied, Greek, Christian Orthodox and of sound mind in terms of family circumstances, ethnicity, nationality, religion, and medical or psychological evaluations of their health (illness, learning, emotional and social difficulties).

Keywords: United Nations Convention on the Rights of the Child; children's rights; Greece; kindergarten; operation of kindergartens.

INTRODUCTION

According to the *Convention on the Rights of the Child* (United Nations, 1989), children's rights are allocated in four broad categories; children have rights of survival, of development, of protection and of participation (United Nations International Children's Emergency Fund, 2008). Survival rights refer to whatever children need in order to survive (for example food and medical care), development rights to children's rights to education, rest, leisure and cultural activities, and protection rights to children's protection from abuse, abandonment, and exploitation. Participation rights concern children's participation in (a) decision making about their lives and (b) in the social groups to which they belong (United Nations International Children's Emergency Fund, 2008). The *Convention on the Rights of the Child* (the *Convention* from now on) does not prioritize one particular category of children's rights over the others because they are interrelated (Alderson, 2008; Smith, 2007). This means that all rights should be enjoyed, that is, had and used (Hornby, 2010, p. 504) by children simultaneously.

There has been a lot of debate as to how to interpret the adults' role in relation to children's rights. As a result, three major theses have been put forward (Alderson, 2008; Te One, 2011); the interest thesis, the caretaker thesis and the choice thesis.

The proponents of the interest thesis or the protection rights thesis view adults as the executors of children's rights. Children are not considered capable of exercising their rights and so adults must act in the children's best interest. The respective articles of the *Convention* prioritized by this thesis are: article 2, which refers to children's right to protection against discrimination; article 3, which refers to adults acting in the best interests of children; articles 19, 33, and 34, which refer to

the children's right to protection against all kinds of abuse; articles 32, 35, and 36 which refer to the children's right to protection from exploitation; article 38, which refers to the protection of children caught in conflict; and article 40, which refers to children's right to protection from injustice (Te One, 2011, pp. 44 & 46).

The caretaker thesis or provision rights thesis is based on the assumption that children are not capable of exercising their rights and, in particular, of making choices, so, adults are entrusted the protection of children's rights instead. The articles of the *Convention* prioritized by this thesis are: articles 5, 18 and 27, which regard the standards of family life children are entitled to; articles 24, 26 and 28 which refer to children's rights to provisions for their health, security and education; article 29, which regards children's rights to provisions for development in general; articles 6 and 23, which regard children's rights to provisions for their physical and special care; and article 31, which regards children's rights to provisions for play, leisure, entertainment, and culture (Te One, 2011, pp. 44-46).

The third thesis is the choice/will thesis or the children's participation rights thesis, according to which adults must accept children's right to choose, and their developing ability in making choices. The respective articles of the *Convention* are: articles 7, 8, and 30, which refer to children's identity; article 12, which refers to their right to be consulted; article 17, which refers to children's rights to access information; articles 13 and 14, which refer to children's rights to freedom of speech and thought; and article 16, which refers to their right to physical integrity and privacy (Te One, 2011, pp. 45 - 46).

The interest thesis and the caretaker thesis are based on a rationale and a perception of children, which maintains an imbalance in the power relationship between adults and children. These two theses tend to ignore that childhood is a "socially, culturally and historically constructed" concept (Cunningham, 1995, as cited in Johnny, 2006, p. 20; see also Aries, 1962; Buckingham, 2000). This means that children's scope to be rights-holders as well as the development of their potential to be rights-holders varies with culture, era and social position. Furthermore, both positions seem to be based on the perception of the "innocent child" (Blenkin & Kelly, 1997, p. 69; see also Lloyd-Smith & Tarr, 2000, as cited in MacNaughton, Hughes, & Smith, 2007, p. 41), who needs to be protected from the corruption of the world and, in general, on a "deficit" model of a child (Bruce, 1997, p. 7). However, there is growing evidence that, if young children are treated in a different way in their homes, communities and kindergartens, they can do more and better in every developmental field and in terms of exercising their rights than these two theses accept (Alderson, 2008; Hall & Kofkin Rudkin, 2011; Jones & Walker, 2011; Vasquez, 2004).

Greece ratified the *Convention on the Rights of the Child* (United Nations, 1989) in 1992 (United Nations International Children's Emergency Fund, 2008). Countries ratifying the *Convention* are obliged to change legislation to reflect what has been ratified. Greece needs to make further progress in terms of education¹ available to young children. This paper discusses how legislation concerning education offered in kindergartens² does or does not respect, protect and fulfil children's rights.

¹ In Greece, the distinction between care and education for young children still exists. Kindergartens are part of the education system whereas provision for children under the age of 4 years is overseen by the Department of Health and Social Solidarity.

² Kindergarten is the school for children aged 4-6 years. Attendance at kindergarten is compulsory for children who are 5 by the 31 December of each school year (Law 3518, 2006, art. 73). The first day of each school year for all kindergartens and primary and secondary schools is 11 September.

METHOD OF STUDY

Greece was selected to be studied because it is a country that has made a large contribution to democracy and has become extensively multicultural, mainly over the last two decades (Triandafyllidou with Maroufouf, 2011). The inflow of people from other countries who do not speak Greek or are not Christian Orthodox since the 1990s meant that the education system had to be reformed so as to cater for the rights of all the people who go to school in Greece. Because the Greek education system is bureaucratic and centralised, and devolution, especially in terms of decision-making, is narrowly defined³ (Andreu & Papakonstantinu, 1994; Country Background Report Greece, n.d.), the reforms were expected to come mainly from the Department of Education and Religion (from here on, Department of Education). The Department of Education administers, manages and organises the whole education system (*Law 3879/2010*, art. 4, § 2; Panaretos, n.d.). The Greek Education Authorities at prefecture level and municipality level have limited scope for initiative and decision-making, and only in certain instances as determined by the Department of Education (Country Background Report Greece, n.d.; Katsaros, 2008). Their role is to check if legislation is followed and to facilitate its implementation rather than to produce further policy beneficial and pertaining to prefecture or municipality education. Therefore, any policy about education institutions affecting children's rights comes from the Department of Education rather than from the Department of Education together with teachers, parents and local education authorities.

This is very significant for institutions, such as kindergartens, which do not have head teachers/principals. In kindergartens, even though one member of the teaching staff is in charge of certain managerial aspects of the kindergarten (for example, payment of bills, ordering supplies, organizing maintenance, and book-keeping), the head teachers are not curriculum and pedagogy leaders, and they do not have performance management responsibilities (*Law 1566/1985; Law 3848/2010*; Theoharidi & Christopoulos, 2010). That is why they are not called head teachers and they are not paid as much as head teachers (*Law 3205/2003*, art. 13). Head teachers in primary and secondary schools have a wider jurisdiction (even though not as extended as that of head teachers in other countries with decentralised education systems). Even the latest law, which sets the criteria for the selection and appointment of teachers in charge of kindergartens (*Law 3848/2010*), does not clarify or define further duties for them than the *Presidential Decree 200*, which was issued in 1998 (see also Theoharidi & Christopoulos, 2010) and continues to cover the largest proportion of administrative, managerial and organisational policy for the operation of kindergartens. The only legal requirements which the *Presidential Decree 200 (1998)* (the *Decree* from now on) does not cover are: (a) the national curriculum for kindergartens; (b) the hiring, firing and sanctioning of kindergarten teachers; (c) financial / budgeting procedures; and (d) certain aspects of parental rights and responsibilities in kindergartens. However, these aspects of policy, common for all teachers at every kindergarten, primary and secondary school, are also defined by law and are not negotiable.

³ Examples of the lack of important aspects of devolution and of the limited scope of initiative and decision-making for teachers and head teachers in Greece are: (a) the fact that schools cannot choose their own textbooks since there is only one for each subject of each Year and is approved and distributed by the Department of Education; (b) schools cannot omit parts of the content of the curriculum or replace some of them with others because the curriculum is included in the above mentioned textbooks provided by the Department of Education in the form of lesson plans for teachers and lessons and homework for children; and (c) schools or local education authorities do not have the jurisdiction to hire teachers (the latest example of it being *Law 3848 (2010)*), unless it is for extra-curricular and after-hours activities.

These facts ensure the representativeness (Ahmet, 2010) of the *Decree* as an official document and that is why this particular “primary document” (McCulloch, 2004, pp. 29-34; see also Lankshear & Knobel, 2004) was selected for this documentary-based research. The credibility (Ahmet, 2010) of the document is also ensured because the *Decree* was not prepared for the benefit of this research and has not been distorted, since everybody can access it from the Government Gazette (known as F.E.K.), where it was initially published, which at the same time ensures its authenticity.

This study is interested in determining: (a) whether **all** provision, protection, and participation **rights** of the children in kindergartens are respected, protected, and fulfilled by the *Decree* in relation, of course, only to the kindergarten issues it covers; and (b) whether the rights of **all kindergarten children** are respected, protected, and fulfilled by the *Decree*. The content of the terms “to respect”, “to protect” and “to fulfil” rights was borrowed from the Save-the-children approach to children’s rights (Save The Children, 2007, p. 10) and adjusted to the level of the *Decree* rather than the level of a country to which the Save-the-children approach refers. The content of the *Decree* is considered to be respecting children’s rights if it does not hinder the enjoyment (see also Hornby, 2010, p. 504) of children’s rights; that is, if it allows children to have and use their rights. The protection of children’s rights is considered ensured if the *Decree* prevents others from interfering with children’s enjoyment of their rights; that is, if it stops others from interfering with children having and using their rights. The fulfilment of children’s rights is ensured if the *Decree* facilitates children in realising their rights.

The Decree is divided into 13 articles, which cover:

- The catchment area of each kindergarten.
- The name of each kindergarten.
- Emergencies and the short-term⁴ closing of kindergartens.
- The length of the school year and the official secular and religious holidays.
- Books and records for teachers to keep and update.
- Children’s enrollments.
- The check and evaluation of children’s development and meetings among professionals and families about them.
- The co-operation among teachers of kindergartens sharing the same schoolyard and the allocation of children between them.⁵
- Staff meetings.
- In-service training and consultation.
- Planning and accountability.
- Children’s supervision during breaks and visits.

In order to determine which children’s rights are respected, protected and fulfilled by the *Decree*, I read it and noted all excerpts which were related to children’s protection, participation, and provision rights; that is, I examined all 13 articles of the *Decree* based on what they mean to children’s rights and the three categories of rights. Therefore, the approach to explaining the data adopted is interpretive (Mason, 1997), because I made an attempt to analyze how the content of this document relates to children’s rights.

⁴ The closing of schools including kindergartens is a ministerial decision that is not regulated by the decree or any other legislation for that matter.

⁵ In Greece, kindergartens have up to three classes. A kindergarten may share a yard with a primary school or another kindergarten. In neither case do schools merge into one and each of the two kindergartens continues to have its own teacher-in-charge.

The validity of the translation of the document from Greek to English is ensured in two ways. First, I am a native Greek speaker and a fluent speaker of English, thus I understand the content of the *Decree* and can render it well into English. Second, because the content of the paper has a “literal meaning” (Scott, 1990, as cited in Ahmed, 2010, p. 5) and does not include any terminology. To provide for the interpretative meaning of documentary data, researchers usually conduct in-depth interviews with people who are familiar with the social phenomenon under investigation or triangulate their data in other ways (Ahmet, 2010). I have not conducted interviews with kindergarten teachers, parents or officials from the Department of Education. However, I relate the content of the *Decree* to more recent legislation on kindergarten education, because it has not been changed for over 15 years whereas the national curriculum for kindergartens has.⁶ Therefore, if there is more recent legislation on kindergarten education with elements opposing or reinforcing any hindrance or violation of children’s rights set by the *Decree*, such legislation is considered and linked to the content of the *Decree*.

In the next section, aspects of the policy which do or do not respect, protect and fulfil children’s rights are examined. First, the aspects of policy which respect, protect and fulfil children’s rights are presented, then the aspects which do not respect, protect and fulfil children’s rights but have been restricted by more recent legislation coming into force since 1998. Finally, the aspects of policy that continue not to respect, protect and fulfil children’s rights are discussed.

DATA ANALYSIS

This paper analyzes themes related to the organization of Greek kindergartens, rather than each article of the *Decree*, to determine whether the respect for, protection and fulfilment of children’s rights are observed. The content of the *Decree* cannot be related to children’s rights 5, 9-11, 18 and 27 of the *Convention*, which refer to the violation of children’s rights by their parents and family, or articles 32-39, which refer to children’s protection from war, torture, slavery, exploitation and abuse. The content of these rights is not related to the operation of kindergartens, either because they do not directly apply or because the violation of these rights had already been forbidden by other legislation prior to the *Decree* and/or by legislation unrelated to education policy. Neither can articles 1, 4, 6, 20-23, 25-27, 40-54 of the *Convention* be related to the operation of kindergarten, because they refer to the definition of a child and to each state’s responsibilities to change legislation according to the *Convention* so as to ensure that children survive, develop, are protected WHEN THERE IS lack of family, when on trial, and provided with social security.

In terms of their content, articles 2, 3, 5, 6, 8, 12 and 13 of the *Decree* could not be related to children’s rights and their respect, protection or fulfilment. For instance, article 8 is three lines long and explains that the official curriculum in 1998, which was in the form of the *Decree*, could be amended by Ministerial Decisions and article 12 refers to teachers’ obligatory attendance of certain in-service training sessions. Article 13 determines which legislation is superseded by this *Decree*; article 2 refers to the name of the each kindergarten; article 3 refers to the length of the school year; and article 5 to the closing of kindergartens due to emergencies. Articles 1, 4, 7, 9, 10 and 11, on the other hand, describe policy aspects that are related to children’s rights.

⁶ When the *Decree* came into force, the curriculum, in effect, was the one issued in 1989. The latter was replaced in 2003 by the *Ministerial Decision Γ2/2107 2β*.

Provision, protection and fulfilment of some rights of the child

What the *Decree* foresees is in accordance with some of the rights of the child as found in the *Convention*. The *Decree* ensures that no child is discriminated against so as not to be accepted in kindergarten (art. 1 and 7) or not to be taken to kindergarten excursions and visits (art. 11), which is in accordance with the *Convention* (art. 2, 28 and 31). The *Decree* also determines that decisions made by the teachers regarding the aims of the education offered by kindergartens sharing a school yard should be in accordance with the principle of equal opportunities for the children and not favour the children of one of the two kindergartens (art. 10), which is also in accordance with the *Convention* (art. 2 and 3). The *Decree* obliges teachers: (a) to check and assess children's progress in education (art. 9) and even help parents to make arrangements for the acquisition of their children's legal paperwork, if it is not in order (art. 7); and (b) to protect children against physical harm (art. 4 and 11), all of which are on a par with the *Convention* (art. 7, 19, 24 and 28). It obliges parents to cater for children's safe transportation to and from kindergarten and to ensure that children are in good health in terms of vaccinations and dental care (art. 7), which shows respect to the *Convention* (art. 18, 19, 24 and 28).

A distinction made by the *Decree* is that "children of special categories (orphans, gypsies, repatriated Greeks, foreigners, and boys and girls) are distributed in equal numbers in the classes" (art. 10, § 2 and art. 7) of kindergartens sharing the same schoolyard. This is a strange statement because in the state-run education system and in kindergarten, in particular, children were never grouped in classes of orphans, gypsies, repatriated Greeks, or foreigners, and stopped being grouped in schools for boys and schools for girls about 80 years ago. What's more, this section does not generalize the above obligation to single kindergartens with their own premises. In such kindergartens one of their 2 or 3 classes can easily become a class of children exclusively from the above-mentioned special categories. On the one hand, it makes sense and is in accordance with the *Convention* that all children, regardless of background, are in one class, in an inclusive class, as the *Decree* foresees. On the other hand, the language of the document either implies such a distinction on the author's part or assumes it on the part of the teachers who are to implement the *Decree*.

In spite of a number of sections of the *Decree* being in line with the requirements of the *Convention*, others are not – or are only partially so.

Restrictions on the lack of respect for, protection or fulfilment of some rights of the child

The *Decree* appears not to respect, protect, or fulfil children's participation rights because it does not allow scope for children to be consulted and to participate in decision-making processes regarding the matters it covers. The centralized and bureaucratic structure of the education system in Greece (Andreu & Papakonstantinu, 1994) does not leave much room for deviation in administration, management and organization, and this rigidity seems to seep into the educational process affecting children's participation rights. However, the current national curriculum (*Ministerial Decision Γ2/2107 2β*, 2003) allows teachers to act in ways that can restrict these drawbacks of the *Decree* and to contribute to the fulfilment of children's rights.

Kindergarten visits

Article 4 of the *Decree* refers to taking kindergarten children to church: "children can be taken to church, if the teaching staff decide so, if the local conditions allow it and if the conditions for their safe transportation to the church are ensured" (art. 4, § 5). So, it is the teachers who decide when to take children to church without having the responsibility to consult children, only to consider their protection from harm.

As for excursions, article 11 of the *Decree* determines that visits to various educational places are realized if the teaching staff decide so. The *Decree* also states that teachers must ensure “children’s safe transportation” and their “adequate supervision” on outings (art. 11). Parents may participate in outings, if kindergarten teachers ask them to help with child supervision. Therefore, neither children nor their parents are involved in deciding when and where they go on an educational visit or outing. The responsibility lies with the teachers whose only priority is children’s safety. In this case, as in the previous one, children’s protection rights are prioritized over their participation ones by the *Decree*.

However, the current curriculum (the 2003 curriculum from now on) introduced a project approach. Integral aspects of this approach are: (a) the active participation of children in the learning process; and (b) visits to sites where further information on the topic of their investigation can be accessed (Harris Helm & Katz, 2001). These aspects of the approach are very important because they give teachers scope to consult children about visits and children the opportunity to express their opinions about visits and to participate in decision-making as well as the opportunity for both parties (children and teachers) to discuss and decide on issues concerning safety. Therefore, even though the only concern of the *Decree* about these matters seems to be children’s protection rights, the 2003 curriculum as the official policy to be implemented has the potential to contribute to the fulfilment of children’s participation rights.

Assessment of children’s progress

The *Decree* refers to children’s assessment; most likely, this is the case because the curriculum document in effect in 1998 (when the *Decree* was issued) did not refer to assessment. Article 9, section 1 declares that children’s progress is based on: (a) information given by their family; (b) observations of children’s behaviour, attitudes and activities made by the teacher;⁷ and (c) the teacher’s assessment of how well children respond to the targets of the national curriculum for kindergarten. There is no reference to children’s self-assessment or to involving children in assessing various aspects of life and education in kindergarten (for example the mosaic approach advocated by Clark & Moss, 2001).

However, the 2003 curriculum introduced alternative ways of assessment, such as portfolios and diaries, which offer children the opportunity to participate in their assessment (e.g. Makin & Whitehead, 2004). The project approach, also introduced by the 2003 curriculum, gives such opportunities, too, because it has an assessment phase in which children participate and assess their work and learning (Harris Helm & Katz, 2001; *Ministerial Decision Γ2/2107 2β*, 2003). In this case, the 2003 curriculum contributes to the fulfilment of children’s participation rights. The lack of an official, uniform method and record of assessment (for example the Early Years Foundation Stage Profile used in England) of each child in Greece according to criteria set by the Department of Education gives teachers another opportunity to involve children in their assessment.

No respect, protection and fulfilment of some rights of the child

Breaks and cleanliness in kindergarten

Children are supervised by their teachers during breaks. Teachers take all the necessary measures for “the children’s protection and physical integrity” (*Presidential Decree 200, 1998*, art. 11).

⁷ Singular is used because one teacher is responsible for up to 25 children (Country Background Report Greece, n.d.) in one classroom without any assistance from others (parents are not allowed in the classroom, unless their child has a serious health or development problem) and because kindergartens are not open plan. These facts mean that, apart from their teacher, nobody else can provide observations of the children’s experience in the classroom, except perhaps a School Advisor, as they are allowed to be in schools for observations.

According to article 11, kindergarten teachers are also responsible for the cleanliness of the kindergarten and all other matters concerning the children's hygiene and safety.

These regulations on safety and cleanliness, however, are in sharp contrast, for example, to research by Millei and Gallagher (2011). These researchers found that young children have opinions of the bathroom facilities of their school and, given the opportunity, they can express these opinions as well as their suggestions for change for the better. The above regulations are also in sharp contrast to children's views about hygiene and safety, as exemplified in the Boulder Journey School in which children from six months to six years old drew up a charter of their rights including (written in children's words by their teachers):

- "Children have a right to brush their own teeth"
 - "Children have a right to clean air"
 - "Children have a right to run or walk, to choose which one, if it's safe"
 - "Children have a right to be safe from fire"
 - "Children have a right to pretend with glass but not a right to drop it 'cause that's not safe"
- (Hall and Kofkin Rudkin, 2011, pp. 8-9).

While nobody can question the importance of living in an environment without any risks to one's health and physical integrity, if there are such dangers in a kindergarten, children can become involved in avoiding them and in learning how to protect themselves from danger.

The assessment of children's progress

It is stated in the *Decree* that, at the end of each school term,⁸ teachers must discuss the children's progress and, based on it, draw up new directions for the education program of the kindergarten (art. 9, § 2). Whereas parents and children are excluded from this process, the School Advisor⁹ and the Head of the Local Education Authority,¹⁰ if they want to, can participate in the process of assessing children's progress and in deciding what to do next in kindergarten without asking for permission to participate (*Presidential Decree 200, 1998*, art. 9, § 2). What the document foresees for parents is that they are informed about their children's progress and that teachers have the obligation to inform them (*Presidential Decree 200, 1998*, art. 9, § 3). This central decision excludes children and their parents from expressing their views and participating in decision-making about planning in kindergartens.

No respect, protection and fulfilment of some children's rights

There are articles in the *Decree*, which allow scope for education partners to hinder some children's enjoyment of their rights.

Provision of a place in kindergarten

Children lose their place in a kindergarten if they are absent for over two months consecutively and their parents do not respond to the written notices from their teacher (*Presidential Decree 200, 1998*, art. 7, § 14). Instead of having an agency or a procedure (in accordance with their United Nations provision and protection rights), which can interfere so that whatever holds back a child from attending kindergarten vanishes, children are punished by losing their kindergarten places and are not consulted about it either.

⁸ Early December, early March and early June.

⁹ School Advisors are responsible for the professional development of teachers of one prefecture and for assisting them with professional and scientific matters.

¹⁰ A Head of a Local Education Authority is responsible for the management of all schools in a prefecture. Each prefecture has one Head for Primary Education (kindergartens and primary schools) and one for Secondary Education, compulsory or not.

Participation in the cultural life of the kindergarten

Variation according to religion

According to article 11 of the *Decree*, children who are not Christian Orthodox may be exempted from the Morning Prayer during assembly time and from other religious celebrations if their parents request so in writing. This means that children are not given the opportunity to decide if they want to participate in the spiritual life available at kindergarten, not even to express an opinion to their teachers. The *Decree* has not provided for children to be consulted about their participation in religious celebrations but has assigned the final decision on the matter to their parents.

In Greece, the Department of Education has always been connected with Religion, as its name suggests (Department of Education and Religion, ~~Culture and Sports, Greece, 2012~~). In fact, it is considered very important for school to shape the Greek and the Christian Orthodox identity in pupils. However, such a perspective on children's identity causes problems to the rights of children who are not Greek or Christian Orthodox (see also Zabeta, 2003) but do attend schools in Greece. Any religion other than the Christian Orthodox is excluded from the spiritual life of the Greek kindergarten, even though children of all faiths are accepted in Greek kindergartens. According to other legislation, children of different faiths are entitled to be absent from school on days of important religious celebrations of their faiths. These faiths are the Jewish faith, the Muslim faith and the Latin Christian dogma (*Presidential Decree 294, 1979, art. 3*) and the *Decree* allows children of only these religions to miss school to celebrate their religion. Furthermore, these religions and their celebrations are not a part of the content of the kindergarten curriculum. In fact they become part of the Religious Education Curriculum only when children go to upper secondary school, which is not part of the compulsory education stream. Not only the *Decree* under examination but also the 2003 curriculum is based on this distinction among religions; it specifically states that children are involved in activities relating **only** to the Christian Orthodox faith (*Ministerial Decision Γ2/2107 2β, 2003, p. 4320*).

Variation according to ethnicity and nationality

The 2003 curriculum states that children are to be involved in the customs and traditions of "our country," meaning Greece (*Ministerial Decision Γ2/2107 2β, 2003, p. 4324*) and is in accordance with the *Decree*, which specifies that all children are obliged to participate in all national (Greek) celebrations (art. 11), without considering whether they are Greek in nationality or ethnicity or not. In this case, too, children who are not Greek nationals or citizens do not have the opportunity to celebrate their own national celebrations at kindergarten but, at the same time, are obliged to celebrate the Greek ones.

Therefore, even though in Greece children of all faiths, nationalities and ethnicities are able to attend kindergarten, there is not adequate provision for, protection of, or fulfilment of their right to be included in the kindergarten as much as the rest of the children in terms of ethnic background and religion, since only one particular background and culture is discussed and celebrated in the Greek kindergarten.

Age of attending primary school

For their own protection, kindergarten children do not have the opportunity to express themselves in relation to their school career. Article 7, section 7 determines that children can attend kindergarten for an extra year and go to primary school at the age of seven rather than six, which is the official age of starting primary school, for *serious family reasons* (which are not analyzed or referenced within the *Decree*), if their parents submit such a request in writing or after the

recommendation of *doctors* or of the respective *school advisor*, and provided that their parents wish it. These agents (parents/carers, doctors or advisors) can recommend the delay of children attending primary school on the grounds of poor health or learning difficulties (Argyropoulou, 2007). The *Decree* does not provide for children to be consulted when others decide whether or not to stop them from starting primary school. Moreover, the *Decree* has not provided for **all** children to have appropriate help and provision (in accordance with their United Nations provision and protection rights) so as to be successful at school; for example school psychologists and other relevant professionals in **every** school.

CONCLUSIONS

In this paper the *Presidential Decree 200 (1998)*, which refers to the operation of all kindergartens in Greece, was examined in order to determine:

- (a) Whether or not it respects, protects and fulfils children's rights.
- (b) Whether or not it respects, protects and fulfils the rights of some groups of children only.

In general, the *Decree* does not acknowledge children's rights of participation, the rationale (e.g. *Presidential Decree 200, 1998*, art. 4) being fear of children being harmed or injured. Although children should be protected from harm and from their teachers' neglect (United Nations, 1989, art. 19), this protection should not impinge on their participation rights.

The *Decree* respects, protects and fulfils the provision rights of some children, not of all children (for example right to physical care and education for all but not right to culture for all) and the protection rights of some but not all children (for example the right for adults to act in a child's best interests for all children but not the right to be safe from discrimination for all). Children's provision and protection rights can be withheld by adults or are withheld by the *Decree* itself according to children's:

- Family background
- Non Greek background
- Non Christian Orthodox background
- Medical or psychological definitions and evaluations of the dysfunctional child (illness, learning, emotional and social difficulties).

At certain points, the 2003 curriculum is in sharp contrast with the *Decree* as far as children's rights are concerned. This curriculum is more child-friendly than the *Decree* and, at times, promotes children's rights, although it is not right-based; it has a strong Piagetian, constructivist direction with some references to aspects of social constructivism (Gliou-Christodolou, n.d.) in the form of the project approach. Nevertheless, as a curriculum, it does not cover all aspects of the operation of kindergartens (for example enrollments of all children), which the *Decree* does (arts. 7 & 13), so it is enough to make a difference but not a change.

In addition to the easing of restrictions imposed by the *Decree* because of the 2003 curriculum – on the lack of respect, protection and fulfilment of children's rights – the lack of school inspections, head teachers and teachers' performance appraisal in Greece allows scope for teachers to work with children according to a rights-based philosophy and to respect, protect and fulfil all children's rights. Nevertheless, teachers may not see it this way, since the *Decree* has not been abolished. They may or may not make the connection between the content of the *Decree* and other more recent and seemingly unrelated legislation, which allows teachers scope to respect, protect and fulfil children's rights. For this potential to be realized, their initial education and their

professional development should also be updated and adapted so as to equip them to offer an education respecting, protecting and fulfilling children's rights.

Apart from researching children's rights through documents, one could also examine the views of teachers and parents about respecting, protecting and fulfilling of children's rights. This is significant because, as the analysis showed, teachers are allowed to override some of the problematic aspects of policy set by the *Decree* and because parents in Greece do not have as many rights in the children's education as parents in other countries. For example, they cannot choose a state run kindergarten for their child and have to register them to their neighbourhood school. They are not allowed to be involved in decisions about the curriculum and in the classroom unless their child has a serious mental or emotional problem (*Presidential Decree 200, 1998*, art. 9, § 5). They are treated as non-experts, as it is implied by regulations concerning their children's assessments and school visits. Parents are not informed about parenting and upbringing based on children's rights or encouraged to apply them.

However, in addition to changing the legislation and the attitudes of adults, the most important voice we need to learn to hear and listen to is that of the children themselves.

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