

**CHILDREN'S RIGHT TO ACCESS EARLY CHILDHOOD
EDUCATION: IN SEARCH OF DEMOCRACY AND
FREEDOM**

**O DIREITO DAS CRIANÇAS AO ACESSO À EDUCAÇÃO DE
INFÂNCIA: EM BUSCA DE DEMOCRACIA E LIBERDADE**

Teresa Sarmento
Research Centre on Child Studies
University of Minho

Abstract

The text addresses the intersection between childhood, freedom and democracy in the context of early childhood education, highlighting the connection between the history of children and women, and their relationship to educational institutions and pedagogical ideas, in an ecosystem influenced by economic, socio-political and cultural factors. In the last two centuries, the promotion of the right to equal access to early childhood education has oscillated between social and pedagogical movements, which are interdependent but whose overvaluation of one or the other has marked the history of childhood education. The text analyses how early childhood education in Portugal has been at the service of democracy, especially in terms of access for all children to nursery schools and kindergartens, emphasising the need for the existence of conditions that guarantee the implementation of participatory and emancipatory educational practices.

Keywords: Early childhood education; Democracy; Children; Educational institutions.

Resumo

O texto aborda a intersecção entre infância, liberdade e democracia no contexto da educação de infância, destacando a ligação entre a história das crianças e das mulheres, e a sua relação com as instituições educativas e as ideias pedagógicas, num ecossistema influenciado por fatores económicos, sociopolíticos e culturais. Nos últimos dois séculos, a promoção do direito à igualdade de acesso

à educação de infância oscilou entre movimentos sociais e pedagógicos, interdependentes, mas cuja sobrevalorização de um ou de outro marcou a história da educação de infância. Neste artigo analisa-se o modo como a educação de infância em Portugal tem estado ao serviço da democracia, nomeadamente no que se refere ao acesso de todas as crianças às creches e jardins-de-infância, sublinhando a necessidade da existência de condições que garantam a implementação de práticas educativas participativas e emancipatórias.

Palavras-chave Educação infantil; Democracia; Crianças; Instituições educativas

Introduction

Reflecting on the triangulation of childhood, freedom and democracy, combined with early childhood education, requires us to cross-reference the history of children and women with the history of educational institutions and the history of pedagogical ideas, which in turn are marked by economic, socio-political and cultural conditions, and by the history of the actors and subjects of professional action.

The spread of new pedagogical ideas from Rousseau, Pestalozzi, Froebél, Dewey and others at the end of the 19th century and beginning of the 20th century threw light on new conceptions of children and opportunities for intervening with them in order to promote their individual development and social integration in a variety of balanced ways. In the Western world over the last two centuries, concerns about working with children with the aim of promoting access to equal rights have been influenced alternately by social and pedagogical movements, and although these are not entirely dissociable, overemphasis on one to the exclusion of the other has impacted the history of early childhood education.

This socio-historical text seeks to analyse whether or not the emergence and development of early childhood education in Portugal has served democracy, particularly in terms of the right of all children to have access to crèches and kindergartens, while not ignoring the need for measures to ensure that children can enjoy the right to success. The notion of 'success' here refers strictly to conditions that promote (but do not always guarantee!) quality, such as specialised training for professionals, regulation of the education system, clear definition of educational goals and the existence of conditions for the implementation of participatory and emancipatory educational practices.

A brief history of early childhood education

When looking at the history of the emergence of children's education in formal, extra-familial contexts¹, it is well known that in countries such as France and England, industrialisation and the changes it brought about at family level, with the departure of women from the home, were the driving force behind the opening of asylum homes, which would eventually progress to crèches and kindergartens. It is questionable whether the motivation was the same in Portugal or whether its roots were more philanthropic and ideological; the functions of welfare and education do not seem to have been so cyclical here as in those countries.

In France, for example, the intended social function of the first asylums was both preventive and curative. From 1882 onwards, French republicans began to call for asylums to fulfil an educational role, even changing their name to schools. However, in view of the schooling trend that they began to develop, and in response to alerts from hygienists, Kergomard – an educator who would go on to play a key role in French childhood education – rediscovered the guardianship function of nursery schools. Between 1881-1921, official French discourse upheld the functions of reception and, indeed, of assistance, based on the idea of an 'infra-pedagogical' age (Luc, 1982:18).

In Portugal, the care of children outside the home began in the 18th century, and increased significantly from the second quarter of the 19th century onwards, with the widespread development of the Casas da Roda, the Misericórdias and the Casas de Órfãos (Orphan Houses), which were strongly concerned with welfare (Magalhães, 1997). Contrary to what was happening in other countries, these centres were not opened by industrialists, but by the monarch himself, Pedro V, in 1834. Although these care centres were developed for welfare purposes, there are references from earlier periods that show how pedagogical concerns were already present among Portuguese ideologists². In addition to the idea of childhood allied to innocence, which was very prevalent at the time, there was also the understanding that mothers were the primary pedagogues of their children, whom they would take to a certain place with an educational purpose: this is the old idea that it is not the job of the pedagogue to replace or 'do' the learning, but to lead the child to the places where that learning takes place. In addition, it is clear that socialisation played a very important role, encouraging contact with others in order to build social values such as solidarity, the sense of valuing others and developing bonds of friendship.

In summary, it can be said that this first period of childcare outside the home came about for one reason and subsequently expanded for two purposes; that is to say, it emerged as a social need to 'look after children' when mothers were unable

¹ This analysis is analysed in greater depth in the book Sarmiento, T. (2002). *Life Stories of Childhood Educators*. IIE.

² See *Tratado da Educação Física dos Meninos para uso da Nação Portuguesa*, by Francisco José de Almeida, 1791.

to do so, and then developed both with the social purpose of assisting children and families, and with an educational intent.

Between 1834 and 1910 state initiatives were clearly motivated by two different types of logic: on the one hand, the logic of needs and, on the other, the logic of ideas. The logic of needs, as mentioned above, stems from the social changes that took place at the time, with women moving out of the domestic sphere and into the world of work. The logic of ideas stems from the ideological and political innovations that emerged at the time: 1) the dissemination of an educational project based on the philosophy of the Enlightenment, supported by the 'modern culture' of living languages, sciences and techniques; 2) the affirmation of the state as the only institution with the political strength to direct the new educational project; 3) the decline of the Church's influence on public education; 4) the active intervention of intellectuals in the dissemination of educational ideas and the renewal of school institutions (Fernandes, 1992).

In Portugal, as in other European countries, pedagogical ideas came to fruition, with some indicators that the state was beginning to value the education of children outside the home and under the responsibility of qualified agents, as evidenced by the first legislative references to early childhood education; the decision to send appropriate people abroad to study the Froebél method; and the expansion of the normal schools created between 1862-1881 to train primary school teachers, which would become important for the training of early childhood teachers in the period following.

Historical and legislative analysis shows that values such as freedom and participation, and therefore democratic values, were at the root of these changes. In this era, the state argued that education was a necessity; eligibility, as a new reality, should not depend on age or on the citizen's possessions, but on their physical, intellectual and moral capacity, so the earlier this education began, the better.

The meaning attributed to education at the time differed from what we hold today. In Formosinho (1988), the sociological meaning of education is subdivided into three components: instruction, understood as learning content and techniques; socialisation, i.e. integration and participation in society's values; and stimulation, which means making the most of the individual's potential. According to this analysis grid, it seems clear that instruction was the most valued aspect, with socialisation understood as a form of normative integration, in which the child was seen as a mere learner.

The establishment of the Republic in Portugal in 1910 brought with it the idea of the new man and introduced new concepts of participation and citizenship. Participation came to be seen as an "indispensable and essential instrument for the democratisation and modernisation of the country" (Fernandes, 1992:313); in other words, there was an awareness of the link between education and development. The emergence of the new regime was accompanied by a distinction between

education and instruction, the latter being seen as one of the components of that global action.

"Moral and civic education as a privileged space for preparing children and young people for participation in republican democratic society" (ibid:313) required the state to take measures both in the training of professionals and in the creation of nursery schools. With a view to pursuing these principles, much legislation was produced, but its practical realisations were short-lived.

From the period of the First Republic, with regard to early childhood education, the importance attributed to children as educable beings should be emphasised, reflected in the first legislative measures for the implementation of a network of nursery schools and investment in the training of nursery school teachers (designations used at the time). However, the fragility of the measures taken with regard to the implementation of this sector is clearly evident.

According to the Portuguese Statistical Yearbook for 1927, the distribution of nursery schools and children's sections, teachers and pupils (the designations then used) by district, as can be seen in the following table, was absolutely residual:

Table 1.

Distribution of nursery schools and children's sections, teachers and pupils (the designations then used) by district.

School Year	Districts	Schools and children's sections	Teachers	Students
1926-27	Aveiro	3	9	276
	Braga	6	6	236
	Bragança	1	2	35
	Leiria	1	1	43
	Lisboa	37	41	1,343
	Porto	7	24	851

Source: Portuguese Statistical Yearbook for 1927

This very small number of 'nursery schools' and 'nursery teachers' shows that the republicans' vision was not translated into action plans. In other words, although the outlook was one of openness in catering for this sector of education, the achievements were far too haphazard. Child education at the time was, by law, carried out entirely by women, and this was justified by a strongly rooted defence

of the spaces to be occupied by women and their duties in the raising of children, which may have contributed to the lack of emphasis given to state child education.

Between 1926 and 1974, Portugal experienced a sustained period of strong state control, which caused the economic, social and cultural fabric of the country to stagnate considerably. According to Formosinho (1997), this period can be subdivided into several phases:

. from 1926 to 1933 (1927-1936³) – a transitional period, immediately after the political revolution, which enabled the implementation of a new political philosophy and administrative dictatorship. In terms of education, there was an increase in anti-republican political measures, with a setback in teacher training and in the innovative educational measures that had been implemented, albeit precariously;

. from 1933 to 1945 (1936-1947) - marked by the publication of the new State Constitution, this was the period in which the influence of fascist ideology was most evident. At this time, there was strong state intervention in the 'education' of children and families, with the absolute closure of 'nursery schools', in an attempt to guarantee the indoctrinating function prioritised by the Estado Novo. With the constitutional aims of handing over the upbringing of children to families, worksites were closed to women and they were sent home, which can be seen as a factor in the devaluation of women and children (Araújo, 1990 and 1990^a, 1993 and 1993^a; Magalhães, 1998; Mónica, 1978), and the new educational objectives were established with the aim of disconnecting the state from responsibility for early childhood education (Mónica, 1978).

. from 1945 to 1958 (1947-1958) – this phase began to suffer from some of the pressures arising from the establishment of democratic regimes in Europe. The development of industrialisation required the expansion of schooling and the promotion of mass literacy.

Closed to the outside world, with prohibitions on public political debate, the country had an essentially subsistence rural economy, with a very hierarchical social structure. Against this background, for many years little importance was attached to education and, when it did take place, it was understood more as a need of the state than as an individual right.

Although the Estado Novo did not immediately abolish early childhood education, stating in the Preamble to Decree no. 1037 of 15 October 1928 that the government still wished to continue its development. However, with Decree-Law no. 28081 of 9 October 1937, the government saw that the "fruits do not correspond to the burdens" and ordered nursery schools to be abolished or converted into elementary schools (art. 2). With the return to children being raised exclusively at home (especially working-class children, since those from more privileged

³ These values in brackets refer to the transitional periods from which the differences implemented in the predefined periods become clearer.

backgrounds could have access to private kindergartens), the welfare function, which previous state measures had sought to combine with instructive and educational functions, was reinforced.

Thus, the pedagogical secularism that had been spreading since the establishment of the Republic was destroyed by the counter-revolution of 1926. The progress made in early childhood education, particularly since what became known as the Camoesas Reform in 1923⁴, now came up against major obstacles.

The values of freedom, social responsibility and citizenship, which were implicit in Camoesas and to be worked on from nursery school onwards, were quickly submerged by the rigid indoctrination apparatus of the Estado Novo. The state was not interested in forming enlightened citizens, or investing in the country's culture, so education, even if it meant instruction, was not seen as a primary value, much less the education of children up to the age of six.

The Declaration of the Rights of the Child, promulgated in 1959, was a turning point in how seriously early childhood education was taken internationally. From the 1950s onwards, there was an increase in the number of private childcare institutions, with social service objectives taking precedence over any pedagogical aims. Bairrão and Vasconcelos even state that, until 1966, "the majority of existing centres for children under the age of six had no educational objectives, while the staff had no specific qualifications and were essentially concerned with the care and most basic needs of the children" (1997:10).

The period of ideological decline in the 1960s led to some changes in the Portuguese social structure arising from the growth of industry and repercussions in the economy, in banking and insurance. Industrialisation, along with the surge in emigration and the large number of men going off to fight in the colonial war, all caused families to migrate from the villages to the urban centres. Moreover, women had to take on public roles, thus requiring them to work outside the home, which, in turn, increased the social demand for childcare.

As a result of these changes, attention shifted to intervention in childhood as a means of overcoming family deprivation and its repercussions on school success, of which children from the most disadvantaged socio-economic backgrounds were the main victims (Cardona, 1997). From that decade onwards, educational intervention in childhood also became increasingly valued due to advances in psychology, pedagogy and sociology.

In 1973, Veiga Simão, Minister of National Education, opened the debate on the creation of official pre-school education, which was an innovation in the school system. With a humanist discourse, he argued that "the school system should not be directly subordinated to the demands of economic development, since it is man himself who is at stake at the beginning and end of the system" (MEN, 1973:14). The theory of human capital, according to which investing in a person's education

⁴ Decree-Law of 2 July 1923 - Camoesas Reform.

means capitalising on the country's assets, may have been significant in concerns about intervening in education as early as possible.

The debate that led to the Reform of the Education System in 1973 (MEN, 19739) resulted in some important findings for early childhood education. In particular, the lack of pre-school education was considered to be one of the most serious shortcomings in the education system, and its creation was accepted with general consensus; it was proposed that kindergartens should be spread out across the country, with some advocating that they should only be opened in the most socially and economically disadvantaged areas; the issue of compulsory attendance was raised, a previous proposal having already appeared to this effect, without gaining sufficient acceptance, the proponents now agreeing on the age of entry and a duration of two years of attendance.

Concerns about the training of kindergarten teachers were also raised in the above-mentioned debate, with some advocating that it should be conducted at a higher level, in line with what was already being done abroad. Although this suggestion was not taken up, Law 5/73 did, however, create two official schools for training nursery teachers on an experimental basis – one in Viana do Castelo and the other in Coimbra.

Even then, the education of children between the ages of zero and three was not mentioned, and it was considered that their mothers were responsible for their education. At the time – as is the case now – it was the private and welfare sectors that provided daily childcare for a very small number of children in this age group, who were not subject to any educational regulations. As a consequence, from Law 5/73 onwards, the responsibility for state-supervised childcare services was divided between two Ministries: the Ministry of Health and Assistance to cater for institutions for children aged zero to three, with care functions, and the Ministry of National Education for the regulation of institutions for children aged three to five, with educational and compensatory functions.

25 April and early childhood education - opening up new paths of democracy and freedom

We have now reached 1974, the first of the fifty years that this book honours. The last half-century of early childhood education effectively reflects the construction of democracy and freedom in Portugal, charting a path which, like so many others, has seen advances and setbacks along with dreams realised and expectations dashed.

The universalisation of the national pre-school education network (integrating both public and private networks) for all children aged four and five has been completed, while a similar expansion of nursery school provision for three-year-old children has been promised. However, the Ministry of Education's responsibility for nursery schools and the provision of places for all children aged from zero to three,

as well as equal rights and recognition for their professionals, is something that that is still under debate but has yet to be implemented. In Portugal, the essentially welfare-based view that nurseries should provide for young children is still very prevalent, despite the fact that existing in-depth studies into the needs, potential and agency of babies, as well as other dimensions related to nurseries (organisational, pedagogical, professional identities and others), show the importance of recognising them as spaces for educational promotion (Sarmiento, T. and Silva, 2022).

Families still have the option to enrol their children in those places that are available, and the fact that there is no obligation to implement a prescribed curriculum gives professionals the freedom (and responsibility!) to choose what they consider to be the best route to take with the children.

1974, and particularly the so-called 25th of April Revolution, was undeniably a turning point for the entire Portuguese social sector. The dissatisfaction that had been brewing since the 1960s triggered the "Captains of April" Armed Forces Movement, which ousted the previous government and opened up the opportunity for new forms of political and community participation and the implementation of new social values.

Regarding the implications for early childhood education, between 1974 and 1980 there were two distinct periods. The first, from 1974 to the inauguration of the First Constitutional Government in 1976, was marked by three key events: the Veiga Simão Reform (which emerged from the previous period), multiple popular mobilisation activities and the intervention of the World Bank. The second period, known as 'normalisation', saw the state seeking to regain and retake control of the entire economic and social sector, including education. The new perspective of recognition of equal opportunities and individual rights caused a rethink of education policy. The importance of qualifying human resources, conveyed in Veiga Simão's Reform, advocating human development as the foundation for a new society, supports the promotion of a more humanistic education policy. These values led to active participation in schools and communities.

According to the educational sociologist Stephen Stoer, the 1970s made clear the link between democracy and education as a form of community-based schooling that plays a vital role in building and maintaining a democratic society, arguing that for education to become democratic it must be participatory and egalitarian (1986). As Stoer argues, the provisional governments, essentially concerned "with freeing Portugal from an elitist and classist education system" (ibid:63), may have understood that the creation of nursery schools (the name at the time) on a national scale was not immediately justified because it would not translate into modernising the Portuguese education system. However, the Armed Forces Movement's programme on education advocated the expansion of school social action schemes and pre-school education, forcing the involvement of the private sector. The aim was to speed up the process of implementing the principle of equal opportunities,

which involved reducing failure rates in primary school, on the understanding that this would be facilitated by prior kindergarten attendance (Fernandes, 1977).

Meanwhile, in 1975, the Economic and Social Policy Programme, known as the Melo Antunes Plan, proposed measures to create an official pre-school education system, starting with the establishment of a school network and supporting the creation of a staff of nursery teachers. At the time, a project was drawn up to create a network of kindergartens which would ensure coeducation for children aged three to five, with attendance remaining optional; the creation or formalization of establishments was dependent on the Ministry of Education and Scientific Research or other public or private non-profit entities (Fernandes, 1977).

The importance of Veiga Simão's reform in 1973 with regard to the prospects and consequent support for kindergarten attendance is shown by figures from Pordata showing that in 1973 there were 18,964 children enrolled in kindergartens, a number which by the following year had more than doubled to 41,080 children. These children attended social solidarity and private institutions, since at that point the state had not yet taken responsibility for the public provision of pre-school education. The data shows how support for growth took place at the time. with the number of pre-school establishments in 1973 rising from 340 in 1973 to 679 in 1976, although this was still very small compared to the interest shown by the population for their children to have the right to access formal early childhood education. Thus, as in other social areas, the grassroots movement, through residents' committees, parish councils and factory committees, made efforts to respond to requests for space and organisational responsibility for opening kindergartens.

The period between 1977 and 1986 saw the emergence of official investment in pre-school education and the training of nursery school teachers. With the establishment in 1976 of the 1st Constitutional Government, the country entered a period known as 'normalisation', a transitional phase with permanent political crises. Socio-economic Indicators of this period included social and political instability and the resulting high level of friction, attempts to 'normalise' democracy and the market, the dismantling of the revolutionary constitutional arrangements and the influence felt in Portugal by the recession and economic crises that were breaking out abroad, all of which contributed to obvious changes in social relations and individual behaviour (Barreto and Preta, 1996). In the context of the strong social mobilisation that was taking place, with demands for new labour and social policies, the welfare state emerged and developed, referred to by Santos as a semi-welfare state (1995), since he considered that what existed in Portugal was a welfare society that sought to make up for the absence of state welfare through informal mechanisms. This welfare state is contemporary with the establishment of citizens' social rights, recognised by the 1976 Constitution.

In population terms, the new social, economic and cultural conditions were among the factors that coincided to bring about a fall in infant mortality, a reduction

in fertility and lower birth rates, with increased life expectancy at birth, as well as greater urbanisation and internal migration to the coastal belt regions alongside changes in the solidarity networks within families. Amid these new conditions, female labour increased steadily and became more widespread, leading to a greater need for diversified childcare centres.

Accompanying these social changes, action taken by the World Bank was felt from 1977 onwards in several areas, not least in education where its impact cannot be overlooked. Basing its subsidy policy on the ambition to reduce the gap between 'rich nations' and 'poor nations' (Stoer, 1986), the World Bank sought to intervene in education by subsidising polytechnic higher education, which included the Higher Education Schools. In other words, in Portugal, the World Bank did not have a direct role in supporting the creation of kindergartens, but it did support the training of kindergarten teachers through its support for polytechnic higher education.

There were many signs that the state was beginning to pay attention to pre-school education. These included the opening, at that time, of the Normal Schools for Kindergarten Educators⁵, which until then had remained experimental, the opening of the Public Network of Kindergartens of the Ministry of Education and Scientific Research⁶ and the definition of its Statutes⁷, as well as the creation of Short-term Higher Education and Higher Schools of Education⁸.

The public network of kindergartens took shape in 1978 with the opening of around 500 kindergartens, which were regulated by the Statutes of Kindergartens in 1979 (Decree-Law no. 542 of 31 December). The biggest initial investment in early childhood development was in rural areas, thereby offering children from these backgrounds a compensatory vision. These establishments were small (rarely with more than one building), isolated and far from lower and upper secondary schools. They were managed by kindergarten teachers, albeit with the collaboration, through the advisory council, of parent representatives and educational assistants, which was, incidentally, the first example of community participation in school management bodies.

The years from 1977 to 1986, known as the phase of normalisation and expansion (Vilarinho, 2000 and 2011), were characterised by some instability in the movement to boost kindergarten education, alternating between periods of increased development of kindergartens and other times when there was a marked retraction, "causing regional asymmetries in network coverage and the consequent unequal access of children to public kindergartens" (Vilarinho and Sarmiento, T. 2016). Between 1978 and the implementation of the Basic Law of the Education

⁵ Law no. 6, of 1 February 1977, of the Ministry of Education and Scientific Research.

⁶ Law No. 5 of 1 February 1977 of the Ministry of Education and Scientific Research.

⁷ Decree-Law no. 542 of 31 December 1979.

⁸ Decree-Law No. 427 - B/77, of 14 October 1977, of the Ministry of Education and Scientific Research.

The World Bank is said to have played a major role in the opening of these schools, subsidising their construction and equipment as well as the training of teachers abroad to be trainers in them.

System in 1986, the right of children aged three to five to access public kindergartens, despite growing – as indicated by the approximately 2,000 public kindergartens in existence by 1986 – still fell far short of the current need for places.

In 1986, the country was presented with the Basic Law for the Education System (Lei de Bases do Sistema Educativo - LBSE). This legal instrument shaped the state's understanding of the entire Portuguese education system and thereby expressed the aims of pre-school education and its autonomy in relation to school education, referring to the complementarity of pre-school education and the family. This law makes no mention of the education of children from the ages of zero to three years old, showing the lack of state responsibility for this. As a result, the Ministry of Labour and Social Security continues to regulate the institutions – almost entirely social solidarity institutions and some private ones – which look after children of this age.

In 1988, the Global Reform Proposal regulated the basic conditions for the development of the directives printed in the LBSE, bringing new guidelines for the planning and organisation of pre-school education, including the need to expand kindergartens. The aims were positive, but the early 1990s were marked by a downturn in the opening of public kindergartens, with the state gradually moving away from being exclusively responsible for their establishment and the obligation to promote and maintain pre-school initiatives (Zão, 1997). At the same time, there was greater social pressure to expand the public pre-school education network, with demand for its opening hours to be more in line with the schedules of the families who the state claimed to want to support. This social pressure was also exerted both by the academic community, who played a very active educational role, especially in the training of nursery teachers at university level, and by the professional body, forcing the state to realise the inevitability of extending the pre-school network as a factor in promoting equal educational opportunities.

Following on from this, in 1994, the National Education Council, an autonomous public administration body, albeit under the supervision of the Ministry of Education, presented an Opinion on Pre-School Education in Portugal, outlining the entire organisational reality of care centres for children aged three to five, with concrete proposals to qualitatively change the range of services for children, taking a balanced account of pedagogical and social functions, such as promoting children's learning and development as well as supporting families. The Plan for the Development of Pre-School Education⁹ and the Framework Law on Pre-School Education¹⁰, dated 1996 and 1997 respectively, were vital instruments for promoting this sector.

⁹ The four-year Development Plan for Pre-School Education was carried out by the Commission for the Analysis and Expansion of the Pre-School Education network (March 1996), prioritising: 1. the expansion of the Pre-School Education network; 2. its organisation and operation; 3. monitoring and inspection.

¹⁰ Decree-Law no. 5 of 10 February 1997.

The Framework Law on Pre-School Education (LQEPE) (Decree-Law no. 5 of 10/2/97) regulated the entire pre-school education system, incorporating the two networks into one, defining their operating conditions and regulating the pedagogical functioning of both systems. The LQEPE made it compulsory to have a kindergarten teacher in each classroom, defined the conditions required in terms of space and child-adult ratios, and required pedagogical coordination by professionals in the sector, among other aspects, thus affirming basic conditions for educational success. The launch of the Curriculum Guidelines for Pre-School Education (Order no. 5220 of 10/07/1997, updated in 2016), although not mandatory, facilitated the pedagogical revitalization of both institutions.

In the following tables, we can see the growth dynamics of kindergartens, by type of network, as well as the access opportunities for children aged three to five, in relation to the gross population rate for this age group. It should be borne in mind that 1996 is the date when the Expansion and Development Plan was launched; in turn, 2010 corresponds to the year when there were the highest number of kindergartens in Portugal; since then, there has been a decrease in kindergartens, justified by the fall in the birth rate, which has led to the closure of classrooms. Out of curiosity, though as yet lacking any numerical data from statistical sources that can prove the phenomenon, in 2022-2023 a new process of growth in classroom numbers began in some areas of the country, justified by the increase in the immigrant population.

Table2.

Distribution of kindergartens by public and private network in 1996, 2010 and 2022

	1996	2010	2022
Total number of kindergartens	5,378	6,974	5,767
Public school	3,427	4,520	3,475
II private network	1,951	2,454	2,292

Source: Pordata

Table 3.

Percentage of children attending kindergarten in 1996, 2010 and 2022

	1996	2010	2022
% of children aged 3 to 5 attending kindergarten	55.69	83.9	90.4

Source: Pordata

It should be noted that the attendance figures were mainly for children aged five and four, as the entry criterion was based on older children.

According to the Directorate-General for Education and Science Statistics, in the school year 2020-2021, 78.3 % of three-year-olds attended pre-school, 93.9 % of four-year-olds and 99.0 % of five-year-olds. These percentages are the result of the universal provision of places for five-year-olds from 2009 (Law 85/2009 of 27 August), followed in 2015 by the universal provision of places for four-year-olds (Law 65/2015 of 3 July). The universalisation of provision for three-year-olds, although long promised, has not yet taken the form of a law.

The national network of kindergartens is thereby constituted by a state network, in which the teaching component has always been free, and a private network, subsidised or entirely paid for by families, and with the recent moves to supply universal kindergarten education to children aged four and five, gratuity is guaranteed by the signing of agreements between the Ministry of Education and social solidarity institutions, as well as private institutions. With these agreements, the state is responsible for paying the full teaching component, which constitutes five hours a day, while families – with state network support from local municipalities – are responsible for the remaining hours of support, that is, the family support component (CAP).

Although the figures show significant advances in access rights, social inequalities continue to exist insofar as the payment of the CAP generates a difference in opportunities. In other words, despite the obvious advances, we still cannot effectively talk about the absolute provision of universal public pre-school education, offering open and equal opportunities for all children and families.

Democratic limitations on access to daycare centres

It has to be admitted that the state still has a long way to go when it comes once more to the right of children up to the age of three to attend nursery school, the right of families to know that the institutions looking after their children from the ages of zero to three are guided by clearly defined educational objectives, and the right of professionals to have their professional status as nursery school teachers fully recognised.

As already mentioned, the Veiga Simão Reform did not have any educational intentions for children aged from zero to three, and the first state initiatives in education were only aimed at children aged from three to five. Social solidarity institutions and private organisations dedicated to this sector remained 'left to their own devices' for a few years after the 25th of April. Later, in the 1980s, some relevant legislation was passed to regulate the creation and operation of these institutions, specifically Decree-Law no. 119/83, which approved the Statutes of Private Social Solidarity Institutions (IPSS), Decree-Law no. 158/84, of 17 May, which laid down the rules for setting up and running for-profit crèches and

kindergartens, and Normative Order no. 131/84, which defined the specific objective for crèches, always under the supervision of the Ministry of Social Security, still the prevailing situation in 2023. According to Vilarinho (2011), the state strategically left support for children aged from zero to three to other organisations, so as not to clash with the interests of the private and cooperative network. While the 1990s did not bring any major changes to the situation of crèches, from 2002 onwards, however, with the enthusiasm created by the Barcelona summit, held in 2002, the state undertook to create childcare facilities for at least 33 per cent of children under the age of three by 2010. Following this, Ministerial Order no. 426/2006 created the Programme to Extend the Social Equipment Network (PARES), through whose support Portugal managed to achieve a 35.1% coverage rate for crèches in 2010, thus surpassing the initial aims but still falling far short of demand. The perspectives created by Recommendation no. 3, published by the National Education Council, based on an in-depth study of existing crèches in Portugal and the purposes they fulfilled, gave encouragement to all those defending crèche attendance as a right and not just a social necessity. The concept that integrated care can be combined with a socialising purpose to promote integral development and learning, as affirmed by educators and researchers, and also recognised by parents and communities, has been rhetorically accepted by governments, yet what continues to prevail in legislative instruments is a welfare perspective, by which crèches are defined as 'family support services' (Portaria 262/211 and DL 33/2014). The objectives presented are centred on support for reconciling family activity with childcare responsibilities together with physical and emotional care, but do not highlight specific educational concerns for children aged zero to three.

In terms of response capacity, according to the Social Charter, in 2021, the coverage rate, or possibility of access, reached 52.9%, with a utilisation rate of 85.6%. These figures show how growth in early childhood education continues to be very low, with the right to attend these facilities being limited to 47% of children, thus penalising that same percentage of families, particularly mothers, many of whom have to give up their jobs, since they have no other family support and on account of the conservatism towards childcare tasks being carried out by women. The fact that the utilisation rate of existing crèches does not reach 100% can be explained by the location of the crèches, which are not always in the most densely populated areas but rather where they best suit the possibilities and, in some cases, the interests of their owners.

Since the state does not have a network of crèches, over the last two decades it has supported low-income families to finance the cost of attending social solidarity institutions. In the meantime, based on Law no. 2/2022, of 3 January, the state has begun to assume the free attendance of registered crèches (private or cooperative social solidarity institutions) for all children born on or after 1 September 2021. This measure was extended by Ministerial Order no. 305/2022, of 22 December, allowing, from 1 January 2023, the provision of free daycare to also cover children attending daycare centres in the private-profit network and IPSS

without a cooperation agreement, located in municipalities where there are no free places in IPSS with a cooperation agreement or in the Santa Casa da Misericórdia de Lisboa. In other words, by continuing not to set up a state-run crèche network, the state is indifferently supporting families regardless of whether or not they have the possibility of attending these spaces, which should be regarded as performing a socio-educational function. To a certain extent, this indifference constitutes a relative injustice and a lack of responsibility for the very high percentage of children who are still unable to access crèche spaces.

Recently, the government announced measures to simplify the process of creating and validating spaces for crèches, extend their opening hours and increase the number of children per room, all of which raises suspicions about how they will guarantee the rights of children and families. Even if the narrative is to argue for the creation of more places, thus increasing the possibility of more children having access to a place in a crèche, it does not make sense for this to happen without a very careful analysis of the physical conditions of the establishments, and without taking into account the scientifically recommended ratio between the number of children/adults and the room size, and, albeit less so, the possibility of children attending extra-family spaces at a time of day – in the evenings or at weekends – that should rightfully be spent at home, with the family.

Childhood, democracy and freedom

A synthetic reflection on the triangulation between childhood, democracy and freedom, in the context of analysing the right of children aged from zero to five to access early childhood education spaces, allows us to say that many paths have already been opened up: all children aged four and five have the right to access early childhood education, all children aged three will soon enjoy this right and, for the youngest (up to the age of three), the journey has begun, even if it is still slow.

Alongside the right of access, democracy requires equal rights in terms of quality. This presupposes the right of all children to enjoy safe and welcoming spaces that promote well-being. In addition, it presumes the appropriate level of specialised and rigorous training for professionals with a critical, innovative and transformative sense of practice, and openness to the community. Accordingly, this should take place within an educational co-responsibility committed to supporting the empowerment of children, based on a dynamic approach that starts by giving voice and agency to children in their relationships with others (among themselves and with adults). At the current time, there is an urgent need to respond to the shortage of establishments, especially crèches, as well as the lack of professionals. Therefore, the conditions that promote success cannot be jeopardised by short-term measures which may claim to be democratic – but which should only be so if they are duly informed and substantiated so as not to put at risk educators' freedom of action. Above all, the opportunities for children to enjoy an educationally meaningful childhood must not be diminished.

Democracy still has a lot of ground to cover when it comes to recognising equal rights for professionals in the two existing systems, and internally in the private sector, with an urgent need to guarantee that a kindergarten teacher has the same status whether she works in a kindergarten or nursery. Freedom is also expressed in the opportunity for professionals to select the appropriate pedagogical model for their group of children, guided, of course, by the scientifically and pedagogically well-supported aims of early childhood education.

What this text has shown is that the path travelled until now has already greatly extended children's right to access early childhood education spaces. Renewing the 25th of April in this field means ensuring that early childhood education is effectively projected in forums where everyone involved, from children and their families to educators and researchers, can express themselves and communicate together.

References

- Araújo, H. C. (1990). Women teachers and state education. *Revista Educação e Realidade*, 16(2), 45–58.
- Araújo, H. C. (1990a). Searching for hidden struggles through life stories. *Psychological Consultation*, 6, 33–40.
- Araújo, H. C. (1993). The construction of primary teaching as women's work in Portugal (1870–1933) [Doctoral dissertation, FPCE].
- Araújo, H. C. (1993a). Another view of the professoriate in Portugal. *Colloquium Educação e Sociedade*, 4, 161–183.
- Bairrão, J., & Vasconcelos, T. (1997). Pre-school education in Portugal: Contributions to a historical perspective. *Inovação*, 10(1), 7–19.
- Barreto, A., & Preto, C. (1996). Indicators of social evolution. In A. Barreto (Ed.), *A situação social em Portugal, 1960–1995* (pp. 61–165).
- Cardona, M. J. (1997). *For the history of early childhood education in Portugal: The official discourse (1834–1990)*. Porto Editora.
- Fernandes, A. S. (1992). A centralização burocrática no ensino secundário: Evolução do sistema educativo português durante os períodos liberal e republicano (1836–1926) [Doctoral dissertation, University of Minho].
- Fernandes, R. (1977). *Education: A front in the struggle*. Livros Horizonte.
- Formosinho, J. (1988). The promotion of a professional conception of the role and training of teachers: The contribution of the area of social and organisational analysis of education at the University of Minho. Paper presented at the 1st International Conference on the Sociology of Education.

- Formosinho, J. (1997). The organisational context of the expansion of pre-school education. *Inovação*, 10(1), 21–36.
- Luc, J. N. (1982). *La petite enfance à l'école, XIX–XX siècles*. ECONOMICA.
- Magalhães, J. (1997). A contribution to the history of early childhood education in Portugal. In J. Pinto & T. Sarmiento (Eds.), *As crianças: Contextos e identidades* (pp. 115–145). CESC-UM.
- Mónica, M. F. (1978). *Educação e sociedade no Portugal de Salazar: A escola primária salazarista (1926–1939)*. Presença/GIS.
- Santos, B. (1992). *O estado e a sociedade em Portugal (1974–1988)*. Ed. Afrontamento.
- Sarmiento, T. (2002). *Life stories of childhood educators*. IIE.
- Sarmiento, T., & Silva, D. (2020). "Queo a minha Shela, queo os amigos": Reflecting the social isolation of babies in times of pandemic, based on a lived experience in Portugal. *Zero-a-Seis*, 22(Special issue), 1206–1228.
- Sarmiento, T., & Vilarinho, E. (2016). The Basic Law of the Education System and pre-school education: Revisiting policies over 30 years. *Revista ELO*, 23, 151–160.
- Vilarinho, M. E. (2011). *O estado e o terceiro sector na construção das políticas educativas para a infância em Portugal: O caso da educação pré-escolar (1995–2010)* [Doctoral dissertation, University of Minho].
- Zão, E. (1997). *The education of the child and the role of the state in the definition and development of public pre-school education in Portugal* [Master's thesis, FPCE].

Legislative References

- Decree-Law no. 2/2022, of January 3. Free attendance at registered crèches (social solidarity institutions, private or cooperative) for all children born on or after September 1, 2021.
- Ministerial Order no. 305/2022, of December 22. Extending the free attendance of crèches in the private-for-profit network and IPSS without a cooperation agreement, to children born after September 1, 2021.
- Decree-Law no. 65/2015, of July 3. Universal access to pre-school education for 4-year-olds.
- Decree-Law no. 33/2014, of March 3. Defines the legal regime for the installation, operation, and supervision of social support establishments managed by private entities, establishing the respective administrative offense regime.
- Ordinance no. 262/2011, of August 31. Rules governing the conditions for setting up and running a crèche.

Decree-Law no. 85/2009, of August 27. Universal access to pre-school education for 5-year-olds.

Ministerial Order no. 426/2006, of May 2. Programme to expand the social equipment network.

Decree-Law no. 5/1997, of February 10. Framework Law for Pre-School Education.

Order no. 5220/1997, of July 10. Curriculum guidelines for pre-school education.

Normative Order no. 131/84, of July 25. Approves the rules regulating the conditions for setting up and running for-profit nurseries and kindergartens.

Decree-Law no. 158/84, of May 17. Rules for setting up and running for-profit nurseries and kindergartens.

Decree-Law no. 119/83, of February 25. Statutes of Private Social Solidarity Institutions (IPSS).

Decree-Law no. 427-B/77, of October 14. Creation of short-term higher education and Higher Education Schools.

Decree-Law no. 6/1977, of February 1. Creation of Normal Schools for Childhood Educators.

Decree-Law no. 5/1977, of February 1. Opening of the Public Kindergarten Network of the Ministry of Education and Scientific Research.

Decree-Law no. 5/1973, of July 25. Veiga Simão Reform.

Decree-Law no. 28081, of October 9. Extinction of nursery schools.

Decree-Law of July 2, 1923. Camoesas Reform.

Statistical Sites

Statistical Yearbook of Portugal. (n.d.). Retrieved from <https://culturaportugal.gov.pt>

Directorate-General for Education and Science Statistics. (n.d.). Retrieved from <https://www.dgeec.mec.pt/np4/home>

PORDATA. (n.d.). Retrieved from <https://www.pordata.pt>

Bionotes

Teresa Sarmiento is an Associate Professor at the Institute of Education, University of Minho, in the Department of Social Sciences of Education and the Research Centre on Child Studies, where she has dedicated herself to teaching in teacher training, as well as research into early childhood education, teacher training, life stories of education professionals, school organisation and school-family-community relations; she has developed studies as an external expert on gender conditions at European Union level, and has collaborated in the preparation

of preparatory documents for the legal framework for pre-school education and inclusive education in São Tomé and Príncipe, as well as studies on children in Angola. Her studies have been published in numerous scientific journals and books, both at home and abroad.

Email: tsarmiento@ie.uminho.pt

Orcid: <https://orcid.org/0000-0002-2371-399X>

Received: August 2024

Published: December 2024