

non discrimination
best interest
education
privacy
health
participation
education
standard of living
safety
protection
information
enjoy culture & religion

A Guide to

The United Nations Convention on the Rights of the Child

right to life, survival and development
safety
freedom
non discrimination
best interest
education
participation
privacy
education
protection
play and recreation
standard of living
respect & dignity

About us

ISS UK is a non governmental organisation that is part of an international network across five continents. We facilitate **co-operation** between countries to resolve intercountry social work issues, with a focus on care and protection of children, families and individuals.

ISS UK provides intercountry casework services directly to individuals and families or in partnership with relevant authorities. We also deliver **advice** and **training** about intercountry social work as well as seeking to influence policy and practice in the UK.

We are committed to the principles set out in the **United Nations Convention on the Rights of the Child** (UNCRC).

What is the UNCRC?

The United Nations Convention on the Rights of the Child is the most widely ratified international human rights treaty in history. The Convention grants all children and young people a **comprehensive set of rights**. Out of the 192 countries that form the UN, only the USA and Somalia are yet to ratify it.

It all started in the 1940s when the UN was created to promote international co-operation, and achieve peace and security. Then, in 1948 the UN produced the Universal Declaration of Human Rights to set basic minimum international standards for the **rights and protection of freedom** for individuals.

Over the years, world leaders decided that children, due to their **vulnerability**, needed a convention to take their need for special assistance and protection into account. Consequently on 20th November 1989, the UN General Assembly adopted the Convention on the Rights of the Child.

The UNCRC consists of 54 articles that spell out **children's basic human rights**:

- ★ to survival
- ★ to develop to their full potential
- ★ to have protection from harmful influences, abuse and exploitation
- ★ to be able to participate fully in family, cultural and social life

On 20th
November
2009 the UNCRC
celebrates its 20th
anniversary!

The UNCRC and the UK

The **UK signed the Convention** on 19th April 1990, ratified it on 16th December 1991 and it came into force on 15th January 1992. However, in the UK, the Convention is not part of domestic law, meaning there is no direct sanction for failure and no direct means to enforce or challenge it in the British Courts.

Governments of the countries that have ratified this Convention prepare a **progress report** on its implementation to the Committee on the Rights of the Child. This is known as “the reporting process”.

The Committee consists of a group of independent experts from different countries with specific knowledge of children’s rights. It **consults** with children and young people as well as with professionals in the voluntary and statutory sector. **Concerns and recommendations** which are raised by the Committee are issued to the relevant government.

A **right** is a power or liberty that a person is entitled to in order to survive and develop fully

Why is the UNCRC important?

As the UK has ratified the UNCRC, there is an obligation for professionals working with children (social workers, teachers, nurses etc.) to comply with its principles and provisions.

The UNCRC is central to professional practice as it gives direction on how to **support and protect** vulnerable children. Furthermore, by using **common principles**, this legal international instrument facilitates cooperation between countries, where national legislation may differ.

Unfortunately, knowledge of the UNCRC in the UK is low among children and young people, parents, professionals and the general public. Therefore, ISS UK **raises awareness** of the UNCRC through our training events and our advice line. We advocate that children’s rights are taken into consideration when making plans or decisions for children.



General Principles

The Convention applies to all children under 18, with **no discrimination** on the grounds of race, religion, nationality, opinion, social origin, disability or any other status. *Articles 1 & 2*

The **best interests of the child** must be a primary consideration in all actions concerning children. *Article 3*

Children's views must be considered and taken into account in all matters affecting them. *Article 12*

Children have the right to **live, survive and develop healthily**. *Article 6*

All these rights should be made **known and available** to parents and children. Adults and governments should work together to ensure all children are entitled to their rights. *Articles 4 & 42*

Civil Rights

Children have the right to a legally **registered name and nationality** and, as far as possible, the right to know and be cared for by their parents. *Articles 7 & 8*

Freedom

As long as the rights and reputations of others are being respected, children have the **freedom**:

- ★ To express freely their **opinions and thoughts**. *Articles 12 & 13*
- ★ To manifest their **religion and beliefs**. *Articles 14 & 30*
- ★ To enjoy their **culture**, and practice their language. *Article 30*
- ★ To access **reliable and harmless information** from media. *Article 17*
- ★ To join any **organisation** and assemble peacefully. *Article 15*
- ★ To a **private life** not subject to interference. *Article 16*



Basic Health and Welfare

In order to stay healthy, children have the right to good **quality health care**, clean water, nutritious food, and a clean environment. They are entitled to a standard of living that is good enough to meet their physical and mental needs, and governments should provide extra **support** to parents and children of families in need. *Articles 6 & 18 & 24 & 26 & 27*

Alternative Care

Governments should ensure that children are properly cared for and **protected** from violence, abuse and neglect. Children who cannot be looked after by their own family must be looked after appropriately by people who respect their religion, culture and language. Children in care have the right to a **periodic review** of their situation and their placement.

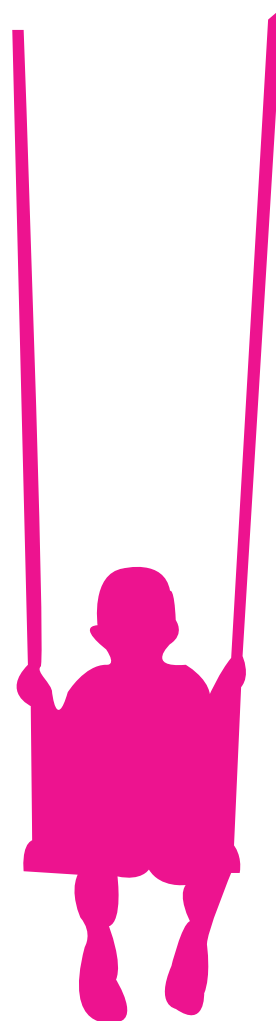
Adoption of children should be carried out according to what is best for the child. *Articles 20 & 21 & 25*

Education

Children have the right to education. This education should **develop each child's personality** and talents to the full, as well as encouraging children to respect their parents, and their own and others' cultures. Discipline in schools should be administered in a manner that respects children's **human dignity**, and contributes to the elimination of ignorance and illiteracy. *Articles 28 & 29*

Leisure and Cultural Activities

Children have the right to rest, **play** and join in a wide range of recreational activities including cultural and artistic interests. *Article 31*



Family Environment

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. The **rights, duties and responsibilities of parents** should be respected and governments should help them by providing support when necessary.

Children should not be separated from their parents, unless it is in their best interest. Children whose parents are no longer together have the right **to stay in contact** with both of them, unless this might be harmful for them. Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or be reunited as a family.

Articles 5 & 9 & 10 & 18

Good practice example

Right to special protection

11 year old Leila was originally from Sudan and had become separated from her mother when fleeing her country. She arrived **alone in the UK and sought Asylum**. While she had exceptional leave to remain in the UK she lived with her aunt. She came to the Local Authority's attention due to her poor school attendance and presentation. During the assessment **Leila expressed the wish to be reunited with her mother** who was seeking asylum in The Netherlands.

Right to participate in decisions

Right to be brought up by parents

The Local Authority **obtained a report on the mother's current circumstances and background information** to see if reunification was possible, and **in Leila's best interest**. The report from The Netherlands indicated the mother's asylum application was pending and that she was living in a Reception Centre for asylum seekers. The process of family reunification took well over a year, during which time both child and mother were in ongoing contact. In the end, Leila's mother joined her daughter in the UK.

Right for decisions to be made in the best interest of the child

Right to be in contact with parents

Protection Measures

Children should be **protected from all forms of abuse** and those who have been neglected or abused should receive special help to recover physically as well as psychologically. *Articles 19 & 39*

Every child should be protected from:

- ★ Any form of **discrimination**. *Article 2*
- ★ **Torture** or cruel treatment or punishment. *Article 37*
- ★ **Sexual exploitation** and abuse. *Article 34*
- ★ Exposure to dangerous drugs and **substance misuse**. *Article 33*
- ★ Being **abducted**, sold or being taken out of their own country illegally. *Articles 11 & 35*
- ★ Dangerous work/activities that could harm their **welfare and development**. *Articles 32 & 36*

“Article 19: States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.”

Specific groups of vulnerable children

Children in war

Children in war zones should receive **special protection** and governments should not allow children under 15 to join the army.

Article 38

Children with disabilities

Children who have any kind of disability should have **special care and support**, so that they can lead full and independent lives.

Article 23

Refugee children

Children who come into a country as refugees should have the **same rights** as children born in that country.

Article 2

Young offenders

Children who break the law should not be deprived of liberty unlawfully or arbitrarily and should receive legal help. They should not be treated cruelly and should be able to keep in **contact with their families**. Prison sentences for children should only be used for the most serious offences and as a last resort. Children should also not be placed in prison with adults.

Articles 37 & 40

Resources

- ★ The **United Nations** provides the full text of the UNCRC:
www.un.org
- ★ **Child's Rights Information Network** features country reports on the implementation of the UNCRC:
www.crin.org
- ★ The **NGO group for the Convention on the Rights of the Child** facilitates the implementation of the UNCRC:
www.childrightsnet.org
- ★ In the UK, the **Children's Commissioners** promote children's rights:
 - **England:** www.11MILLION.org.uk
 - **Northern Ireland:** www.niccy.org
 - **Scotland:** www.sccyp.org.uk
 - **Wales:** www.childcomwales.org.uk/
- ★ A **child friendly version of the UNCRC** can be found on:
www.unicef.org/tz/rights/convention.asp



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