



A guide to children and young people's rights

Children and young people's rights

In the twenty first century children are viewed in law as people in their own right and not, as they once were, as the possessions of their parents. This has led to changing attitudes to children and their treatment.

What rights do children have?

The UN Convention on the Rights of the Child (UNCRC) is an international human rights treaty that applies to all children and young people under the age of 18 years. It gives children and young people all over the world a set of comprehensive rights, including the right to express and have their views taken into account on all matters that affect them; the right to play, rest and leisure and the right to be free from all forms of violence.

The rights within the Convention are set out in a number of 'Articles' (54 in total), most give children social, economic, cultural or civil and political rights; while others set out how governments must publicise or implement the Convention.

From a British perspective, the key rights set out in the Convention are:

- That in all matters affecting them, children and young people have a right to express their views and have them taken into account.
- That all actions concerning a child must be in the child's 'best interests'.
- That all children have the same rights and must not suffer discrimination.

There are many specific rights listed in the Convention, which can be grouped under three headings:

Participation: based on the concept that children and young people have rights as active participants in society. These include the right to a name and a nationality (article 7) and the right to freedom of thought, including the freedom to practice their religion (article 14) and association (article 15) as well as the right to be listened to in matters

which affect them and to have their views taken into account (article 12).

Provision: the rights children and young people have to survival and development (article 6). They include the right to clean water and food (article 24), the right to education (article 28), the right to play (article 31) and the right to state support for their family (article 18), including social security, if needed (article 26).

Protection: children's and young people's rights to be protected from violence, neglect and abuse (article 19) and from torture and cruelty (article 37).

The Convention only sets out minimum standards and in many countries children will have greater rights. For instance the Convention only requires all children to have free primary education, but in most western countries children and young people will have free secondary education as well.

Do all children have these rights?

In principle, yes. Children certainly have the same rights to provision and to protection. How old a child has to be to participate in decisions is open to discussion, but it can't be denied that even very young children have views and preferences and under the Convention, these should be considered. The Convention states 'any child who is capable of forming his or her views [has] the right to express those views freely'. Listening carefully to children is one of the best ways to learn about their individual needs. The convention also recognises that some children have a right to special care and protection, e.g. children who are disabled. Article 23 states that these children should have special care and support so that they can lead full and independent lives.

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

What about adult rights?

Adults are full citizens and have many freedoms not enjoyed by children. However increasing children's rights may affect the

relationship between children and adults, as they become partners in making certain decisions.

Does the Convention on the Rights of the Child apply in the UK?

Yes, the UK Government agreed to make all laws, policy and practice compatible with the UN Convention on the Rights of the Child when it ratified it on 16 December 1991. This means that the government now has to make sure that every child has all the rights in the convention, except the two they have 'reservations' about: article 10 allowing families who live in different countries to move between those countries and article 37 concerning the treatment of children who break the law.

What is the role of the Children's Commissioner?

England has a Children's Commissioner who aims to promote awareness of the views and interests of children by listening to the expressed views of children and young people and by making sure that adults in charge particularly in government listen to those views. The number of children in England is estimated to be around 11 million. The Children's Commissioner leads an organisation called "11 million" which promotes the views of children and their right to have a voice about issues which affect them. An interactive website www.11million.org.uk allows children to make their views known to the Children's Commissioner. Each year, the Children's Commissioner presents a report to Parliament.

What rights do children and young people have to find out the identity of their birth parents?

Adopted children at the age of 18 can apply for an original birth certificate and for information about their birth family from the adoption agency that arranged the adoption. Adult adoptees and birth family members can also apply to the Registrar General for entry of their names on the Adoption Contact

Register which includes the names of adopted persons and the relatives of adopted persons.

Children born as a result of assisted reproduction can find out details about the individuals who donated to make their conception possible. Since 1st April 2005, donors donate on the understanding that they will be identifiable to any person conceived as a result of their donation. The donor's details will be available to the relevant donor-conceived person once they reach the age of 18 (2023 onwards). More information is available from the Human Fertilisation and Embryology Authority (HFEA). Their website details are given at the end of this factsheet in the Useful Contacts section.

What is Every Child Matters?

Every Child Matters: Change for Children is a new approach to the well-being of children and young people from birth to age 19. The programme places better outcomes for children firmly at the centre of all policies and approaches involving children's services.

These outcomes are:

- Be healthy
- Stay safe
- Enjoy and achieve through learning
- Make a positive contribution to society
- Achieve economic well-being

The programme demands that all organisations that provide services to children work together in more integrated and effective ways.

Where to find out more

The Sheffield Information Link (SIL) library contains material on children's rights, including a copy of the UN Convention on the Rights of the Child. Copies of the Convention are available from UNICEF and Save the Children and can be viewed and printed off from their websites. Both of these organisations also have a number of other useful resources on Children's and Young People's rights, see useful contacts information.



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Useful contacts and information

www.crae.org.uk

This is the website of the Children's Rights Alliance (CRAE) which protects the human rights of children by lobbying government and others who hold power. CRAE provides free legal information and advice, raises awareness of children's human rights, and undertakes research about children's access to their rights. This includes the rights of children held in custody. Each year CRAE publishes a review of the state of children's rights in England.

www.everychildmatters.gov.uk

This is a government run site providing up-to-date information on children's rights in light of the Every Child Matters agenda. Putting 'Children's Rights' into the search engine will bring up links to information designed for children, parents and professionals. It includes a link to the full text of the United Nations Conventions on the Rights of the Child and a useful summary of the articles in a format easy for children to read.

www.edcm.org.uk

Every Disabled Child Matters (EDCM) is the campaign to get rights and justice for every disabled child in Britain. It has championed the rights of disabled children and young people on a number of different issues including short breaks, accessible places to visit, housing and child poverty.

www.hfea.gov.uk

Website of the Human Fertilisation and Embryology Authority (HFEA). This includes information for donor conceived children and the parents of donor conceived children including frequently asked questions about how to find information about donors.

www.savethechildren.org.uk

Save the Children website describes activities to ensure children's rights worldwide.

www.unicef.org/crc

This is the opening page of Unicef's website on children's rights. The site includes the full text of the UN convention and a factsheet summary of each of the articles.

www.yourrights.org.uk

This site from Liberty is a guide to civil liberties and the Human Rights Act. There are sections dedicated to the rights of parents and to the rights of children and young people. It details areas of children's legal rights including:

- Children who are involved with the criminal justice system and social service departments.
- Children's rights in parenting issues such as the separation and divorce of their parents and the rights of those born as a result of assisted reproduction.
- Children's rights in seeking asylum, citizenship and nationality

www.11million.org.uk

11million is the name of the organisation which the Children's Commissioner leads to gather children's views and to promote them, particularly to government. The interactive website allows children to post their views.