

Righting wrongs: taking action to implement the UN Convention on the Rights of the Child

The National Youth Agency believes the UK Government must act decisively to right the wrongs faced by children and young people as set out in the Concluding Observations of the UN Committee on the Rights of the Child. This report, published on 4 October 2002, gives a comprehensive assessment of the Government's legal obligations to the 13.5 million children and young people of the UK. We urge further Government action particularly to tackle the discrimination and disadvantage experienced by young people in poverty and to establish fair and just treatment of young offenders and young asylum seekers.

The UN Convention on the Rights of the Child

This is the most important document for anyone under 18 across the world. Unless of course you live in Somalia or the USA. These are the only two countries not to have ratified this international human rights treaty for the protection, provision and participation of children and young people. The UK Government agreed to fully implement the Convention eleven years ago in December 1991.

Why is it so important?

The Convention defines children as those under 18 and many of its provisions have continuing relevance for young people aged 18 to 25. So, the Convention is a crucial framework and route map for all groups working to promote the social inclusion and advancement of children and young people, especially those most on the edge. Every five years or so, governments are held to account for their progress in implementing the Convention. In 2002, it was the UK Government's turn to report.

Take it or leave it?

On 4 October 2002, The Committee on the Rights of the Child published its **Concluding Observations**, its recommendations for what the UK Government must do to fulfil its legal obligations to children and young people. Some of the press and in parliament might want to dismiss these as unwanted and unwarranted interference, but this ignores our international legal obligations, the input of many organisations with specialist knowledge and that **the Committee listened and responded to what children and young people themselves told it**. They have been at the heart of giving evidence to inform the Committee. They submitted their own reports, presented their case to the Chair of the Committee and went to Geneva to deliver their evidence in person as part of the formal delegation to the Committee.

When a government ratifies a human rights treaty or convention, it takes on legal obligations. The Concluding Observations are not well meaning advice, but an authoritative analysis of the Government's legal obligations. So the Government needs to give considerable weight to these findings and put in place effective means of tackling the significant problems highlighted by the Committee. That the Committee was so critical of many aspects of UK law, policy and practice shows we cannot be complacent or dismissive.

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What children and young people said

Through an event organised by the **Young People's Rights Network**, children and young people in England set out five key areas where their rights under the Convention are not being met.

1) *I am what I am*

- Young people's experience of race, age, sex, disability discrimination and homophobia
- The pressures of growing up

2) *Stolen childhood*

- Poverty
- Homelessness
- Employment and minimum wage
- Leaving care

3) *Include us: we are citizens too*

- Government has little meaning to young people
- Promotion of the Convention
- Children's Rights Commissioner
- Voting age

4) *I'm a person not a problem*

- Juvenile justice
- Refugees and asylum seekers

5) *Just because I'm little...*

- Smacking and family life
- Play
- Environment

What was the result?

You (all those under 18) have the right to say what you think should happen when adults are making decisions that affect you and to have your opinions taken seriously. Article 12

The Committee gave **a full and comprehensive appraisal of the Government's treatment of children and young people under the Convention**. (The whole text and summary version are on our website, www.nya.org.uk.) It acknowledged progress in some areas, including making government more open to children and young people, the importance of the Human Rights Act 1998 and setting up commissioners in all nations of the UK. **Except in England**. Its recommendations included:

- Take seriously the obligations under international law to comply with the Convention and implement the Concluding Observations.
- Make sure the Convention has teeth in UK courts, especially Article 12.
- Make sure there is better planning and monitoring for children and young people across government.
- Set up an independent human rights body for all those under 18 in the UK.
- Make sure people know about the Convention and professionals receive training on its implications.
- Make sure all children and young people can get to know who their birth parents are.

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Children and young people have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.
Article 27

Children and young people who come into a country as refugees should have the same rights as those born in that country.
Article 22

Children and young people who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families. They should receive legal help. Prison sentences should only be used for the most serious offences and be as short as possible.
Articles 37 & 40

What did it miss?

- Remove the defence of reasonable chastisement and ban all forms of corporal punishment. Promote respect for children's equal right to human dignity and physical integrity.
- Tackle the sexual exploitation of young people and stop their criminalisation.
- Take action to improve young people's health through ensuring equal access to health services, tackling the rate of teenage pregnancies, mental health problems and suicide.
- Ensure effective support for gay, lesbian and transsexual young people. Repeal Section 28 of the Local Government Act 1986.
- Put more resources into tackling child poverty and youth homelessness and ensure adequate benefits and allowances for 16-18 year olds.
- Tackle the discrimination and its consequences upon travellers and Irish children and young people.
- Get Article 12 established as law in education, reduce rates of exclusions and make sure young prisoners have access to education.
- Put the best interests of the child first when responding to children and young people who are asylum seekers and to those involved in crime.
- Stop the detention of unaccompanied minors and ensure access to basic services; stop the dispersal of 18 year olds and avoid using temporary accommodation for young asylum seekers.
- Overhaul juvenile justice in line with the Convention and considerably raise the age of criminal responsibility. Stop trying children in courts as if they were adults and putting them in adult prisons. Only use prison as a last resort and for the shortest possible time. Ensure young prisoners' rights to health, education and protection and ensure independent advocacy and an effective complaints process.

While it urged action to redress inequalities experienced by certain groups of children and young people, the Committee did not make specific recommendations in relation to young disabled people. It also missed out the experiences of very young children of their environment and right to play. There was nothing on transport and little specifically about rural young people. It did not address lowering the voting age to sixteen.

"We warmly welcome the recommendations from the Committee and urge the Government to respond comprehensively," said Tom Wylie, Chief Executive of The National Youth Agency. "While the Government has taken important strides in recent years, there is still some way to go if all young people are to be treated justly and enabled to thrive. We would have welcomed more attention to the

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What needs to be done?

specific needs of young people, the challenge to tackle inequality of opportunity in continuing education because of poverty, discretionary grants and high transport costs.”

Government has a legal obligation to act upon the Concluding Observations, not cherry pick a few favourites and reject the rest.

All those working with children and young people must monitor practice and evaluate it alongside the requirements of the Convention and the Committee's recommendations.

We should take the detailed recommendations that affect the children and young people we work with and use them to frame policy and campaigning. Form a specific action plan in collaboration with young people and act on it.

We should ensure scrutiny of the process of implementation and push for the fullest possible compliance from Government, backing our messages to Government from our experience with children and young people.

Government and non-government organisations must inform children and young people of their rights.

All those involved in training relevant professionals must ground it in the Convention and Concluding Observations.

Face the factsⁱ

Poverty. The UK is the fourth richest country in the world, yet 32% of our children and young people live in relative poverty. Those from ethnic minority families are at particular risk, with 65% being in the bottom 30% of income distribution. Socially excluded children and young people face greater barriers in achieving their potential, with poverty impacting upon education, health, living environment, life opportunities, training and jobs. 70% of young people in care left school with no GCSE qualifications. Homelessness is at an all time high, with 100,000 young people in temporary accommodation. Of the half a million disabled children and young people, the 100,00 with severe impairments cost on average three times as much to the householdⁱⁱ. Asylum seeking families, often destitute and traumatised, get 24% less financial assistance than other poor families.

Prisons. We lock up more young people than any other country in Western Europe. Black young people are six times more likely to be locked up than white young people. Eleven young people have killed themselves in the last five years. Conditions are described by the Chief Inspector of Prisons as “unacceptable in a civilised society” and as “institutionalised child abuse.”

References

- ⁱ CRAE, Report to the Working Group of the CRC, (2002); go to www.crights.org.uk
- ⁱⁱ NCH, *Factfile 2001: facts and figures about children in the UK*, (2001) NCH Action for Children

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The National Youth Agency aims to advance youth work to promote young people's personal and social development, and their voice, influence, and place in society. Funded primarily by the Local Government Association and government departments it works to: improve and extend youth services and youth work; enhance and demonstrate youth participation in society; and to promote effective youth policy and provision.

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