UN Convention on the Rights of the Child

UK Concluding Observations 2008

SCYP!

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SCOTTISH GOVERNMENT
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The UN Committee on the Rights of the Child examined the UK in September 2008 to see how well it is protecting children’s human rights.

Every 5 years the UK has to report to a special United Nations Committee on what is happening about children’s rights. The committee is made up of experts from around the world.

The UN Committee on the Rights of the Child examined the UK in September 2008 to see how well it is protecting children’s human rights. The Scottish Government took part in this.

The committee has made more than 100 concluding observations (recommendations) about where the UK must do more to put the UN Convention on the Rights of the Child (UNCRC) fully into practice.

Most of these recommendations are aimed at the UK Government, but many of them are relevant to us in Scotland too. The Scottish Government supports the UNCRC and has said it will do more to implement children’s rights in Scotland. It will use these recommendations to think about what more it needs to do.

A convention is a collection of rules or things that should be done. One of the most important UN Conventions is about children’s rights — your rights.
The Committee said the Government must:

1. Do everything the Government can to carry out the recommendations the committee made in 1995 and 2002 that have not yet been put into practice, as well as these new recommendations.

2. Make sure all these new recommendations are fully put into practice, including sending them to the UK Parliament, Government departments and the Governments in Wales, Scotland and Northern Ireland.

3. Make the Government’s report to the committee and these recommendations widely available to the public and to children.

4. Continue to change laws so they are in line with what the Convention on the Rights of the Child (UNCRC) says.

5. Make sure the principles and rights of the UNCRC are part of the planned British Bill of Rights and the Bill of Rights in Northern Ireland. This could be by having a special section about children’s rights.

A Bill of Rights is a list of the rights that are considered important and that people are entitled to.
6. Make sure that the UNCRC is put into practice in a well-organised way across the whole country. This includes making sure it happens in local areas, because local councils have many powers in relation to children.

7. Make sure that each country in the UK has a body to co-ordinate putting the UNCRC into practice, and that each body works well and has enough money, people and equipment to do its job.

8. Make sure that a high-profile team in the Government has overall responsibility for putting the UNCRC into practice across the UK (England, Scotland, Wales and Northern Ireland) and for checking how well this is happening.

9. Make detailed plans of action to put children’s rights into practice in all parts of the UK.

10. Make sure there is enough money to put these plans of action into practice, and that there are ways to regularly check on how well these plans are working.
The plans of action for implementing children’s rights must pay special attention to the most vulnerable children like children who are in care or are in Scotland seeking asylum.

An **asylum seeker** is someone who leaves their home country for their own safety, for political reasons or because of war, and travels to another country hoping that the Government there will protect them and allow them to stay.

Make sure all four **Children’s Commissioners** in the UK are independent.

Make sure all four Children’s Commissioners have the power to receive and investigate complaints from children (or on behalf of children) about their rights being ignored.

Scotland’s **Children’s Commissioner’s** job is to make sure your views and rights are looked after. If you would like to find out more go to [www.sccyp.org.uk](http://www.sccyp.org.uk)

The Children’s Commissioners should have enough people and money to carry out their work properly and be able to protect the rights of all children in the UK.

Make sure the Government uses all available money to put children’s rights into practice.

Focus especially on ending child poverty and reducing inequality for children when deciding how the money to put children’s rights into practice should be spent.
Make regular checks on how much money is being spent by government on making sure that children’s human rights are being respected and protected (this is called a children’s rights impact assessment).

Make sure that the rights in the UNCRC are known and understood by adults and children, including by making sure the UNCRC is taught in schools.

Make sure the principles and values of the UNCRC are central to everything that happens in all schools.

There must be training on the UNCRC for all adults working with children, including the police, immigration workers, the media, teachers, health professionals, social workers and childcare workers.

Encourage the involvement of NGOs and children in promoting children’s rights and putting them into practice. This includes involving them in planning new policies and projects.

An NGO is a non-governmental organisation – a charity or other group that is not part of government.

Involve NGOs and children in following up these concluding observations, and in preparing the next report for the UN Committee.
The Committee said the Government must:

23 Better protect children against discrimination by urgently dealing with the intolerance and negative stereotypes of children and young people in society and in the media.

24 Do more to raise awareness about, and prevent discrimination against, children. This might need to include work to help certain groups of children, including traveller children; migrant children; young refugees and asylum seekers; lesbian, gay, bisexual and transgender children; and children from minority groups.

25 Make sure all cases of discrimination against children are dealt with properly.
The Government must do everything it can to make sure that the **best interests** of the child are part of every law or policy that affects children, including in criminal justice and immigration.

**Best interests** means that people should always think about the effect any decisions they are making about a child or young person will have on them, and whether that decision is really the best thing for that child or young person.

Do everything it can to protect children’s right to life, including by checking the ways of preventing child deaths work well.

Introduce automatic, independent and public inquiries into any unexpected child death or serious injury (whether the child is in care or detained in secure accommodation or prison).

Treat Taser guns and similar devices as weapons, and make sure the same rules and restrictions apply to them as to other weapons.
End the use of all **harmful devices** on children.

**Harmful devices** could include batons, guns and Taser guns, which, if fired at you will temporarily paralyse you.

Make sure respect for children’s views in the family, in school, in the community and in institutions is promoted, put into practice, and becomes part of the law.
32. Promote the principle of respect for the child’s views in the courts and in any other proceedings affecting the child.

33. Support organisations that help children to get involved in decision-making.

34. Continue to work with NGOs to make more opportunities for children to properly take part in decision-making, including in the media.
The Committee said the Government must:

35 Think again about the use of ASBOs as they may go against the rights of children to move around freely (freedom of movement) and to gather together (freedom of association and peaceful assembly).

36 Think again about the use of the “Mosquito” device and other measures as they may go against the rights of children to move around freely and to gather together.

An anti-social behaviour order, or ASBO, is a legal order that protects the community from the anti-social behaviour of one person. Breaking an ASBO is a criminal offence. There are more recommendations on ASBOs in the ‘Youth Justice’ section.

A “Mosquito” device is an ultrasonic device that works by making a high-pitched ringing sound. It can only be heard by under-25s. Mosquito devices are used to stop teenagers from gathering in public places.
37 Make sure that children are protected against unlawful or unnecessary interference with their right to privacy.

38 Introduce stronger rules to protect information about children.

39 Do more to respect the privacy of children in the media, and especially to avoid publicly shaming children. This should be done in partnership with the media.

40 Make rules about children’s involvement in TV programmes (especially reality shows) to make sure their rights are not ignored.
Make sure **restraint** is only used against children as a last resort, and only to prevent harm to the child.

Ban all ways of physically restraining children for the reason of “discipline”.

Ban all physical punishment in the family.

Make sure that physical punishment is clearly banned in schools, in care and in all other institutions.

Make it less acceptable to use smacking to bring up children by promoting positive and non-violent ways of disciplining children, and respect for children’s equal right to human dignity.
46 Provide education and training on how to positively bring up children for parents and for adults working with children.

47 Do everything the Government can to put the recommendations from the **UN Study on Violence against Children** into practice.

48 Use the recommendations from the UN Study on Violence against Children to make sure every child is protected from all physical, sexual and mental violence.

The **UN Study on Violence against Children** was set up in 2002 to get a picture of how children across the world experience different forms of violence. It made over 60 recommendations for how violence against children can be prevented.
The Committee said the Government must:

49 Offer more help to parents and guardians to help them raise their children.

50 Stop any children being taken into care because their parents do not earn much money.

51 Take children’s views into account in everything to do with the family or being in care, and make sure children can easily make complaints if they need to.

52 Make sure children with one or both parents in prison get the support they need. This should include help to stay in contact with their parents if this is in the child’s best interests.
Monitor children living in foster care, children’s homes or institutions, and children who are looked after by other family members. This monitoring should include regular visits to these children.

Work out why so many disabled children are in long-term care homes, and check how they are treated and cared for in these institutions.

Make sure that contact proceedings can be started to allow children separated from their parents and siblings (brothers and sisters) to have contact with their families. In Scotland, children should always be able to have contact with their family unless it’s not in their best interests.
56 Provide training and education to help prepare children living in care or in institutions for adult life.

57 Take into account the recommendations made about children without parental care at the UN Committee’s Day of Discussion in 2005.

The UN Committee on the Rights of the Child holds a Day of Discussion every year to explore a children’s rights issue in more detail with governments, human rights organisations, NGOs, children, and other experts. The Committee then makes recommendations based on the debate.

58 Do more to make sure children are adopted as quickly as possible, taking into account their best interests and their culture.
Set up ways to check how many cases of violence, sexual abuse, neglect, bad treatment or exploitation take place in the family, in schools, in institutions and in all types of care.

Make sure adults working with children (including teachers, social workers, health professionals and the police) know about their duty to report and act on suspected cases of domestic violence affecting children.

Do more to support victims of violence, abuse, neglect and bad treatment to make sure they are not victimised (treated unfairly) again during court cases.

Make sure there are good services in all parts of the UK to help children who have suffered from violence, abuse, neglect or bad treatment.
The Committee said the Government must:

63 Do everything it can to make sure the laws that protect disabled people and allow for services to be provided for disabled children are put into practice properly.

64 Develop new ways of finding out if children have disabilities early on in life.

65 Provide training for people (such as doctors, nurses, teachers and social workers) who work with disabled children.

66 Develop a national plan to make sure all disabled children can take part fully in society.
Make sure more information is available about the needs and rights of disabled children, and do more to make sure their participation rights are respected and they are not discriminated against.

Ratify (agree to follow) the **International Convention on the Rights of Persons with Disabilities**.

The **International Convention on the Rights of Persons with Disabilities** ensures that disabled people have the same standard of human rights across the world as non-disabled people.

Develop a Government plan to give all children equal access to health services. This plan must be linked to plans aimed at ending child poverty.

More money should be spent on mental health services for children, and services should be expanded. Services should particularly focus on certain groups of children including children in care, children living in poverty and children in trouble with the law.
Carry out research into why teenagers use drugs and alcohol so that programmes can be developed to reduce the level of drug and alcohol use.

Improve mental health and counselling services for teenagers and make sure they are fully accessible and sensitive to young people’s needs.

71 Put into practice international rules about marketing baby formula.

72 Do more to promote baby-friendly hospitals.

73 Include the promotion and encouragement of breastfeeding in training for nursing staff.

74 Provide better sex and relationship services and education to teenagers, and make sure that sex education is taught in schools.

75 Carry out research into why teenagers use drugs and alcohol so that programmes can be developed to reduce the level of drug and alcohol use.

76 Improve mental health and counselling services for teenagers and make sure they are fully accessible and sensitive to young people’s needs.
77 Provide clear and correct information about drugs and alcohol to children and do more to support children who are trying to stop using them.

78 Introduce laws to end child poverty by 2020 and set clear targets for achieving this.

79 Make sure that laws and actions to end child poverty make the poorest children and families the top priority.

80 Do more to give more practical support directly to children living in poverty by providing help with food, clothing and housing.

81 Reintroduce the law that puts a legal duty on local councils to provide safe sites for Gypsy/Travellers.
The Committee said the Government must:

82 Do more to make sure that children’s backgrounds (including where they live, how their parents are educated, and the amount of money their family has) do not affect how well they do in school.

83 Put more money into making sure that all children get a fully inclusive education. Children from disadvantaged groups should receive an excellent education.

84 Make sure children who do not go to school get an excellent education.
Do more to reduce the number of children who are excluded from school.

Only use permanent and temporary exclusion from school as a last resort.

Make sure that social workers and psychologists are available in schools to help children who are having problems with school.

Make sure children in care or living away from home have someone to represent and defend their best interests.
The Additional Support Needs Tribunals Scotland is a group of people who know about the law and are independent, which means they listen to everyone’s point of view. They consider references from parents and young people with additional support needs. References are when you tell a tribunal that you don’t agree with a decision a local council has made, for example, the need for a support plan and what that plan should have in it.

89 Do more to stop bullying and violence in schools, including by using education about human rights and tolerance.

90 Strengthen children’s participation in everything that affects them at school and in their education.

91 Make sure all children, and especially children in care, have the right to appeal to an Additional Support Needs Tribunals for Scotland about the type of education and support they receive.
Do more to make sure all children can enjoy their right to rest and play, and to take part in leisure and cultural activities. These activities should be appropriate for all different age groups (ranging from little children to teenagers).

Make sure all playgrounds are of good quality and accessible to all children, including disabled children.
The Committee said the Government must:

94 Do more to make sure that asylum-seeking and migrant children are only ever *locked up* as a last resort, and for the shortest possible time.

Asylum seekers and their children can be *locked up* by the UK Government if it is decided that they do not have the right to stay here and they are waiting to go home.

95 Make sure that the **UK Border Agency** employs staff with special training to interview children.

The **UK Border Agency** is in charge of keeping the UK’s borders secure and enforcing laws around immigration and customs. It considers applications to enter or stay in the UK.

96 Think about giving unaccompanied asylum-seeking and refugee children guardians to look after their best interests.
An age dispute is where there is disagreement about whether a person is under or over 18 years of age.

Provide figures on the numbers of children seeking asylum in the UK, including those whose age is disputed.

Give the benefit of the doubt to unaccompanied asylum-seeking children in age disputed cases. This means that they should be treated as children and given the same services and support as other asylum-seeking children.

Get guidance from experts on how to decide whether a person is under or over 18 years of age.

Make sure that, if refugee or asylum-seeking children are sent back to the country where they came from, checks are done to make sure the child will be safe. Research must be done on where the child will be living and what his or her life might be like.

Change the law to stop the prosecution of children who enter the UK without valid travel documents.
Child trafficking is where children and young people are lied to or forced into being moved for the purpose of exploitation (often for money) within or between countries.

The Committee said the Government must:

1. Collect information on the sexual exploitation and abuse of children, and use this to develop plans to stop this happening.

2. Make sure that laws and policies always treat children who have been sexually exploited and abused as victims of crime and not as criminals. This includes child prostitutes.

3. Ratify (agree to follow) the **Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**.

The **Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse** aims to prevent sexual abuse of children, to punish those people who abuse children and support children who have been abused.
105 Provide enough money to put the **UK Action Plan on Tackling Human Trafficking** properly into practice.

The **UK Action Plan on Tackling Human Trafficking** brings together the work that is already being done to tackle trafficking and sets out a future plan of action.

106 Ratify the **Council of Europe Convention on Action against Trafficking in Human Beings**.

The purpose of the **Council of Europe Convention on Action against Trafficking in Human Beings** is to help stop trafficking of people by encouraging countries to work together and to identify and protect people who have been trafficked.

107 Make sure that child protection rules for trafficked children meet international standards.
Youth Justice

The Committee said the Government must:

- Make the **age of criminal responsibility** higher.

The **age of criminal responsibility** is the age when the law says a person must take full responsibility for the crime they have committed. At the moment the age of criminal responsibility in Scotland is 8 years old.

- Find alternatives to locking up children who are in trouble with the law.
- Make sure that children are only locked up as a last resort and for the shortest possible time.
Make sure children can never be tried in court as an adult, no matter how serious the crime.

Make sure no child is locked up in a prison with adults.

Make sure all children who are locked up have a legal right to education.

Make sure the rights of child victims and child witnesses are protected at all stages of the **criminal justice system**.

The **criminal justice system** is the way people who are accused of committing a crime are dealt with. It includes the police, the courts, prisons, and the probation service.

Carry out an independent review of ASBOs and aim to stop them being given to children.
Think about ratifying the international human rights treaties that it has not yet agreed to follow, including the:

- Convention on the Protection of the Rights of All Migrant Workers
- Convention on the Rights of Persons with Disabilities
- Convention for the Protection of all Persons from Enforced Disappearance.
Ratify the **Optional Protocol on the sale of children, prostitution and child pornography** as soon as possible.

The **Optional Protocol on the sale of children, prostitution and child pornography** has detailed requirements to end the sexual exploitation and abuse of children. It also protects children from being sold for non-sexual purposes — like other forms of forced labour, illegal adoption and organ donation.

The Scottish Government is very grateful to the Children’s Rights Alliance for England for its kind permission to adapt its summary of the Concluding Observations which has been used throughout this booklet. Thanks also go to Scotland’s Commissioner for Children and Young People for its help in the development of the booklet and the use of its illustrations by Alex Leonard.