

CHILD RIGHTS



*A Model for Action:
The Children's Rights
Development Unit*

PROMOTING THE CONVENTION
ON THE RIGHTS OF THE CHILD IN THE UNITED KINGDOM

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INTERNATIONAL CHILD DEVELOPMENT CENTRE

The UNICEF International Child Development Centre, often referred to as the *Innocenti Centre*, was established in Florence in 1988 to undertake and promote policy analysis and applied research; to provide a forum for international professional exchanges of experience; and to advocate and disseminate ideas and policies towards achieving the goals of child survival, protection and development. On a very selective basis, in areas of programme relevance, the Centre also provides

training and capacity-strengthening opportunities for UNICEF staff, concerned government officials, and the staff of other institutions with which UNICEF cooperates. The Centre is housed within the *Spedale degli Innocenti*, a foundling hospital that has been serving abandoned or needy children since 1445. Designed by Filippo Brunelleschi, the Spedale is one of the outstanding architectural works of the early European Renaissance.

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Gerison Lansdown

Innocenti Studies

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FOREWORD

The adoption of the United Nations Convention on the Rights of the Child in 1989, and its ratification by 187 States Parties as of August 1996, signifies that most of the world's countries — representing the vast majority of the world's 0-18-year-olds — have assumed a legal and moral obligation to promote the best interests of their children. But implementing the Convention, or translating these rights into real changes in children's lives, is a complex process, requiring information-gathering, analysis, planning, coordination and monitoring — in other words, a great deal of hard work and dedication.

Fortunately, governments are not alone in searching for ways to transform the word and spirit of the Convention into action. The former Children's Rights Development Unit (CRDU) did some extraordinary work promoting the Convention in the United Kingdom. Lying behind its three years of dedicated efforts (1992-1995) was an extremely rich process that involved many individuals, prominent among them children, and hundreds of organizations. This study provides an account of that process to be shared with organizations in other countries seeking to promote the implementation of the Convention.

The Unit chose five broad strategies to work towards the implementation of the Convention in the UK: promoting awareness of the Convention and its practical application to children's lives; monitoring the extent to which legislation, policy and practice in the UK comply with the Convention; developing practical strategies for implementation; promoting children's participation; and identifying mechanisms for compliance. One major result was the 330-page *UK Agenda for Children*, which was submitted, together with a summary, as an 'alternative' to the Government's report to the United Nations Committee on the Rights of the Child. The Committee, which is the international treaty body responsible for monitoring the Convention on the Rights of the Child, subsequently convened the Unit's representatives to discuss aspects of both the official and the 'alternative' report. The UK government delegation appeared before the Committee in January 1995 at which time information gaps in its report were exposed. The Committee's criticisms of the Government received wide press coverage and triggered a debate that removed any possible justification for complacency about the state of children's rights in the UK.

The Unit encouraged hundreds of organizations to give explicit support to the Convention by 'adopting' it — that is, committing themselves to undertake "the fullest possible implementation" of the Convention in the UK. As this study shows, the adoption process has already led numerous municipalities and organizations to take a more child-centred approach to service delivery.

Central to the Unit's work was Article 12 — the right of children to express their views in matters of concern to them and to have those views taken seriously. Young persons actively participated as members of the Unit's Management Council. Their opinions were requested on every issue covered in the *UK Agenda*, and their words and drawings were included in the report. The Unit also spearheaded the movement to create "Article 12", the only UK-wide organization run for and by children and young people. Inaugurated in 1996 at a national conference, Article 12 has as its main objective the promotion of the fullest possible implementation of the Convention in the UK.

The Unit was highly successful in placing the Convention on the agenda of politicians, policy makers and practitioners during its three years of life. It has now been converted into a Children's Rights Office and, among other objectives, is continuing to advocate for the creation of a Children's Rights Commissioner, a permanent statutory office with authority to monitor children's rights and enforce compliance with the Convention throughout the United Kingdom.

The experiences of CRDU are of course linked to the particular context of an affluent industrialized country. Nevertheless, most lessons emanating from the Unit's work — from the goals it set for itself to the manner in which it achieved them — should be useful, even if adapted for quite different

situations. This study by Gerison Lansdown, former Director of CRDU, is both an abundant source of information and an inspiration for other organizations that feel strongly about the need to take concrete actions towards implementing the United Nations Convention on the Rights of the Child in their own countries.

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CHILDREN'S RIGHTS IN THE UNITED KINGDOM

The adoption of the 1989 United Nations Convention on the Rights of the Child represented a watershed of immense significance for children's rights, even though advocacy for children's rights was by no means new to the United Kingdom. In 1923, Eglantyne Jebb, founder of the Save the Children movement, wrote: "I believe we should claim certain rights for children and labour for their universal recognition". Several centuries earlier, in 1669, the English Parliament witnessed one of the earliest recorded events of self-advocacy by children, when "a lively boy" presented a petition "on behalf of the children of this nation" protesting "that intolerable grievance our youth lie under, in the accustomed severities of the school discipline of this nation".

The development of the concept of children's rights — and advocacy by adults and children for the recognition of those rights — has a long history. Tempting though it is to delve into the past, this study purports only to describe the domestic context in which the UK Government ratified the Convention in 1991 and in which the Children's Rights Development Unit (CRDU) was conceived and developed.

The International Year of the Child (IYC) in 1979 provided an opportunity to focus on children's rights, and the UK Committee for IYC made the establishment of a Children's Legal Centre its key project for the year. The Centre directed most of its efforts towards lobbying for children's legal rights and establishing an advice service. The Centre effectively reached a broad audience through its lobbying and high profile in the media, and through a monthly bulletin (*Childright*) and a range of publications and briefings, including: *At What Age Can I ...?*; *You and the Police*; *Child Abuse Procedures: The Child's Viewpoint*; and *Excluded from School*.

The UK has many charitable organizations dedicated to child welfare, with more than 400

operating nationally. Some have helped to achieve major reforms in child welfare, while others provide services to particular groups of 'needy' children, services that at times have proved more abusive than supportive. Individually and collectively, these organizations have generally focused on rights to protection and welfare; only more recently have they been active advocates of children's civil and political rights.

In the UK, as elsewhere, the 1970s and 1980s witnessed a growing awareness of the extent of ill-treatment to children. A succession of well-publicized scandals alerted the public to the serious, and often long-term, physical and sexual abuse of children, both within the family and in the many institutions (state-run, voluntary and private) that are part of the child care, health, education and penal systems. This exposure also highlighted the need to listen to children and take their concerns seriously. A large-scale judicial inquiry into sexual abuse in 1987 led to a report, which began: "The child is a person, and not an object of concern".

In the following years, some of the major national child welfare charities changed their promotional images of children. A press release from the Children's Society stated that it had "taken the plunge and dropped the grim images of deprived children that have for so long been the hallmark of child-care charity advertising". In the same period, the National Society for the Prevention of Cruelty to Children launched its "Putting children first" campaign, asserting children's rights, including the "right to be listened to and consulted about decisions affecting their future". Similarly, Barnardos unveiled a new look, "part of a determined bid to lose the charity's Victorian 'orphan' image".

By the mid-1980s, Scotland too had its Scottish Child Law Centre. And while the National Union of School Students had dissolved in 1979

due to internal political strife and teacher resistance, the National Association of Young People in Care was beginning to make a big impact on legal reform and local policies and practice, providing children in state care new rights and protection. Some local authorities had also appointed children's rights officers, in particular in relation to their child care services.

*Eglantyne Jebb wrote in 1923:
"I believe we should claim
certain rights for children and
labour for their universal recognition"*

In England and Wales, an opportunity to lobby for legal reforms for children arose in the late 1980s with the drafting of the Children Act 1989, a major and progressive piece of legislation concerned with child welfare. Drawing to some extent on principles from the Convention, the Act consolidated and extended certain rights for children within both public law (children in care, child protection) and the 'private' domain of the family, introducing — albeit vaguely — the concept of parental responsibility and asserting the paramountcy of child welfare in certain court proceedings. However, the Act was by no means a charter for children: it did not consistently reflect the Convention's provisions and had little influence on services such as education and health that, although outside the child care system, have a huge impact on all children's lives. But the process of drafting the Act and its passage through Parliament served as another catalyst to encourage non-governmental organizations (NGOs) concerned with children to become involved in policy development and to lobby for children's rights.

The Convention on the Rights of the Child was a long time coming. Some British NGOs played a small advisory role in drafting the Convention during its 10-year gestation. Following its adoption in 1989, a number of NGOs were brought together by the United Nations Association and the UK Committee for UNICEF to lobby the UK Government to ratify the Convention. The Government, however, was in no hurry to do so, even though Margaret Thatcher, the then Prime Minister, had attended the World



Eglantyne Jebb (1876-1928), one of the world's first children's rights advocates and founder of the Save the Children movement.

Summit for Children in New York in 1990, where she, along with 70 other heads of State and Government, had proclaimed: "The well-being of children requires political action at the highest level. We are determined to take that action. We ourselves ... make a solemn commitment to give high priority to the rights of children ...".

When the Government ratified the Convention in December 1991, it announced the event in a written reply to a parliamentary question, with no fanfare and a very low-key press statement. In retrospect, this seems like an ominous signal of what the Government's attitude towards the Convention would be in the years ahead — one of overall complacency about the state of British children and their rights, and inaction in implementing the Convention and promoting knowledge of it.

Mobilizing action on the Convention

The idea of the Children's Rights Development Unit took shape over the two years between the adoption of the Convention in 1989 and the UK's ratification of it in 1991. The decision to create the Unit arose from the need to generate interest in and commitment to the Convention and to understand its implications for the lives of all the 13.2 million under-18-year-olds in the UK. Following discussions with the UK Branch of the Calouste Gulbenkian Foundation, Peter Newell, who had previously worked at the Children's Legal Centre and had written a 1990 article-by-article guide to the Convention's implications (*The UN Convention and Children's Rights in the UK*), wrote a paper proposing the establishment of a 'secretariat' to promote full implementation of the Convention in the UK. The paper suggested:

The purpose of the Secretariat would be to ensure that all are aware of the implications of the Convention for existing and future policies, to seek views from appropriate bodies on action needed to fully implement the word and spirit of the Convention; to provide a commentary and proposals for policy development, and disseminate them through publications, seminars, conferences, etc. ... It is important that the role of the secretariat should be carefully planned to be catalytic and coordinating; promoting cooperation rather than competition or duplication.

*The Unit was created
to promote the fullest
possible implementation
of the Convention on the
Rights of the Child in the UK*

Within its Social Welfare Programme, the Gulbenkian Foundation took the Convention as a broad framework "protecting the dignity, equality and human rights of children" within which to initiate and support specific projects for children and young people.

It is not always easy to set up new initiatives where many existing organizations and indi-

viduals already have a stake. People working in NGOs in all countries are aware of 'turf' disputes and assertions that particular organizations 'own' issues. The Foundation's role in mediating the birth of the new Unit from its 'detached' position was therefore very important.

The Foundation consulted a large number of children's organizations about the proposal for a secretariat, finding strong support for the idea of a small, time-limited unit to work with other organizations towards implementing the Convention. Although it might have been more economical to place the Unit within an existing organization, it was foreseen, accurately, that an independent Unit would be more likely to engage the involvement of many types of organizations and would also facilitate fund-raising. To take the proposal forward, the Foundation, with support from the UK Committee for UNICEF, formed a small committee (which later became the core of the Unit's Council). Its first task was to set up the Children's Rights Development Unit as a legal entity — a company registered as a charity — and to seek funding. Because gaining charitable status takes up to a year or longer in the UK, the UK Committee agreed that it could accept funds for the Unit in the interim.

The Children's Rights Development Unit

The Children's Rights Development Unit began its work as a free-standing, three-year project in March 1992. By that date, it had been established as a registered charity with a UK-wide brief to promote the fullest possible implementation of the Convention on the Rights of the Child in the UK. It sought to achieve this through five broad strategies:

- promoting awareness of the Convention and its implications and application to children's lives;
- monitoring the extent to which legislation, policy and practice in the UK comply with the principles and standards of the Convention;
- developing practical strategies for implementation;
- promoting children's participation in decisions affecting their lives;
- identifying mechanisms for ensuring compliance.

1. Funding. Funding for CRDU came from a number of sources. Applications were made to

a wide range of charitable foundations. Although there are hundreds of such bodies in the UK, only a small proportion will give money to organizations working on policy or strategic issues rather than direct service provision. Fewer still will provide financial support for human rights campaigns. Opportunities for attracting funding were therefore limited. Nevertheless, a number of trusts did make grants to CRDU over its three-year life, including, among others, the Gulbenkian, Nuffield and Baring Foundations and the Rowntree Charitable Trust. Other donations came from major child welfare organizations, such as the National Society for the Prevention of Cruelty to Children, Save the Children Fund and Barnardos, as well as the UK Committee for UNICEF. Many commercial companies were also approached, although these applications were mostly unsuccessful. It was decided not to seek government funding in order to maintain independence.

These contributions provided sufficient starting income for the Unit, but not enough initially to appoint the full staff planned. Fund-raising would need to continue throughout the Unit's life. As the Unit's work developed, additional income was raised through publications, consultancies and fees for speaking at conferences and seminars. The full budget requirement for CRDU was approximately £ 180,000 per annum.

The highest staffing priority was to seek people with a proven commitment to children's rights and experience in policy development for children

2. Staffing. The highest priority in staffing was to seek people with a proven commitment to children's rights and experience in policy development for children. In addition to a Director, the position I held, the initial staff included a Deputy Director and an Administrator based in London. Despite the logistical and budgetary difficulties, it was imperative to have staff located in both Northern Ireland and Scotland in order to have detailed knowledge and understanding of the law, administrative structures, culture and political climate in those jurisdictions. Consequently,

a part-time Policy Coordinator was based in Scotland, and, once we had raised additional funding, a full-time Policy Coordinator was recruited for Northern Ireland. In addition, the Unit recruited a Youth Development Worker, based in London, whose job was to keep contacts with groups of children and young people to ensure that the work of CRDU was informed by their views and experiences. The full complement of staff was then six people.

3. Management Council. The constitution of the Children's Rights Development Unit called for a Management Council comprising 12 members and four additional co-options. The original group involved in the creation of CRDU consisted of eight persons, all of whom had some expertise in the field of children's rights. Most of them worked in key children's organizations, such as the UK Committee for UNICEF and Save the Children Fund, although they sat on the Council as individuals in their own right and not as representatives of their organizations.

Given the range of issues covered by the Convention and the numbers of potentially interested organizations, it clearly would not have been possible to ensure representation from all those who might have wished to participate in the work of the Unit. Such collaboration and cooperation would need to be established through the Unit's day-to-day work. Nevertheless, the experience and support brought by Council members was considerable.

Additional members were also needed to ensure the broadest possible expertise and experience for the Council. One of the original members worked in a Scottish organization, while all the others were based in London. But as we required people to represent the interests of children from each jurisdiction in the UK, we invited individuals from key NGOs in Wales and Northern Ireland to join. We also sought members from both the NGO and the statutory sectors of service provision as well as representation from minority ethnic communities.

Once the Youth Development Worker had taken up his duties, we sought to involve children and young people in the organization itself by co-opting them to the Management Council. In doing so, we hoped to allow their perspectives to inform our work. However, the process of deciding how to achieve direct children's participation was far from straightforward. There were three broad areas of concern:

Gerison Lansdown (far left) with other staff members, in the London office of CRDU.



a) *Identifying appropriate child members.* Without national networks of children and young people, there was no obvious body that we could approach for nominations. We were also aware that, although we were exploring means of providing all children, including younger ones, with opportunities to express their views, formal Council meetings were not appropriate settings in which to achieve this objective. We would need to look to older children to take part. CRDU had a UK-wide remit, and the adult members of the Council represented that geographic and political perspective, but to achieve comparable representation from the children would have been extremely difficult. They would have been required to travel long distances and to make considerable time commitments, which would inevitably be disruptive of their schooling. Furthermore, we felt that it would be helpful for the children to attend meetings with a friend or an acquaintance in order to feel less isolated. For these reasons, while we tried to ensure that not all the children came from London, we agreed that it was not practical to seek membership from all jurisdictions in the UK.

We also concluded that children could not be expected to represent any particular organization or body. We did, however, wish to involve children who had expressed an interest in or had some knowledge of children's rights. We therefore sought to identify children or young people having some previous involvement with an orga-

nization working with or for children. The Youth Development Worker approached a number of local youth organizations asking for volunteers interested in participating on the Council, enabling us to attract four young people as new members and two others as observers.

It clearly would not have been possible to ensure representation from all organizations interested in participating in the Unit's work.

b) *Timing the meetings.* Meetings took place every two months during working hours, raising obvious difficulties for children in school. We explored the possibilities of holding the meetings in the evening or on weekends, but both alternatives were dismissed: the children, particularly those living outside of London, could not travel to and from evening meetings in the same day; and weekend meetings would have prevented many of the adult members from fulfilling their own child care commitments. We decided to continue with weekday meetings and seek the permission of parents and head teachers for the children to miss up to six days of school over the year.

c) *Achieving effective participation.* It is not easy for anyone to join a management team that have been working together for a lengthy period. It is particularly difficult for young people, who have less experience of participating in meetings, less knowledge of the work of children's organizations and less access to the jargon invariably spoken by people working in the same field. It was therefore important to explore ways to ensure that young people could effectively participate on the Council and not merely attend as token representatives. Accordingly, the Youth Development Worker and the young people drew up the following ground rules for the Council members:

- avoid jargon or acronyms. Members using them could be challenged and asked to explain them in accessible language;

Young members of the Management Council could not be expected to represent any particular organization, region or political position

- place the key items at the beginning of the agenda. This meant that discussion of the

minutes from the previous meeting and any emerging matters were placed at the end of the agenda;

- call a short break midway through the meeting for the young people to meet and share views on whether the meeting was working for them, whether they felt comfortable and whether there were issues they wished to raise with the chairperson;
- arrange for young people to meet with the Youth Development Worker before each meeting to discuss the agenda and explore any issues they wished to raise in the meeting. This was an opportunity for the young people to be provided with more detailed background on unfamiliar issues.

These measures were only partially successful. The gaps between meetings meant that the young people found it difficult to maintain a sense of continuity. Whereas the adult members would often be in contact in their day-to-day work, the young people had no direct involvement outside Council meetings. Moreover, the adult members were already working in aspects of children's policy, which gave them familiarity with the issues discussed at meetings. The young people, on the other hand, had no such familiarity, and this placed

POINTS TO CONSIDER

Children's participation in the Management Council

- Be clear about why you are involving children and young people, and what both you and they are likely to gain from the experience.
- Be clear about the status of any consultation or participatory structures being established. Will the young people have equal status with adults? If not, why not? If so, how will the young people be held accountable for their actions and decisions?
- Do not patronize young people by suggesting or implying that some aspects of administration will be too complex or too boring for them.
- Involve children and young people at the earliest stage possible in the establishment of an organization. Only then will they be able to inform the structures being established and feel fully engaged in the process of creating an organization on the basis of equal status with the adults.
- Be prepared to invest time in working with young people. Without this investment, it will be extremely difficult to overcome gaps in experience and familiarity with the organizational structure and culture.
- Be prepared to recognize the contribution that young people can make to an organization. They are likely to bring a directness of experience and perception that is not mediated by conventional ideological frameworks or received wisdom. As such, much of what they contribute may be challenging and unexpected.



Jo Bird, one of the young members of the Management Council.

It was important to ensure that young people could effectively participate on the Council and not merely attend as token representatives

them at a considerable disadvantage in making contributions to the agenda. Furthermore, because they had joined the Council well after the creation of CRDU, the Council's work plans and focus were already well established, leaving little opportunity for them to contribute to the direction of the organization's work. However, towards the latter part of the Unit's life, when much of the discussion at meetings focused on strategies for the future, the young members began to feel a much stronger sense of involvement and capacity to participate. Certainly, over the life of the Unit the young people did make a positive contribution. They participated actively in meetings, made constructive comments on papers produced by CRDU, took part in consultation meetings on a number of key policy issues and played a central role in the establishment of a new children's organization, 'Article 12'.



PROMOTING AWARENESS OF THE CONVENTION

THE Convention cannot begin to have any real impact in the UK unless people know it exists and understand its implications. Indeed, Article 42 of the Convention requires governments to promote its provisions widely among adults and children alike. In the UK the Government has done relatively little to fulfil this obligation. Other countries have raised awareness and understanding of the Convention in numerous ways: parliamentary debates, radio and television programmes, road shows, incorporation into the school curriculum, posters, public debates, conferences, competitions. The lack of action in the UK, combined with the fact that the Convention was still, at the time of CRDU's establishment, a recent international treaty, meant that there was little awareness of the Convention among the general population. It is still almost certainly the case that the Convention means nothing to the vast majority of children and young people.

Seeking to broaden awareness of the Convention was a high priority for the Unit, but tackling this from an organizational base of six people in a country of over 60 million inhabitants represented a formidable challenge. We needed to identify strategically how we could most effectively reach the largest possible number of people with our limited time and resources. We sought to do this by targeting organizations and providing them with information about the Convention so that they could in turn undertake the task of dissemination. We also decided to develop links with the media for disseminating information.

Dissemination of information

We approached the Department of Health (DOH), the government department with lead responsibility for the Convention, to suggest that it should publish and make available information about the Convention. The DOH had already sent

out a copy of the Convention to each local authority, together with a short circular drawing attention to the Convention and the fact that it had been ratified, but had done little beyond that. The DOH agreed to commission us to produce the text of a leaflet summarizing the Convention and its status in the UK. The leaflet, produced in 150,000 copies, was made available free of charge to the public. To launch the leaflet, we organized a national conference. CRDU initially distributed 13,000 copies of the leaflet as well as 20,000 copies of the Convention.

We wrote to the Department of Education and suggested that we could do a comparable leaflet directly for children which could be distributed in schools. The Department of Education, however, held that the DOH leaflet was adequate for children. We therefore suggested that the DOH leaflet should be distributed to schools, but the Department of Education failed to respond to this suggestion. In our view, however, the DOH leaflet was not appropriate for younger children; in the absence of any government publication, we decided to produce a version of the Convention for children. Our Northern Ireland Policy Coordinator worked with five primary schools to encourage children to produce drawings and express the text of key Convention articles in their own words. (Some of these drawings and observations are included in this publication.) The children worked on this project for one term, and the booklet was launched in Northern Ireland in 1995.

Finally, we wrote to about 1,500 organizations — statutory and professional bodies, NGOs, academics and interested individuals — sending them copies of the Convention and a questionnaire (see Appendix I).

Conferences and seminars

During this period there was much interest in the Convention among professional bodies and NGOs

POINTS TO CONSIDER

Promoting the Convention

- The Convention can only begin to have impact if it is widely known and understood.
- Most individuals and organizations find the text of the Convention inaccessible until they begin to use it. They will therefore require additional explanatory information.
- Different strategies are needed to disseminate information to professionals and the broader public. Conferences, seminars, professional journals and books will reach professionals but not the general public.
- Developing links with the media is an essential strategy for raising awareness of the Convention, but it is important to remember that they will not always be on your side.

working in the child welfare field. Many organizations were aware of the Convention's existence but had little knowledge of its implications for their policies and practice. The Unit was therefore in considerable demand at conferences and seminars to elaborate on the content and interpretation of the principles and standards embodied in the Convention. We were asked to present papers on a broad range of topics, including participation, implementation, child protection, public care, poverty, civil rights within the family, adoption, youth justice, health and education. In each paper we sought to address the implications of the rights contained in the Convention for legislation, policy and practice, and to encourage the participants to review their own work practices in the light of these issues. In the three years of the Unit's life, we addressed approximately 90 national conferences and seminars.

The Unit sought to identify strategies for reaching the largest possible number of people most effectively with its limited resources

In addition to speaking at conferences organized by other bodies, we ran several conferences and seminars of our own or in collaboration with other organizations. These included:

- a conference for local authorities in England and Wales providing illustrative examples for using the Convention as a tool in developing policy and practice;
- a UK-wide conference in which seven groups of children and young people from differing

life experiences made presentations on ways they felt their rights should be better respected. The sessions were formed by groups of disabled children, young offenders, homeless teenagers, two groups of young people in care, children living with violence in Northern Ireland, and schoolchildren. The audience comprised professionals from the fields of health, education, child care, social work, play and residential care;

- a conference in Scotland launching the *Scottish Agenda for Children* and attended by more than 150 people from NGOs and statutory services. A group of young people made a presentation at the conference, outlining their interpretation of the rights in the Convention and their experience of them;
- a collaborative conference in Belfast, set up jointly with young people, on the theme of participation. The conference focused on care, justice and the youth service — topics chosen by the young people — and attracted an audience of about 100, two thirds of whom were young people;
- a seminar to open up debate around the implications of the civil rights embodied in the Convention within family life. Marta Santos Pais, a member of the United Nations Committee on the Rights of the Child, spoke at this seminar, which was attended by 50 representatives from organizations working with parents.

The media, press and publications

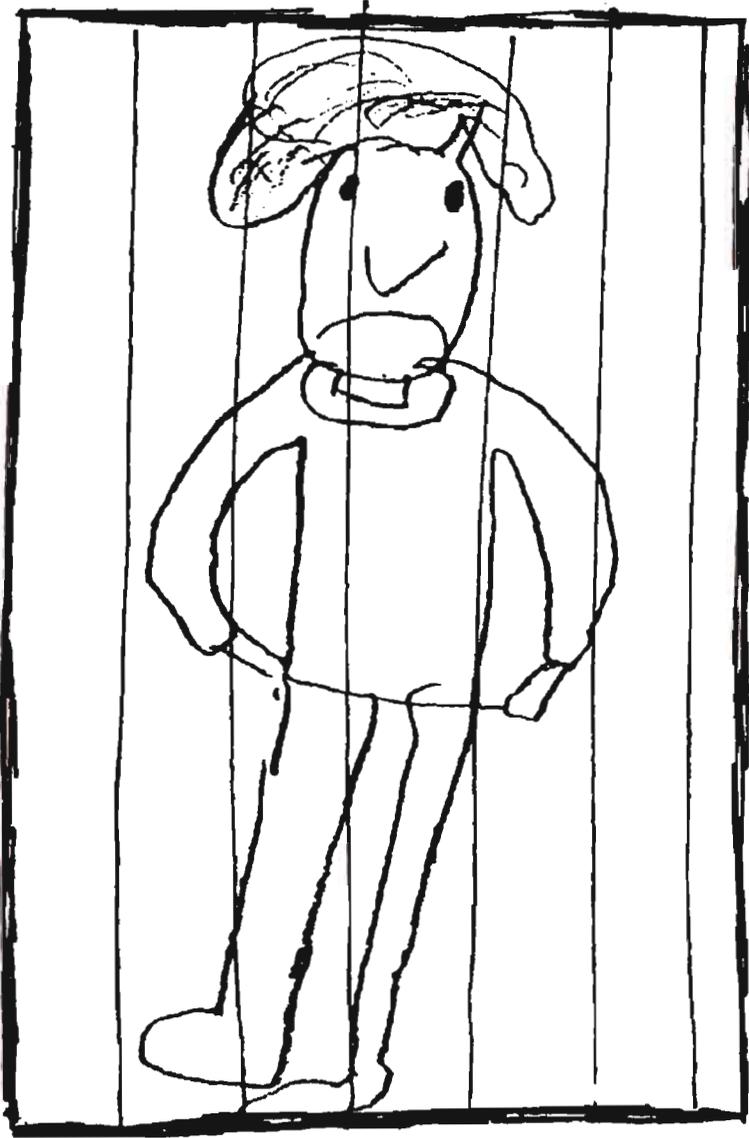
We wrote articles for a variety of professional journals on the significance of the Convention. We were also commissioned to write chapters in a number of books on the theme of children's rights and the Convention. However, while

important, these publications were likely to reach only a limited professional audience. We therefore sought to promote awareness of the Convention among the wider population by raising the profile of CRDU and the Convention with the press and media:

- we wrote to most national and local newspapers, radio and television programmes and relevant journals informing them of the Unit's existence and aims;

- we issued press releases in response to issues in which a children's rights perspective needed to be raised;
- we met with children's television programmers to explore ways in which the Convention and its implications for children could be promoted by the media.

In response to these activities, journalists increasingly sought us to comment on news events affecting children. We began to be used as a



The Unit encouraged children to express their interpretation of the Convention on the Rights of the Child, either in words or in drawings. Some of the drawings were later included in the *UK Agenda for Children* to illustrate main policy areas. This woeful young offender, for example, introduces the section on youth justice.

source of expertise on the Convention, providing both background information for news coverage and documentaries, and interviews for television and radio. While some of the coverage was hostile — there is a powerful and pervasive hostility in the UK towards children's rights — it nevertheless provided opportunities to convey a children's rights perspective where it was needed.

Provision of information

The Unit rapidly became the primary source of information and interpretation of the Convention, responding to about 4,000 requests for information in three years. These requests came from a wide variety of sources: schools, students, local authorities, interested individuals, NGOs, academics.

In addition, we were in increasing demand to provide consultancy or enter in partnerships with organizations to explore ways of implementing the principles of the Convention within their own

work. Our involvement in such projects included work with organizations in the fields of play, environmental education, teenage health, youth justice, poverty, child accident prevention, community development, HIV/AIDS, participation, the ethics of social research with children, child protection, day care and children in care. In each of these initiatives, we were able to assist the organizations in understanding which articles in the Convention were relevant to their work and the practical and policy implications of those articles.

*There is a powerful and
pervasive hostility in the UK
towards children's rights*

MONITORING COMPLIANCE WITH THE CONVENTION

The basis for an 'alternative report'

The primary task of CRDU in its first two years was to undertake a systematic analysis of the extent to which law, policy and practice in the UK complied with the principles and standards of the Convention. This analysis would be used to form the basis of an 'alternative' report to be submitted to the Committee on the Rights of the Child. The UK Government had ratified the Convention in December 1991, and its report to the Committee was due to be submitted in January 1994. (In fact, because the Committee was running late in its scrutiny of State Party reports, the UK report was not examined until January 1995.) The Committee requests that alternative reports be submitted six months in advance, so we had to publish our report by June 1994. This gave us two years in which to complete the work of drafting what was to become the *UK Agenda for Children*.

A number of questions needed to be considered in producing a report analysing the state of children's rights in the UK, as discussed below.

What would the report seek to achieve?

The aims underpinning the production of the report were threefold. We wanted to provide:

- an interpretation of the implications of each article to improve understanding of the ways in which the Convention could be used to inform legislation and policy;
- a review and analysis of all the relevant information sources that provided evidence of the state of children's lives;
- a systematic testing of each article against the available evidence to determine the extent of compliance.

There were two possible approaches to drafting the report: we could identify the most serious

failures to respect certain articles in the Convention and highlight the evidence and implications of those breaches; or we could seek to undertake a comprehensive analysis of all aspects of children's lives and test them against the principles and standards in the Convention. The first approach would have highlighted the difficulties faced by some of the most vulnerable children in society — Traveller children, children in conflict with the law, children whose families are unable to care for them. However, after some discussion we rejected that approach in favour of a more comprehensive overview. In this way we were able to test at a more profound level the status of children in society; the extent to which the infrastructure of society was consistent with a commitment to respect children's rights; and the extent to which attitudes, public expenditure and the general direction of public policy reflected our obligations under the Convention.

By producing a wide-ranging report we could build up a detailed picture of the state of children's rights in the UK. Obviously, that picture would not be complete because it would necessarily focus on those aspects of children's lives where there are difficulties or problems. But it would provide the information necessary to construct a detailed programme of action for working towards fuller implementation of the Convention.

How should we work with the Government?

The guidelines produced by the Committee on the Rights of the Child on the production of State Party reports clearly indicate that governments should review all current legislation and policies affecting children as part of the process of producing their report to this Committee. Furthermore, governments are expected to undertake

this in an open and collaborative manner and involve all relevant NGOs and professional bodies. The guidelines also indicate that reports should be accompanied by copies of principal legislative and other texts as well as detailed statistical information and indicators. In the UK, as mentioned earlier, the Department of Health, which also has responsibility for social services, was given lead responsibility for the Convention and consequently for coordinating the production of the report.

The Unit undertook a systematic analysis of the extent to which law, policy and practice in the UK comply with the principles and standards of the Convention

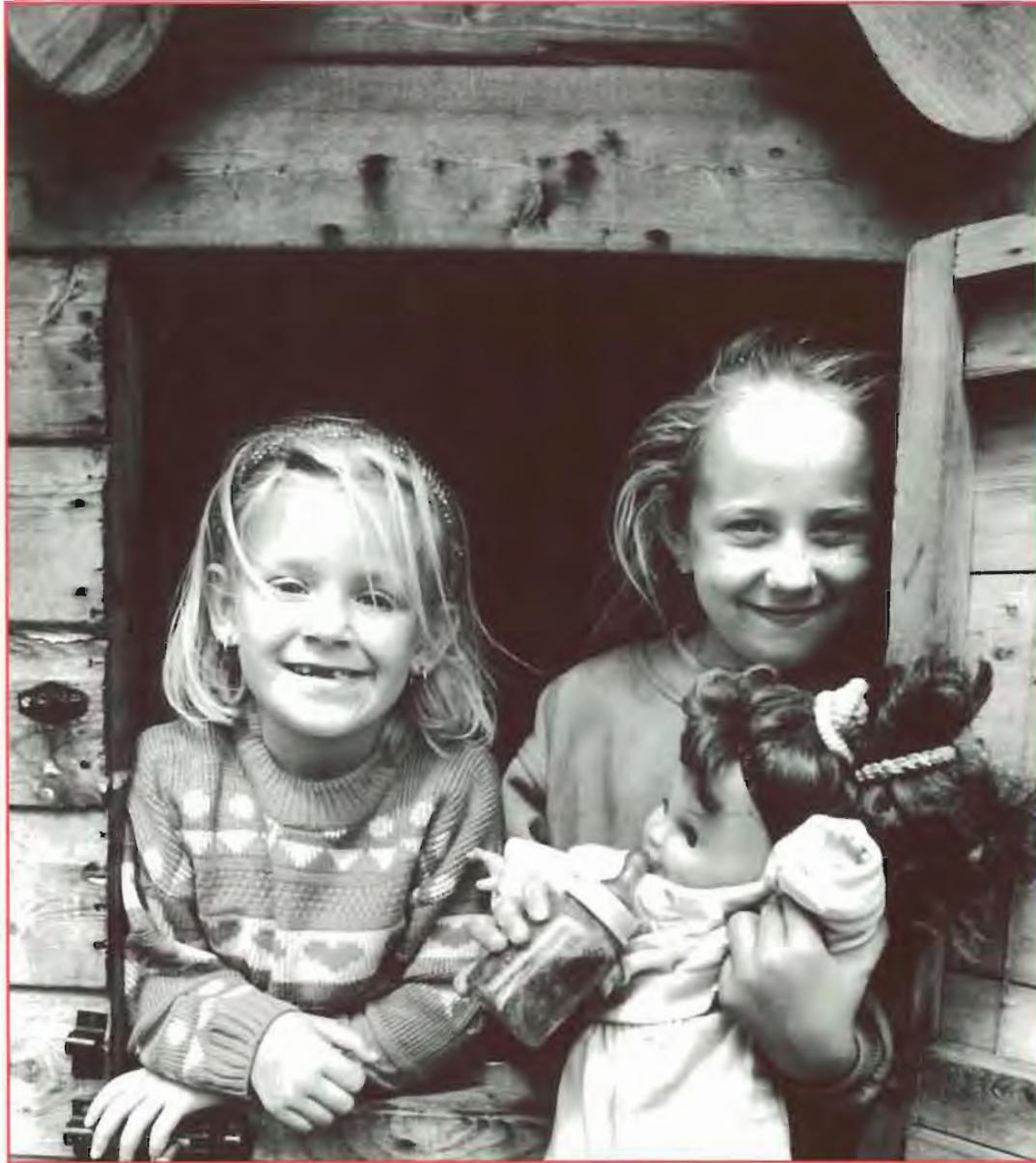
There are many national and local NGOs in the UK that work with children. The majority provide services to children and their families, but many also provide information to the Government about the impact of legislation and policies on children's lives and campaign for changes to improve the quality of children's lives. The DOH traditionally works closely with many of these NGOs. In the development of the Children Act 1989, there was an extended and wide-ranging consultation process significantly affecting the Act's final shape and content. Since the Act has come into force, the DOH has provided NGOs with considerable financing to undertake research into its implementation, thus indicating a degree of trust and mutual respect in the relationship between the DOH and NGOs that does not exist in all government departments. The Home Office, for example, which is responsible for youth justice, immigration, nationality and refugee policy, has a history of much less open and consultative relations with NGOs. Recent policy in these fields has been developed in the face of almost universal opposition from professionals and NGOs working with children and families.

Bearing in mind this history and the requirements imposed by the Committee guidelines, CRDU approached the DOH to establish the process for consultation on the production of the

Government's report. It became quickly apparent that no such process was being established. The DOH was quite clear that its role was to take responsibility for the coordination, but not the content, of the report, except for those areas falling within its remit. Thus, it had no authority to impose any editorial control over the report or to require other departments to produce information in a given format or address predefined questions or issues. Each department was requested to provide information on relevant articles, but there was no interdepartmental structure to discuss the implications of the Convention for existing or future policy, to identify areas where changes were needed to promote greater compliance or indeed to achieve greater understanding of the implications of the Convention for policy and resourcing affecting children.

We met with the Junior Minister from the DOH with responsibility for children to discuss how the government report was to be prepared. Our aim was to urge a process of consultation that would allow a public debate on the state of children's lives in the UK and the changes needed to achieve fuller compliance with the principles and standards embodied in the Convention. However, no such consultation ensued. This failure stands in stark contrast to the attitude of many other governments throughout the world where the ratification of the Convention provided a catalyst for open and critical debate on the way society treats its children. In Nepal, for example, the Government supported a widely publicized three-day national workshop on the Convention to discuss the draft government report. More than 150 NGOs attended and submitted comments on the draft. A working group comprising NGOs, government ministries and child representatives then met to produce the final government report.

By contrast, in the UK, a draft report produced by DOH in late 1993 was sent out for consultation, but only to a limited number of organizations. Although the report was more than 100 pages long, these organizations were given only eight working days over the Christmas period to respond. Most refused to cooperate with such a timetable, and, in consequence, the final report was the product of the Government alone, plainly failing to reflect the outcome of public debate on the rights of children in the UK.



This resistance to a collaborative approach is likely to be replicated in many countries, and it is important to try to understand the reasons behind it if more effective models are to be developed in the future. In the UK, this hostility was particularly worrisome since it appeared to contradict the philosophy and traditions of the lead department producing the report. Certainly lack of time was not the explanation, as we first approached the DOH 18 months before the report was due. There are three possible explanations:

The UK is a welfare-based rather than a rights-based culture, and nowhere is this more pronounced than in the field of civil rights for children

a) The Government felt it had already worked to protect and promote children's rights in enacting the Children Act 1989. Certainly, the provisions of that Act were inevitably cited when any attempt was made to point out deficiencies in government policy. There was a message emanating from the Government, which indeed emerged powerfully in the report to the Committee on the Rights of the Child, that ratifying the Convention had been enough to achieve compliance. The Convention was largely viewed as a document for developing countries, with little application to the post-industrial world, where the rights of children were already adequately safeguarded.

b) The Government, however, is sensitive about aspects of its policy. One area of growing public concern relates to the level of investment in children. The UK has witnessed a shocking and continuing growth in child poverty in the past 15 years, as inequality in society has widened to the point that it is greater now than at any time since the 19th century. This pattern has been accompanied by growing public anger at the underinvestment in both education and health services. It is probable that the Government wanted to avoid creating further opportunities for high-profile debates focusing on criticisms of these developments.

c) Perhaps more profoundly, there is a clear and continued hostility to the concept of children's rights among politicians and the public in the UK. As a society we resist the language of rights. We are a welfare-based rather than a rights-based culture, and nowhere is this more pronounced than in the field of civil rights for children. The challenge posed by the Convention in this respect is one that the Government is unwilling to grasp, and this was evident in its report to the Committee on the Rights of the Child.

The Unit hoped to produce a document that would be of value to a number of different audiences

Despite the Government's reluctance to participate in an open dialogue, CRDU considered it important to seek to involve relevant government departments in our work and keep them informed of the issues raised in the process. In consequence, we sent copies of each section of the *UK Agenda for Children* to the Government for comments, and we invited government representatives to seminars to contribute and listen to the concerns raised by NGOs on the state of children's rights in the UK. These initiatives, however, elicited almost no response.

Who should be the audience for the report?

Obviously, the initial impetus for the report arose from the need to produce an alternative report for the Committee on the Rights of the Child. However, given the decision to produce a comprehensive analysis of the state of children's rights in the UK, we concluded that the information would interest a wider audience than the Committee alone. We hoped to produce a document that would be of value to a number of different audiences:

- to politicians, as guidance for the legislative changes necessary to achieve compliance with the obligations under the Convention;
- to policy makers in the statutory sectors as well as from NGOs, as guidance for the development and delivery of services for children;
- to organizations working in the field of child advocacy, as an information resource and tool in campaigning for improvements in child-related legislation, policy, practice and research;
- to academics teaching in the field of law and social policy, and to instructors of professional training courses, as an overview of children's rights.

The report aimed to promote debate on the Convention, develop understanding about the changes needed for the Convention to have a real impact on children's lives, and challenge widely held assumptions that the Convention has little relevance in the UK.

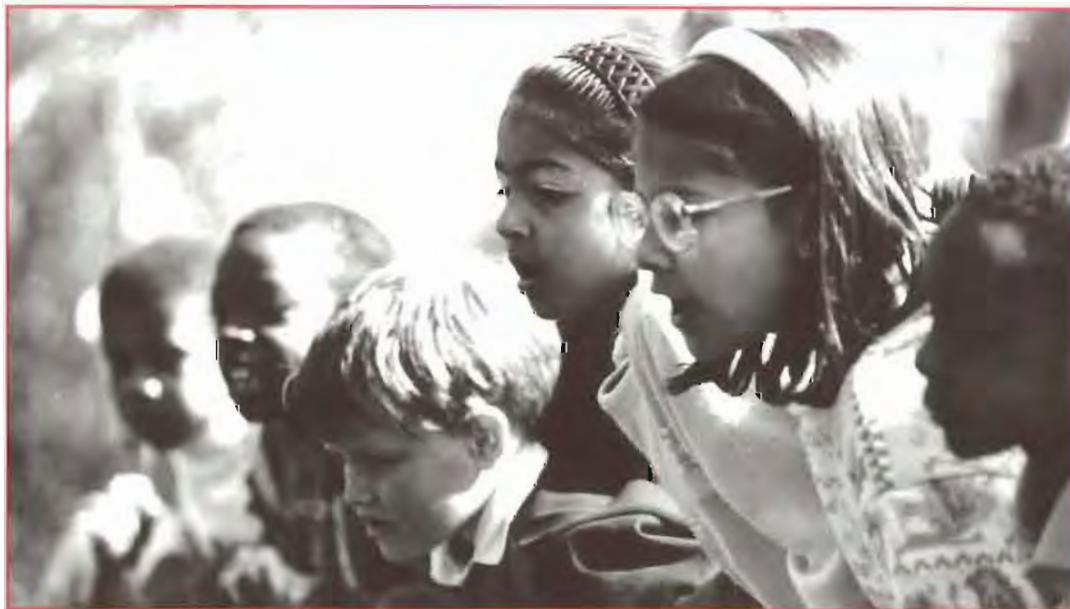
How should the report be structured?

The guidelines provided by the Committee on the Rights of the Child recommend that States Parties organize their reports under the following headings:

- General measures of implementation: Articles 4, 42, 44.6
- Definition of the child: Article 1
- General principles: Articles 2, 3, 6, 12
- Civil rights and freedoms: Articles 7, 8, 13, 14, 15, 16, 17, 37(a)
- Family environment and alternative care: Articles 5, 9, 10, 11, 18, 19, 20, 21, 25, 27.4
- Basic health and welfare: Articles 18, 23, 24, 26, 27
- Education, leisure and cultural activities: Articles 28, 29, 31
- Special protection measures: Articles 22, 38, 39 (children in situations of emergency)
- Articles 37, 40 (children in conflict with the law)
- Articles 32, 33, 34, 35, 36 (children in situations of exploitation)
- Article 30 (children from minority or indigenous groups)

The 'alternative' report was meant to challenge widely held assumptions that the Convention has little relevance in the UK

We considered whether our report should follow the same guidelines. Obviously there were considerable advantages in doing so. With the same structure our report could be compared directly with the government report and would undoubtedly be easier for the Committee on the Rights of the Child to follow. Following the Committee's guidelines also ensured that each article was given systematic consideration and scrutiny. However, it was the very necessity of looking individually at each article that persuaded us to adopt a different approach. As we were producing a report for a wider and more disparate audience, we wanted to examine broad areas of policy and then identify all the relevant articles within each area. In the field of juvenile justice, for instance, we wanted to draw together all the breaches of rights that affected young people in conflict with the law. This would include not only Articles 37 and 40, which deal specifically with rights in the context of justice, but also health care, access to education, separation from families, freedom from discrimination, the right to proper representation, protection from violence and sexual abuse, and so on. In this way, the same articles would be considered many times over, but in the context of different aspects of children's lives. It would also enable us to identify specific aspects of legislation or policy



that represented breaches of several different articles. For example, recent legislation in the UK removing rights of access to sites for Traveler families has implications for their children's education, health care, respect for their culture and way of life, and, in some cases, the opportunity for an adequate standard of living.

Following the Committee's guidelines would not have enabled us to present our concerns over certain aspects of policy. Because we also wanted policy makers to use our material, we felt it would be useful to draw all the relevant information together in each policy field. It would be more useful to those in the health field, for example, to have a coherent report on health encompassing all relevant concerns — for instance, children's rights to participate in their own health care, unequal access to services, links between poverty and health — rather than presenting Article 12 and its application to health in one part of the report and issues dealing with standards of living in another. Similarly, in the field of adoption we wanted to examine the issues raised over the right of children to maintain their identity, culture, language and religion. We decided that to make the report more accessible to the Committee on the Rights of the Child we would produce a summary of the full report structured in accordance with the Committee guidelines and referenced into the relevant page numbers of the full report.

The Unit identified broad policy areas affecting children's lives and then considered all relevant articles within each area

Having rejected the structure suggested in the Committee guidelines, we then had to decide what structure would be most appropriate. There is no self-evident method of organizing such a report, and its structure and content would necessarily need to reflect the particular characteristics of the country concerned. We decided to identify the main policy areas affecting children's lives and to group all the relevant articles within each policy area. We also agreed that Articles 2, 3 and 12 would be considered in every policy area. The broad headings were:

1. Personal freedoms. This section dealt with the basic civil rights in the Convention that are associated with personal freedoms. It covered parental direction and guidance in line with the child's evolving capacities (Article 5); the rights to identity and preservation of identity (Articles 7 and 8); freedom of expression, thought, conscience, religion and association (Articles 13, 14 and 15); and rights to privacy, information (Articles 16 and 17) and to respect for one's language, culture and religion (Article 30).

2. Care of children. This section addressed the day-to-day care of children, whether at home with their families, in public care or placed for adoption. The issues included consideration of Articles 5 and 12 with respect to children's involvement in decision-making within the family, levels of support for parents, the quality of public care for children, the disproportionate number of children in care from mixed-race parents, inter-country adoption, and issues of identity and culture in adoption (Articles 5, 8, 9, 18, 19, 20, 21, 23, 24, 25, 28, 30).

3. Physical integrity of children. This section focused on the child's right to protection from all forms of violence, addressing sexual abuse, domestic violence against the mother and the effectiveness of child-protection procedures. We wanted to emphasize the significance of these rights as fundamental indicators of the status of children in society and the respect for their physical integrity (Articles 19, 20, 24.3, 25, 28.2, 30, 34, 36, 39).

4. Adequate standard of living. In this section we first sought to evaluate the extent of poverty in the UK. We then looked at the available evidence to assess whether exiting poverty led to an inadequate standard of living for children. The indicators we used were the extent to which certain rights in the Convention were satisfied for children living in poverty — access to the basic necessities of life, access to housing that ensures adequate health and safety, access to health care and the best possible health, education on the basis of equality of opportunity, access to family life, freedom from discriminatory factors inhibiting access to an adequate standard of living, the right to play in safety, and opportunities for children to participate in social activities (Articles 9, 24, 26, 27, 28, 30, 31).

5. Health. This section examined services for healthy children, health education, sex educa-

tion, services for children in hospital, community services, services for children with particular disabilities and illnesses, equal access to health care and the relationship between poverty and health (Articles 5, 6, 9, 23, 24, 25, 28, 30, 31, 33).

6. Environment. We decided to devote a specific section to environmental issues (although no article directly addresses them) because environmental policies and developments in the UK, as in many other countries, have a significant impact on the rights and freedoms of children. In this chapter we looked at pollution and its impact on child health; transport and transport policy; the loss of play opportunities; the risk of accidents in the home and on the road; and the extent to which environmental factors disproportionately affect children from poor families (Articles 6, 18, 23, 24, 27, 29.1(e), 30, 31).

7. Education. This section examined four broad areas in relation to education: (a) access to education in terms of race, racism, disability and poverty; (b) democracy and children's participation in the school environment; (c) the curriculum; and (d) protection and safety for children in schools (Articles 19, 22, 23, 28, 29, 30, 37).

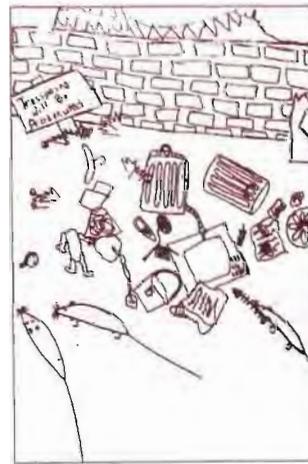
8. Play. In this section we examined the levels of support and resourcing for play and leisure; the extent to which all children have access to play, leisure and cultural opportunities; safety and standards; children's access to information and the role of the mass media (Articles 13, 17, 18, 23, 30).

9. Youth justice. Here we dealt with government policy in respect to juvenile crime and the growing emphasis on custodial provision for young offenders, lack of alternative provisions, the conditions of young-offender institutions and the extent of violence that occurs there, racism within the justice system, adequacy of review systems, and effectiveness of legal representation (Articles 19, 24, 25, 30, 37, 40).

10. Child labour. In this section we explored the adequacy of existing legislation to protect children from economic exploitation, the extent of illegal child labour, the effectiveness of enforcement procedures, and the reservation entered by the Government on the rights of 16-17-year-olds to special protection by virtue of their age (Articles 13, 26, 28, 31, 32).

11. Immigration, nationality and refugees. This section dealt with the reservation entered by

A child's - eye view of



The environment

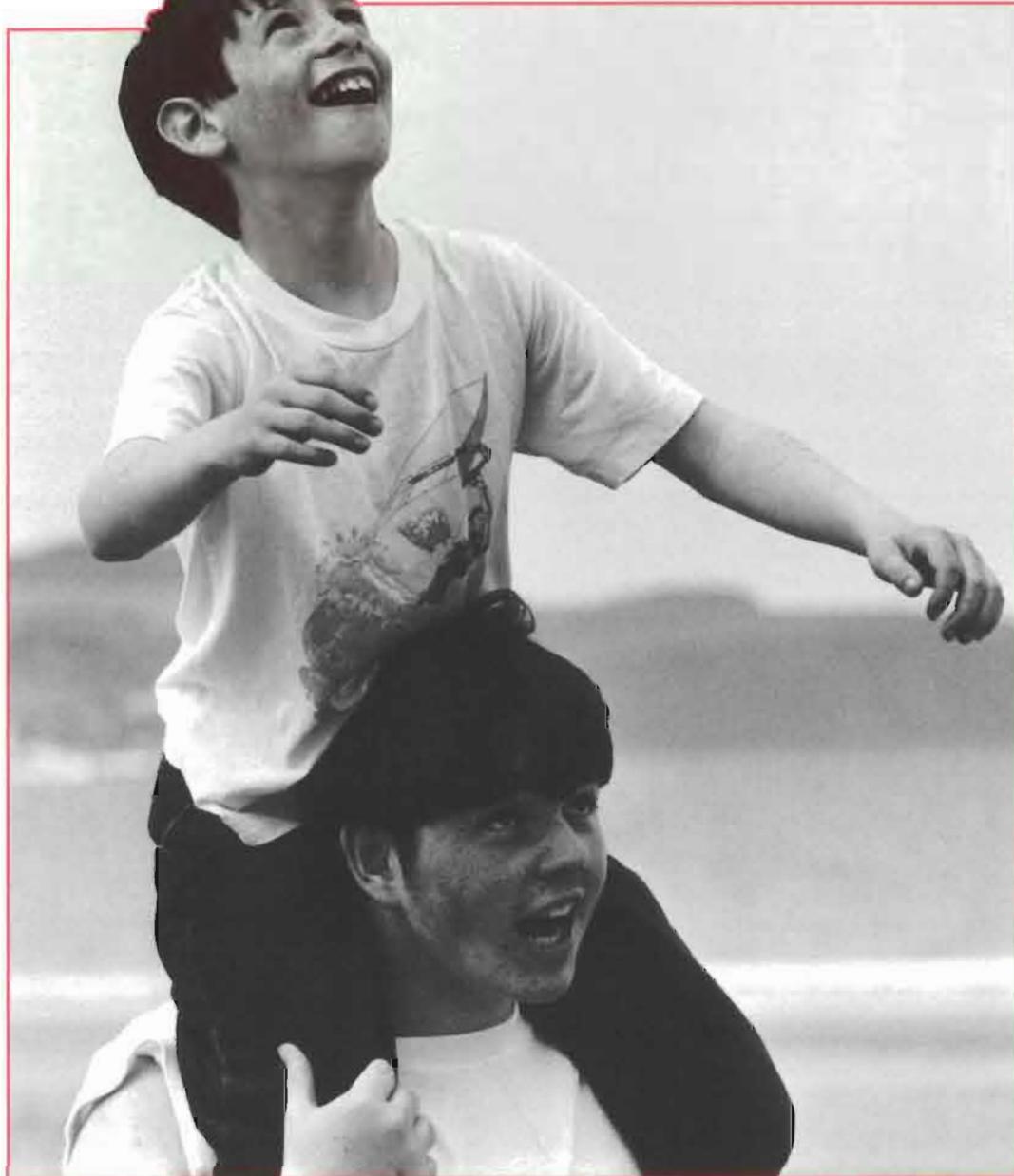
the Government stating its refusal to amend current or future legislation in this area to comply with provisions of the Convention. The report explored the extent to which current UK legislation respects the rights to nationality and identity, to family life and reunion, and to privacy. It also examined the rights of young refugees (Articles 7, 8, 9, 10, 16, 22, 39).

Environmental policies and developments have a significant impact on the rights and freedoms of children

12. Northern Ireland and violent conflict. This dealt with the history of violence in Northern Ireland and its impact on children. It addressed the effects of the violence on attitudes towards young offenders, the loss of civil rights associated with the emergency legislation, paramilitary abuse of children, children who have experienced violence and lost relatives, the lack of investment in the country and the consequential extent of poverty, sectarian policies and practices (Articles 6, 9, 13, 15, 19, 29, 30, 31, 37, 38, 39, 40).

Many people in the UK would argue that children are a vociferous and articulate group in society who already have too much say

13. Child abduction. Here we examined legislation and practice in the UK in the light of obligations under the Convention as well as other relevant international treaties. We looked at the support to parents provided by the Foreign and Commonwealth Office and the extent to which the principles of taking account of children's views and promoting their best interests were



POINTS TO CONSIDER

Placing the Convention articles in perspective

- Does current legislation comply with the requirements of the article, or are changes needed to achieve compliance? If so, what is the nature of those changes?
- Do any changes in legislation need to be backed up by public education programmes to achieve the necessary changes in public attitudes? For instance, is change needed in attitudes towards violence to children? Should there be greater recognition of the child's right to express a view in all matters of concern to her or him?
- Is the resourcing available to achieve effective implementation of the legislation?
- Has there been sufficient training for professionals to ensure that legislation is properly implemented?
- Is the right respected for all children in society? If not, which groups are denied access to the right and in what ways?
- Does the failure to respect the right lead to the denial of other rights for the child? For example, does the lack of health care mean the loss of the right to life? Does the failure to respect the child's basic civil rights in the juvenile justice system result in the loss of the child's right to contact with his or her parents? Does the failure to provide appropriate care to children unable to be looked after by their parents lead to the loss of rights to privacy, to protection from violence, to proper health care?

respected in current legislation (Articles 1, 4, 9, 10, 11, 35).

14. International obligations. This section looked at the full range of international obligations incorporated into the Convention and analysed how far government policy complied with those obligations. It examined UK policies in respect of the implementation of economic, social and cultural rights, and cooperation over information, inter-country adoption, disability, health, recovery of maintenance, education, sexual exploitation including sex tourism, armed conflict. In addition, it considered support for other international treaties on, for example, sales of land mines, and support for child victims (Articles 4, 17, 21, 23, 24, 27, 28, 34, 38, 39).

What sources of information could be drawn on?

In order to analyse accurately the extent to which the rights embodied in the Convention were respected for all children, the report needed to be based on the broadest possible range of information sources. Therefore, in addition to listening to adults and children to inform the report, we drew on numerous other sources: government statistics; published research (including research pub-

lished by the Government, academic institutions, NGOs or professional bodies); books, papers and articles; current legislation and accompanying guidance together with government reports on its implementation; Hansard, the verbatim record of proceedings in Parliament; and reports published by organizations or professional bodies working with children.

Inevitably, more information was available in some policy areas than in others. Our methodology was to undertake an initial consultation by convening a seminar with interested professionals to establish some of the key areas of concern in children's lives. We provided information on the relevant articles in the Convention together with a brief explanation of their implications, and asked participants to identify their concerns within the framework of those principles. Having identified those concerns, we then undertook research using the sources listed above to clarify, substantiate and elaborate on the extent to which there were breaches of the principles and standards in the Convention.

What indicators could be used in assessing compliance with the Convention?

In 1992, our first year of activity, the Convention was still very new and the Committee on the

Rights of the Child had scrutinized very few State Party reports. Little work had been done to provide detailed interpretations of the individual articles in the Convention, with few sources to draw on for guidance other than the *Travaux Préparatoires*. Therefore, much of our work was to interpret the articles and elaborate on the implications of each article for law, policy and practice. Each of the underlying principles in the Convention — Articles 2, 3 and 12 — needed to be tested against every aspect of children’s lives in order to examine the extent of compliance. For example, with Article 12, the right of children to express a view on matters of concern to them, it was necessary to explore in detail the implications of a child’s right to be heard. Many people in the UK would argue that children are a vociferous and articulate group in society who already have too much say. We sought to identify exactly the legal rights of children to express their views in education, in the family, in health care, in the public care system, and in both civil and criminal proceedings. How much say did children have in matters of public concern — in the development, design and content of services and in their monitoring and evaluation? Did children have access to com-

plaints and appeal procedures? And where there was legislation providing them with the right to be heard, how effective was its application? Did children have access to independent advocacy?

With articles relating to particular aspects of children’s lives, their principle or standard needed to be tested not only in relation to existing law, policy and practice, but also in relation to all groups of children. For example:

a) Article 28 underscores the right of all children to compulsory and free primary education on the basis of equality of opportunity. The UK, where compulsory free education applies to all children to the age of 16, would appear to comply fully with this obligation. But the Convention demands a more rigorous investigation of the application of that legislation. Is this right being fulfilled when there are growing numbers of children being excluded from school? Is education being offered on the basis of equal opportunity when Afro-Caribbean boys are disproportionately likely to be excluded from school, when the State provides little or no early child care or education that could mitigate much of the disadvantage experienced by deprived children, and when



many disabled children lack the opportunity for inclusive education?

b) Article 31, the right to play, recreation and leisure, required us to consider if all children have sufficient opportunities to fulfil the right to play when the school day does not end until 3.30 p.m. Does the range of public parks and facilities genuinely ensure that all children have access to the services they need? Does the level of public expenditure on child-related arts and culture reflect the proportion of the child population?

It is necessary to evaluate whether the proportion of resources allocated to children's health is appropriate, and whether access to health care is available to all on equal terms

There are other articles addressing broad entitlements linked with survival and development (such as standards of living, the best possible health care) that require considerable analysis to determine what can reasonably be expected of a government in the light of its resources, political structure, percentage of the under-18 population, stability and traditional culture. For example:

a) How does one begin to assess compliance with Article 27 — the right to a standard of living adequate for the child's development — in the context of a rich industrialized nation? Clearly, there is no absolute poverty in the UK. Children are not suffering or dying from malnutrition or preventable disease, and infant mortality rates are significantly lower than in developing countries. Does this therefore mean that all children in the UK experience an adequate standard of living and that no governmental action is required to achieve compliance with this article? We needed to develop a methodology for analysing what constituted an adequate standard of living for children in the UK and for assessing how many children failed to achieve that standard and the

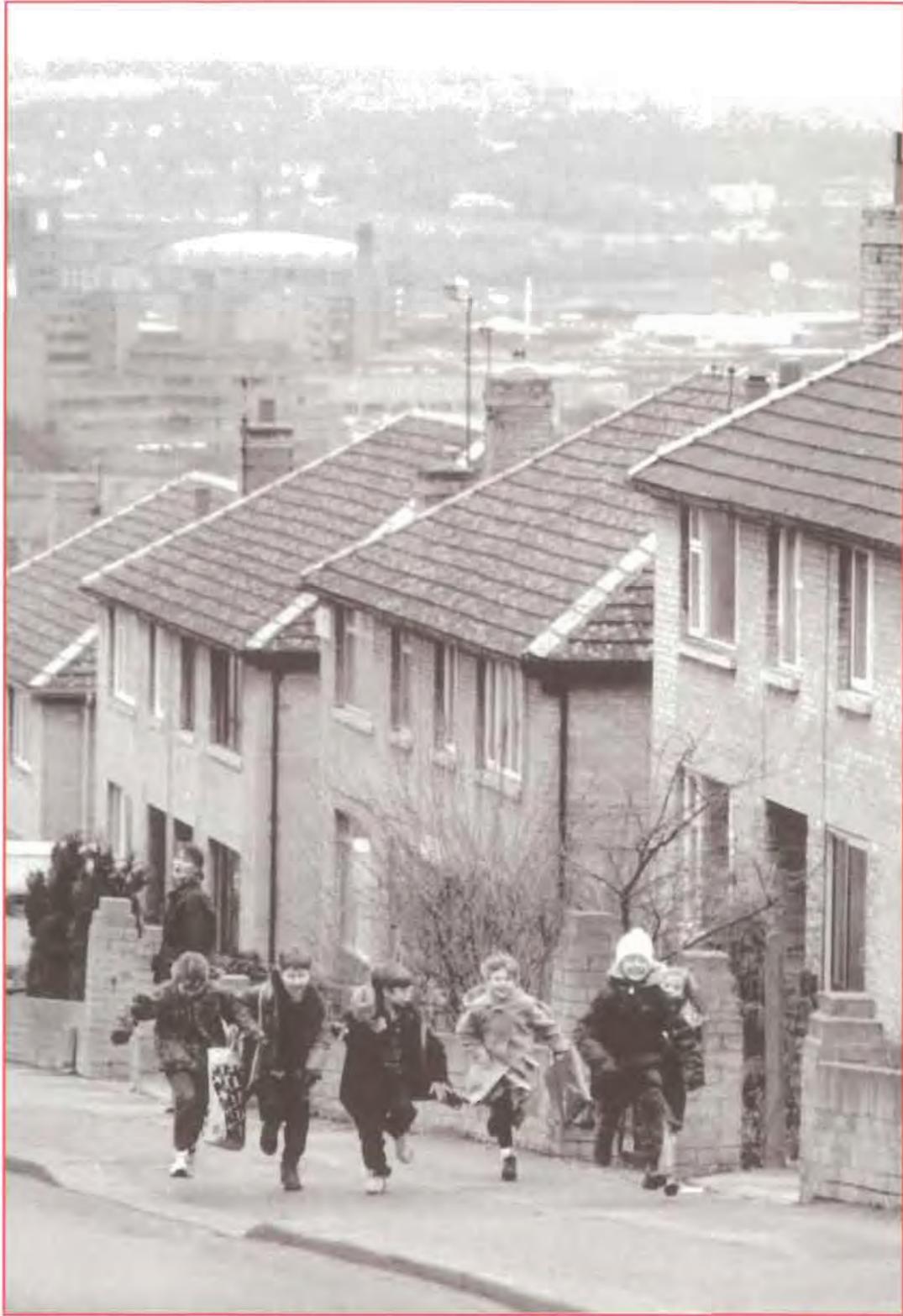
A child's - eye view of



Health and health care services

implications of that failure. It was also necessary to look at whether the low standard of living of some children also impedes the fulfilment of other rights — the right to education, to play, to protection from violence, to the best possible health, and so on.

b) In the field of health, one must not compare the track record of one's own country against that of other countries that may be facing different sets of problems with different levels of resources. Rather, it is necessary to evaluate the possible standards of health care within the limits of available resources, whether the proportion of resources allocated to children's health is appropriate, and whether there are groups of children within society for whom access to health care is available either not at all or on unequal terms. For example, is the girl child treated equitably? Is adequate provision made for disabled children? Is there discrimination against children from particular ethnic groups?



METHODOLOGY

FOR PRODUCING THE REPORT

Developing working principles

Producing a comprehensive analysis of the state of children's rights in the UK represented a considerable task. And we had only a limited time in which to undertake the work. We needed to establish a methodology, sustained by explicit principles, that would provide a clear framework and process. The principles we developed were:

a) *Universality*. The report must as far as possible reflect the experience of children throughout the UK. Because legislation, administration of services, culture and environment differ considerably in the different jurisdictions of the UK, we needed to identify those differences and incorporate them into the report.

b) *Collaboration*. The report must be produced through a collaborative process, drawing on the widest possible sources of knowledge, expertise and experience. Only through such a process could we reach a consensus about the lives of children and about what was needed to achieve full implementation of the Convention. This approach would, moreover, enhance the report's credibility with the Committee on the Rights of the Child and increase its ability to influence policy debates on children's rights in the UK.

c) *Participation of children*. We wanted to ensure that the views and experiences of children, and not only those of adults, were identified and incorporated into the body of the report and that they informed the recommendations for action.

Having agreed on these basic principles as guidelines to underpin our work, we then developed a programme to produce the report in time for the January 1994 deadline. The steps of the work programme are outlined in the following sections.

Creating a network of interested organizations and individuals

We had agreed that the report needed to be based on the widest possible collaboration and consultation, and to draw on the expertise and experience of a broad range of professionals in relevant fields. We therefore had to find ways of identifying organizations interested in contributing to the report. Given the lack of knowledge about the Convention, prospective partners needed to be informed about the Convention itself, the process of reporting to the Committee on the Rights of the Child, and the role of the alternative report. Seeking their support therefore also served the function of raising awareness of the existence of the Convention and its implications for children.

1. Designing and circulating a questionnaire. The first task was to construct a questionnaire (see Appendix 1) to be circulated to all health authorities and trusts, local authorities, key national voluntary organizations, interested academics and professional associations. Writing to the statutory authorities was straightforward. The addresses are publicly available, and we simply wrote to each authority. Finding the professional bodies and NGOs was a more complex process, as there are literally thousands of NGOs in the UK. We had to decide on the criteria for determining which organizations to write to. Our initial list included all NGOs that provide a direct service to children. We then considered organizations that provide services relevant to children or included children within a wider remit (for example, general disability organizations, organizations campaigning on particular diseases or environmental issues, organizations providing support to parents or refugee groups). We selected organizations that we felt might be willing to respond to issues concerning children's rights and at the same time tried to ensure that the range of organizations reflected

the full array of issues raised by the Convention. The individuals we approached were already known to members of CRDU; we also asked these persons to indicate other academics and professionals with relevant knowledge, skills and expertise. We were therefore able to compile a comprehensive list of organizations and experts to whom to write.

2. Response to the questionnaire. The questionnaire sought to ascertain whether these bodies were interested in participating in a consultative process and, if so, which articles of the Convention concerned them. It was accompanied by a letter explaining the process in which we were engaged. An initial 1,000 questionnaires were distributed in England and Wales, and a further circulation was carried out in Scotland and Northern Ireland. We received 200-300 responses from organizations interested in our work. It was an encouraging start, but there were some difficulties. Many organizations asked to be kept informed about our work, but felt they lacked the time or the expertise to participate. Of those that were willing and able to contribute, the great majority were in the field of child welfare and health, leaving considerable gaps in other areas. In particular, none of the main human rights organizations saw themselves as having a contribution to make in the field of children's rights. We also lacked support from organizations working in the fields of environment, housing and child labour. Thus, although we sought the widest possible breadth of collaboration and support, we found that detailed help is likely to come from only a small group of individuals and organizations.

The process of seeking support for an alternative report also served the function of raising awareness of the Convention

Ensuring a UK-wide perspective

1. Representing jurisdictional and geographic differences. As in other countries with a federal structure, in the UK there are marked dif-

ferences in the legislation, administration of statutory services and cultural experiences affecting children within the four jurisdictions. The *UK Agenda* needed to reflect these differences. The first task was to create an appropriate structure through which to access the necessary information from each of the jurisdictions. We sought to achieve this by appointing Policy Coordinators in Scotland and Northern Ireland and developing close links with an umbrella children's organization in Wales, 'Children in Wales'.

We then worked to construct a process for drawing together the information needed to produce a report on the experiences of children throughout the UK. The key issues we needed to address were:

- legislative differences and the extent to which they might represent breaches of Article 2, the right of all children to enjoy all the rights in the Convention without discrimination;
- cultural differences and the extent to which they were respected. Of particular significance, for example, is the issue of respect for the Welsh language;
- the political environment and its impact on children's lives. The continuing history of violence in Northern Ireland was clearly of central importance in seeking to analyse the implementation of the Convention;
- inequalities that persist throughout the UK as a consequence of socio-economic policies. Unemployment, for example, is persistently higher in Wales, Scotland and Northern Ireland than in most parts of England.

In producing consultation papers, we needed to ensure that these issues were appropriately identified and developed. We considered each of the 14 policy areas and decided for each one whether the jurisdictional differences could be identified through the consultation process or whether they were significant enough to require separate papers. We agreed, for example, that for Scotland the legislation and administrative structures in the fields of education, care of children, youth justice and health were so different that separate papers were needed. Similarly, the history of violence in Northern Ireland and its consequences for children could only be adequately considered in a specific paper.

Where the differences were more marginal or were quantitative rather than qualitative, such as the extent and impact of poverty, environmental



issues, child labour or play, it was agreed to circulate the same paper throughout the UK and rely on feedback from participants to identify critical regional concerns. In other policy fields, legislation applies universally throughout the UK (for instance, immigration and nationality law, child abduction).

Separate consultations and seminars were convened for a number of policy areas in Scotland and Northern Ireland to provide local organizations with an opportunity to contribute to the process. Comments arising from the consultation were then fed back to CRDU so they could be incorporated into the final draft of the report.

2. Representing ethnic and cultural differences. It was also important that the experience of children from all ethnic communities within the UK was adequately represented. In the UK, as in many other countries, there is a wide range of ethnic, racial, religious and cultural groups in addition to the indigenous population. Children from different communities may have profoundly differing experiences of respect for their rights. Some may, for example, experience racial discrimination, difficulties in gaining access to resources or services, few opportunities for education in their first language, and fewer civil rights as a result of their immigration status. In

initial discussions about the structure of the report, we considered whether to produce specific papers on race and culture to ensure that these issues were fully addressed. We concluded that instead, we should try to ensure that each consultation paper identified the particular experiences of children from minority ethnic groups to ascertain how far the relevant rights addressed by that paper were being promoted for them. In this way, the concerns of minority children would be integrated into the body of the report.

*The experiences of all groups
of children needed to be represented,
irrespective of nationality,
race, disability, geographic location,
language or religion*

Producing consultation papers

The Convention contains more than 40 articles relating to different rights of children. We identified three underlying principles that apply to all other rights: Article 2, all the rights in the Convention apply to all children without discrimina-

tion; Article 3, in all actions affecting children, their welfare must be a primary consideration; and Article 12, the rights of children to express a view and be taken seriously in all decisions that affect them. The implications of these articles were considered in every policy paper.

*Consultation papers
were never based
on personal opinions
or purely anecdotal evidence*

Having established the central themes, we initiated research to explore the relevant laws, policies and practices in each area and then evaluated the findings against the standards and principles embodied in the Convention. For some of the subject areas, an exploratory seminar was convened with experts to identify current concerns in relation to children's rights. Consultation papers were then produced which identified key areas where there was either an explicit breach of the Convention or where changes in legislation, implementation or levels of resourcing were necessary to achieve full compliance. Actions were then proposed which, if implemented, would ensure greater compliance with the Convention. Most of the papers were pro-

duced by the Unit itself, but in four cases other organizations were commissioned to produce a first draft. For example, the UK Committee for UNICEF produced the first outline paper on the international obligations arising from the Convention. Papers on youth justice, child abduction, and immigration and nationality were also prepared initially by other organizations. Once written, the papers were sent out for consultation to every organization or individual that had expressed an interest in that subject. Care was taken to ensure that there was sufficient evidence to substantiate the concerns raised for each issue. The papers were never based on personal opinions, but rather on a detailed evaluation of the existing evidence tested against the principles and standards of the Convention.

Involving children and young people

The *UK Agenda* needed to be informed as fully as possible by the views of children and young people. There is as yet little research in the UK that draws on the direct experiences of children. Children are rarely if ever involved in policy or decision-making forums of organizations providing services for children. We had to approach children independently and directly to find out how they felt about the issues that the adults were raising in our consultations. However, consulting with children did create a number of difficulties that had to be confronted.

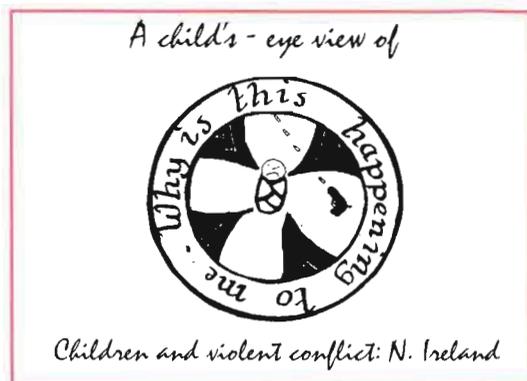
POINTS TO CONSIDER

The contents of the report

- All reports included an analysis of how Articles 2, 3 and 12 were respected and promoted in that policy area, as these are the underlying principles that apply to every sphere of children's lives.
- Initially, issues need to be identified through consultation with key organizations and individuals working in the appropriate field.
- Draft consultation papers sent out for detailed comment should be based on the widest possible research from all available sources.
- The discussion of issues should never be based on personal opinion or purely anecdotal evidence, but on, among others, an analysis of legislation, research into its implementation, evidence of resources available for children, comments, speeches from politicians and public reports.
- The issues raised must always be rigorously tested against the principles and standards of the Convention. They should only be included if an aspect of legislation, a failure to implement legislation, aspects of public policy or practice, cuts in resources, or attitudes clearly indicate a breach of the rights embodied in the Convention.

Since there are no national networks of or for the 13.2 million under-18-year-olds in the UK, how did we make contact with children and on what basis did we select them to participate in the consultation process? We had placed great emphasis on the need for the report to be rooted in documented evidence of the situation of children as set against the principles and standards of the Convention. However, the issues raised by children would necessarily be expressions of individual experience and concern. How would we deal with issues raised by children, but not by other contributors, when there was no documentary evidence or when the children's experience was in conflict with other evidence? Similarly, how would we respond to the children's interpretations of articles that differed from the interpretations we had already made? In response to these concerns, we agreed on the following ground rules for the consultation:

- We would not seek children to represent their peers. The necessary structures did not exist, and we had neither the time nor the resources to create them. The purpose of the consultation, therefore, was to get general impressions from children, from the widest possible range of life experiences, on key issues of concern to them. We were consulting with them to gather additional evidence of the concerns already raised, to lend weight to those concerns, to find out the level of concern felt by children on these issues, and to determine if additional issues needed to be documented.
- We would use direct quotations in the text of the report to present the evidence provided by children and young people. In that way it would be clear that the views expressed were those of an individual and that we were not seeking to make general claims from such views. It would also provide young participants with an opportunity to communicate their individual views directly to a wider audience.
- CRDU, as authors and editors of the report, had to take responsibility for the interpretation of the extent to which law, policy and practice were consistent with obligations under the Convention. There were likely to be many differing interpretations of the articles and of what constituted a breach of them. We would treat any differences of opinion among the children and young people as we would differences arising among organizations. They



would be given careful consideration, but in the final analysis we would make the decisions on the report's contents and recommendations.

*The report provided
an opportunity for children
to communicate their individual
views directly to a wider audience*

Having set these ground rules, we approached the task of consulting with children and young people in a number of ways.

a) With each draft policy paper, we also produced a two-sided document setting out the key rights addressed in the policy paper and asking a number of questions about how far those rights were respected in practice. When we distributed the papers, we asked participants to use the document as a basis for discussion with any groups of young people with whom they were in touch and to send us details of any such discussions.

In fact, very few participants responded to this request. This may have been due to the tight deadlines we set for returning information. We were trying to produce a very detailed report in a comparatively short time, and in the process seeking to achieve a very wide-ranging consultation. These factors inevitably placed pressure on deadlines. Moreover, many of the participants in the process were involved in policy and not working on a day-to-day basis with children. The lack of tradition of direct consultation with children may also have contributed to a lack of confi-

dence or willingness to invite children to express their views.

*There is little,
if any,
teaching on human rights
in most schools*

b) We set up about 45 consultation sessions with children and young people 6-18 years of age throughout the UK. In these groups, we sought to reflect the wide disparities in life experiences of children in different circumstances. We wanted to hear from children from every part of the UK — children of different ages, from different ethnic groups, in differing socio-economic circumstances, both able-bodied and disabled, cared for at home or away from home. As a result, some consultations were set up in schools or youth clubs; others were with young people looked after by local authorities or who were leaving care; others were with young people caring for sick or disabled parents, or who had been abused, or were homeless. These sessions were taped with the permission of the participants so that we could use quotations in the final report.

We received an invaluable commentary on children's lives from this process. The discussions were wide-ranging and produced a wealth of material that was able to inform and strengthen the analysis in the *UK Agenda*. However, inevitably, only a small group of children could contribute, and the amount of time they were given to develop their thinking and ideas was very limited. There is little, if any, teaching on human rights in most schools, and therefore the children were being asked to participate in discussions in an area where they had inadequate previous experience. Because there are no established networks of children or young people, it was not easy to identify groups of children with whom to set up meetings. Additionally, we had only one worker over a short period of time to undertake the work, which meant that discussions were held only once, with no follow-up or continuity that might have created enhanced opportunities for the children to make a more systematic contribution to the report.

c) We held a consultative conference to which children, young people and adults working with children were invited. The conference was intended to provide an opportunity for children and adults to meet and share ideas on the extent to which children's rights were currently respected and the changes needed to achieve greater compliance. The conference was planned



POINTS TO CONSIDER

Children's contribution to the report

- The perspectives and experience of children must be incorporated into the findings of the report.
- Providing children with an opportunity to express their views and make recommendations for changes in their lives is a long process if done properly and needs to be planned from the earliest stages of producing the report.
- Building the views of children into the report needs careful consideration, as much of the other report material will not be based on individual views or anecdotal evidence of the impact of legislation and policy.
- As each child consulted is likely to be able to present only his or her individual views, it is important to incorporate the widest possible range of life experiences in the report.

with a working group of young people and followed up by an evaluation of its effectiveness in providing a forum for children to articulate their views.

In a culture in which children are seldom consulted on their views, sufficient time needs to be allocated to participatory processes

This conference, the first such exercise undertaken by CRDU, took place before we had the Youth Development Worker in post. The experience taught us a number of invaluable lessons. The conference was a lively and vibrant occasion in which a great deal was discussed and many ideas raised and elaborated. However, it was clear that in a culture in which children are seldom consulted on their views, much more time needs to be allocated to the process. In consequence, although the children enjoyed the event, many found it frustrating. It appeared to open up an opportunity to explore important issues of immediate concern to them without any follow-up or capacity to develop the thinking that emerged from the process. The children also felt that we had invited them into the planning process only after the structure for the day had been decided and that they should have been involved from an earlier stage. Finally, they were critical of some of the adults participating in the event, who, they felt, offered only token willingness to participate with the children, but in fact failed to listen to their views or take them seriously.

Finalizing and summarizing the report

Inevitably, we did not receive responses from all the organizations to whom we had written, and, of those that did reply, many simply gave general support to the broad content of the draft. A number of organizations, however, provided constructive criticism of the structure of the draft reports, while others suggested including additional issues or recommendations, or provided further documentary evidence that could be used to substantiate our arguments. In general there was very little disagreement over the concerns included in the report, the interpretation we had given to the articles in the Convention, or the recommendations for action to achieve compliance. Once we had received all comments, we redrafted each paper to incorporate the responses. Each section ended with details of action required for compliance with the relevant articles in the Convention, such as legislative or policy changes, additional research or information collection, resourcing, public education. The Scottish, Welsh and Northern Ireland perspectives were incorporated, together with the views and experiences of young people. In some subject areas, a follow-up seminar was convened prior to redrafting the report to explore any contentious or unresolved issues. The report was entitled the *UK Agenda for Children*.

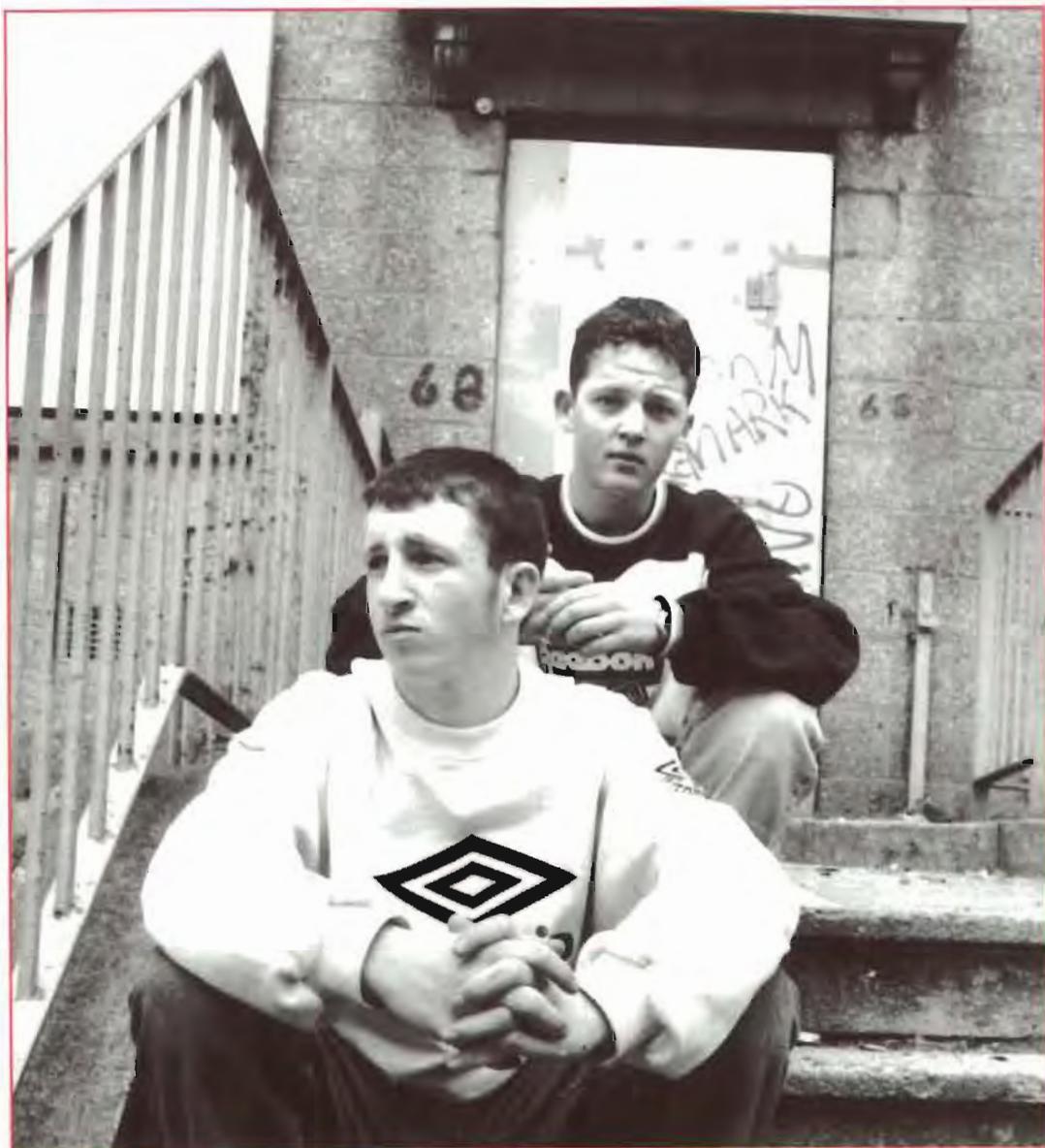
We then drafted a statement of endorsement, which we asked every participating organization to sign. The endorsement stated:

We are committed to the fullest possible implementation of the UN Convention on the Rights of the Child in the UK. We also recognise the need to undertake a continuous audit of the promotion of children's

rights in line with the Convention. We support the *UK Agenda for Children* drawn up by the Children's Rights Development Unit (while not necessarily endorsing every action proposed for compliance and every individual interpretation of articles in the Convention). It represents a detailed analysis of what needs to be done to bring law, policy and practice throughout the UK into conformity with the principles and standards of the Convention. Implementation of the action required in the *UK Agenda* would represent a considerable

step forward in achieving compliance with the principles contained in the UN Convention on the Rights of the Child.

"We recognize the need to undertake a continuous audit of the promotion of children's rights in line with the Convention"



POINTS TO CONSIDER

Working with other organizations

- The coordinating organization should realize that it will have to do most of the work on drafting the analysis. Only a small proportion of those consulted are likely to provide detailed responses. Work pressure, a lack of experience in policy analysis and competing priorities will deter organizations from devoting the necessary time to analysing the relationship between current law, policy and practice, and the state of children's rights.
- It is important to seek consensus on an interpretation of the situation of children, the extent of the failure to respect and promote their rights in line with obligations under the Convention, and the changes needed to achieve compliance. However, it is also important to be clear about where editorial control of the report lies and who will ultimately take responsibility for the final content.
- Seeking the widest possible ownership for the report is crucial. A highly endorsed report has far greater credibility with both the Committee on the Rights of the Child and national policy makers. Wide ownership is also a tangible expression of the strong and broad commitment that exists to implement the Convention.

The qualification of “not necessarily endorsing every action proposed for compliance” was added because not all organizations had seen the final draft, and most organizations would not have considered themselves competent to support or reject recommendations or interpretations outside their field of expertise. The statement was signed by 183 organizations, which were listed in the *UK Agenda* to demonstrate the breadth of expertise and support on which the report was based. The *UK Agenda for Children* was then published as a comprehensive analysis of the state of children's rights in the UK as tested against the Convention. In Scotland, a *Scottish Agenda for Children* was published, drawing on the policy papers produced through the consultative process.

A summary can be useful to the media and other organizations or individuals who are unlikely to digest a full report

Because the *UK Agenda for Children* had not complied with the structure recommended by their guidelines, we were aware that the Committee on the Rights of the Child would find it harder to use. Furthermore, when we finalized the *UK Agenda*, the government report was not yet available, and it was not possible to comment on its

contents. We therefore produced a summary of the key findings in the *UK Agenda*, organized according to the Committee guidelines, and with references to the main body of the report. The summary also commented on the contents of the government report and the process followed for producing it. We felt that the summary would be useful not only to the Committee on the Rights of the Child but also to the media and other organizations or individuals who are unlikely to digest a full report. This summary and the *UK Agenda for Children* were submitted to the Committee's secretariat with a request to be invited to give oral evidence at the relevant pre-session hearing.

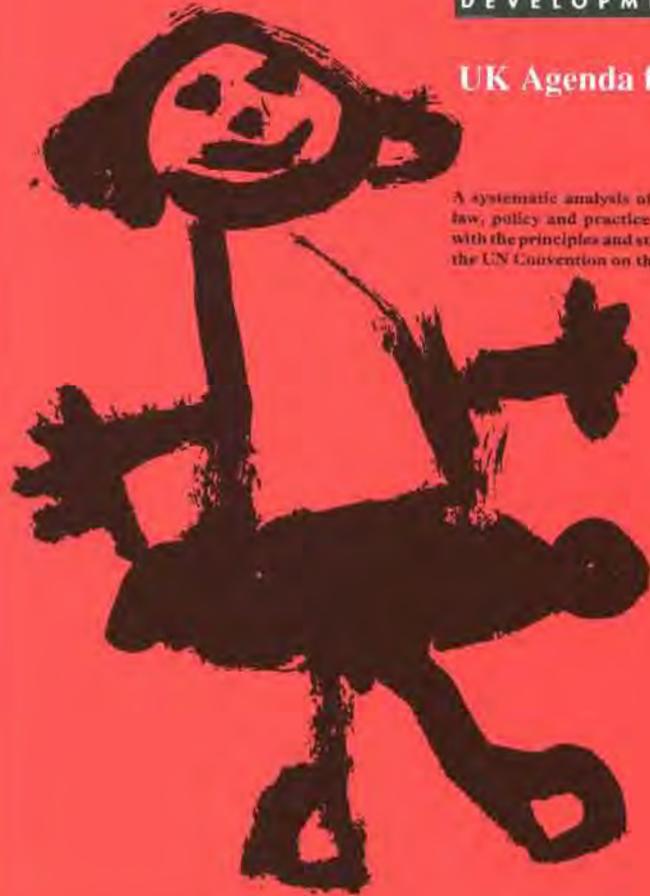
Giving evidence to the Committee on the Rights of the Child

There is implicit recognition at all levels that the information produced by governments may present only a partial or uncritical perspective on the extent to which children's rights are being respected. The Committee on the Rights of the Child, for instance, encourages NGOs to submit alternative reports analysing the state of children's rights in their country. It also regularly invites these organizations to attend its pre-session working group meetings to give oral evidence. The Unit presented evidence at such a meeting in Geneva in October 1994. The Committee's primary objectives were to identify aspects of the government report that required particular scrutiny and to ensure that the evi-



UK Agenda for Children

A systematic analysis of the extent to which law, policy and practice in the UK complies with the principles and standards contained in the UN Convention on the Rights of the Child



The UK
'alternative' report

The Committee sought to ensure that the evidence presented in the alternative report could be substantiated

dence presented in the alternative report could be substantiated. Subsequent to this meeting, the Committee formulated a list of questions for the UK Government, seeking further information or clarification on the material contained in its report. The Government was asked to provide written answers to the questions before the examination of the UK delegation in January 1995.

THE GOVERNMENT'S RESPONSE

Examination by the Committee on the Rights of the Child

The UK government delegation gave evidence to the Committee on the Rights of the Child in January 1995. In the light of the commentary provided by the *UK Agenda for Children*, the Committee undertook a rigorous examination of the government report and additional information provided. It exposed information gaps in the government report and highlighted areas where there was a need to question the extent to which legislation was implemented.

The concluding observations of the Committee on the Rights of the Child were extremely critical of the Government in a number of respects. The members of the Committee expressed concern about the lack of consultation in the process of producing the report, the lack of efforts made to promote awareness of the Convention, and the inadequate response of the Government to a considerable number of the articles in the Convention. In particular, they highlighted the growing number of children living in poverty and experiencing homelessness, the increasing use of custodial measures for young offenders, the continued tolerance of physical punishment of children, the growing numbers of teenage pregnancies, the living conditions faced by many Traveller families, the treatment of young people by the security forces in Northern Ireland, the inconsistent treatment of children across the different jurisdictions of the UK, and the lack of measures to achieve implementation of Article 12, the right of children to express a view and have it taken seriously.

Using the media to disseminate the findings

If the examination of the UK Government and the findings of the Committee on the Rights of the Child were to achieve a high profile, it was imperative that the media be informed of the process. Accordingly, CRDU sent out a press

statement in early January to encourage journalists to attend and report on the UK delegation's appearance before the Committee. The Swiss Committee for UNICEF agreed to pay for a journalist to attend the full session in Geneva and write an article on the process and the findings. In addition, the Swiss Committee set up a press conference in Geneva at which CRDU was able to report on the process. Following the publication of the concluding observations, CRDU, as well as Save the Children Fund and the UK Committee for UNICEF, issued press releases highlighting the findings.

As a result of this work, press coverage was considerable. Most newspapers carried the criticisms of the Government as a headline story, and there was significant radio and television coverage. The reporting varied widely, with many newspapers responding with hostility to the idea that the UK should be criticized by an international committee. This and other experiences pointed to the need to be alert to hostile responses following a press release and possibly to anticipate them. We also found it useful to develop contacts within the media who are sympathetic to our aims and who have a good understanding of the Convention and its implications.

The UK Government's reaction and future implications

The UK Government reacted with considerable anger to both the findings of the Committee on the Rights of the Child and the media coverage that followed, rejecting all the Committee's critical findings. It failed to act on the Committee's proposal that its concluding observations be made the subject of a parliamentary debate, and it responded to a number of specific questions on how it would follow up the Committee's recommendations by stating that no action was intended. Furthermore, it did not publicize the summary record of the session nor the findings of the Com-

POINTS TO CONSIDER

Incorporating the Convention into the work of NGOs

- The Committee on the Rights of the Child has an important role to play, but it can only provide periodic commentary and recommendations. The ongoing task of lobbying and campaigning to see those recommendations put into effect rests with organizations within the country itself.
- It is essential therefore to ensure that as many NGOs as possible are informed about the Convention and encouraged to take on responsibility for this work. Promoting implementation of the Convention should never be seen as the prerogative of one organization; rather the Convention should be 'owned' by all organizations working with or for children, with its principles incorporated into their work, including their lobbying with governments.

mittee. It was clear then that the NGOs' task of monitoring children's rights did not end with the Committee's scrutiny. This process represented the beginning of a much longer strategy for raising the profile of the Convention in the UK and seeing its application in law, policy and practice.

*The Convention
should be 'owned'
by all organizations
working with or for children*

The Children's Rights Development Unit, in collaboration with a number of other children's organizations, developed the following strategies to persuade the Government to respond to the findings:

- We arranged for parliamentary questions to be tabled in order to elicit answers from the Government on how it intended to respond to the Committee's recommendations;

- We wrote to all the chairs of Select Committees (parliamentary committees that consider policy issues and scrutinize the work of government departments), setting out relevant recommendations from the Committee on the Rights of the Child and asking them to ensure that they were given serious consideration in their examination of the department's work;
- We wrote to all the government ministers, again setting out the relevant recommendations and asking how they proposed to act on them;
- We wrote similar requests to the spokespersons of the main opposition parties.

In addition, we organized a briefing seminar for some 100 organizations to report the findings of the Committee on the Rights of the Child and explore the potential for constructing a coherent policy for future action on the part of NGOs wishing to participate in the continuing struggle to promote the Convention. At this seminar we launched *Making the Convention Work for Children*, a publication that describes the process of international monitoring of the Convention, provides the full text of the Committee's concluding observations and sets out proposals for NGO activity.

STRATEGIES FOR ACHIEVING IMPLEMENTATION

If the Convention is to have a real impact on children's lives, it has to become an active tool known and understood by adults and children alike. This requires not only that governments adhere to its provisions in developing legislation and policy, but that all relevant organizations understand the implications and responsibilities emanating from the Convention. Producing an alternative report is an important development, but it represents only the beginning of a much more profound process that needs to take place within society.

CRDU played a central role in exploring strategies for facilitating implementation of the Convention. It sought to fulfil this role by:

- campaigning to encourage organizations to adopt the Convention;
- producing good-practice guides;
- promoting debate on the civil rights of children;
- promoting legislative change in line with the principles of the Convention;
- identifying lead organizations to promote implementation.

Adopting the Convention

Effective implementation of the Convention requires action at national and local government levels in informing policy, challenging attitudes and questioning levels of resourcing for children's services. If the Convention is to be used as a tool for change, it is necessary to evolve a strategic approach to translate its principles into practice.

In the UK, it was clear that ratification alone would not result in any significant change in children's lives. There were a number of reasons for this:

a) The Government was not committed to using the Convention as an opportunity to reflect

on and review legislation and policy. It has an obligation under Article 42 to ensure that "the principles and provisions of the Convention [are] widely known, by appropriate and active means, to adults and children alike". Within a year after ratification, however, it was apparent that the Government planned very little action to comply with this obligation.

b) Most organizations and professionals had never heard of the Convention. There was no systematic dissemination of information on either the Convention itself or its implications for organizations and professionals working with children.

c) Among organizations that were aware of the Convention and sympathetic in principle, there was a lack of confidence, understanding and experience from which to develop the necessary changes in policy and practice. Most organizations had difficulty in bridging the gulf between the bare principles and standards embodied in the Convention and the detailed policy implications resulting from these.

Considerable efforts had to be made to analyse in detail the implications of each article in the Convention for the activities of every NGO working with children, every statutory body providing services that impact on children and every relevant professional body. To foster this process, CRDU launched a campaign to persuade organizations to adopt the Convention and use it as a tool for auditing policy and practice. The purpose of this process was to raise awareness of the Convention, its contents and its application to policy and practice, and to encourage a review and reconsideration of all policies in the light of its provisions. We also wanted to explore means of building a children's perspective into all decision-making within organizations and to institutionalize that process so that the exercise was not merely a one-time activity that would then cease to inform policy-making.

POINTS TO CONSIDER

Procedure for encouraging organizations to adopt the Convention

- Identify organizations whose work has a direct or indirect impact on children's lives.
- Produce a short guide outlining the background and status of the Convention, the obligations it imposes on organizations working with children, the purpose of adopting the Convention, and some suggested procedures or activities to achieve compliance with the Convention.
- Draft a short statement of 'agreement to adopt' which organizations can take through their committee structure for approval.
- Draft a letter explaining what organizations are being asked to do and why.
- Send the letter, guide and statement of agreement to the organizations, requesting a reply by a given date.
- Collate and analyse the results in a short report that can be distributed to the press.
- Provide a reminder letter at periodic intervals to organizations that have not yet adopted, together with a full list of those organizations that have, asking them to reconsider.
- Send a questionnaire to organizations one year after they have adopted asking for details of policies or initiatives developed to give effect to the adoption.

In July 1993, CRDU sent a short guide on the Convention to all local authorities and to health authorities and trusts providing statutory services for children, as well as to all relevant professional bodies and NGOs in England and Wales, requesting them to sign an "agreement to adopt" the Convention. In this short statement, organizations committed themselves to respect the Convention's principles and standards in all aspects of their work, and promote its fullest possible implementation. Comparable letters were sent out in Northern Ireland and Scotland. All organizations were asked to inform the Unit if and when they had made this commitment, together with details of any subsequent policy proposals. The outcome of this process has been encouraging. Initially, as many as 300 organizations had either adopted the Convention or were examining the implications for their work prior to doing so.

*Voluntary organizations
and other bodies have taken
a formal decision to 'adopt'
the Convention on the Rights
of the Child*

In 1995, we wrote to all these organizations again. Those that had already adopted the Convention were sent a questionnaire for feedback

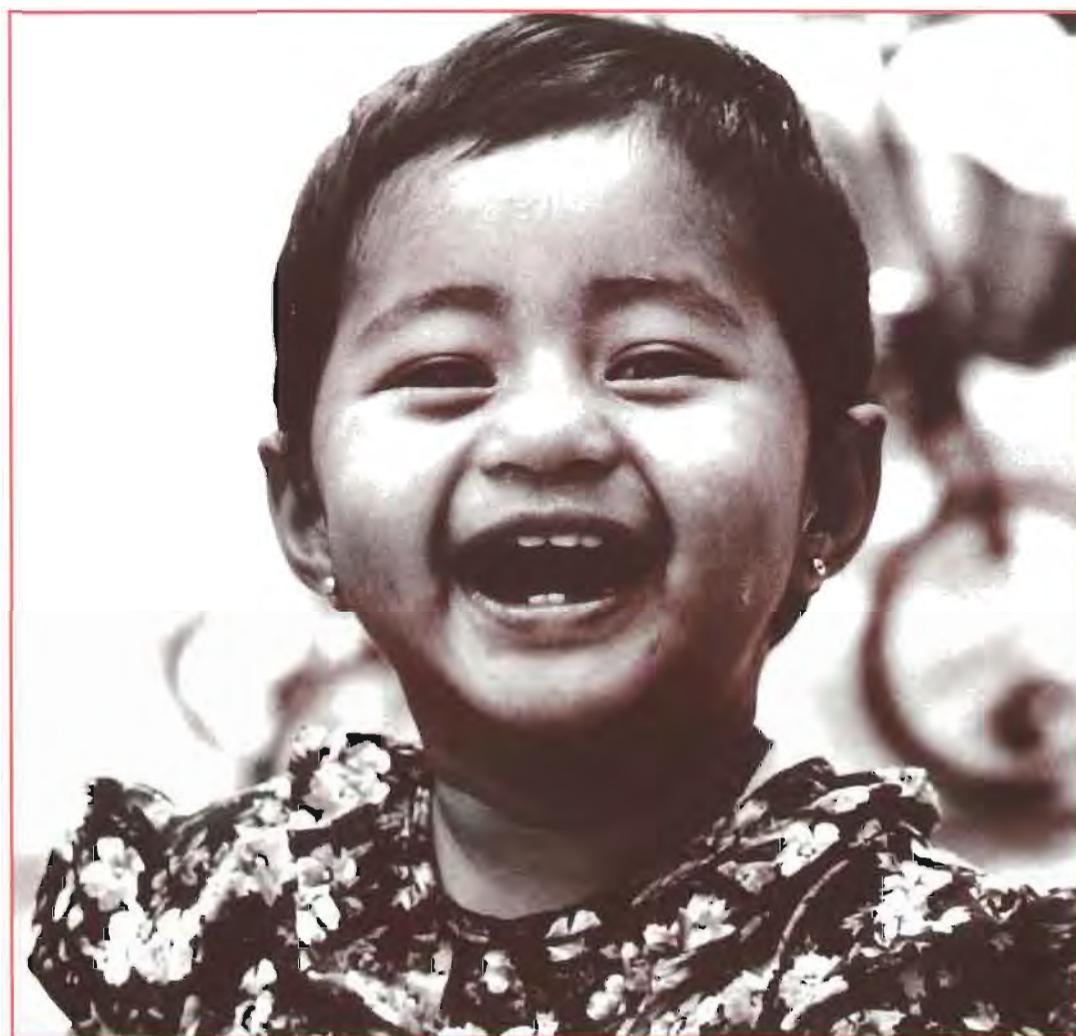
on actions taken to give practical effect to the adoption (see Appendix II). We also wrote to those organizations that had not yet adopted and sent them an updated guide on the Convention and the process of adopting (see Appendix III). The results of this process have been incorporated into a report launched as a Public Register of Adoptions, which will be updated regularly and accompanied by detailed examples of activities and policies that organizations have developed to promote the Convention.

The process of adoption has inspired a number of exciting and innovative initiatives to effect a more child-centred approach to service delivery:

- Humberside Social Services Department has used the principles contained in the Convention as a framework for the development of children's services and produced information for the public on those services;
- Devon County Council is seeking to work in alliance with the Devon Youth Council to explore structures for promoting opportunities for children and young people to participate in decision-making processes within the local authority;
- the Royal National Institute for the Blind has started an internal audit of all their children's services;
- Nottingham Social Services has launched a video and booklet on promoting Article 12, the right of children to participate in decisions affecting them;

The process of adopting the Convention has inspired some organizations to effect a more child-centred approach to service delivery

- Kirklees Metropolitan Authority is using the Convention as the central underpinning framework for developing all services for children;
- members of the Guide Association Junior Council have debated the Convention and produced a training document for Guiders on its implications for their organization;
- Berkshire Social Services has conducted a local audit on the compliance of services to the principles and standards in the Convention;
- the Association of London Government has agreed to develop a London strategy for children that will involve adopting the Convention and drawing up children's plans;
- the Royal College of Nursing, with the support of the Gulbenkian Foundation, has initiated annual awards to support and encourage innovative developments seeking to promote children's participation in health care services;
- Forest of Dean District Council is reviewing all their policies to assess the implications of the Convention on existing practices (for instance, evictions of Traveller families).



Our work to date clearly indicates that the process of adoption has served as a force for change and has prompted reviews of existing practices and resource allocation in line with the obligations under the Convention. It has been a highly productive strategy for seeking to give effect to the principles and standards contained in the Convention.

*The Unit, in collaboration
with relevant professional bodies,
produced good-practice guides
for specific audiences*

Child **HEALTH RIGHTS**



Implementing the U.N. Convention on the
Rights of the Child within the National Health Service.

A Practitioners' Guide

Producing good-practice guides

It became apparent in the process of this campaign that despite notable interest in the Convention and substantial goodwill in working to comply with it, there was also much anxiety and a lack of confidence in how to achieve those objectives. The Unit was therefore in considerable demand for furnishing additional advice and training on ways to ensure respect for children's rights. In response to this demand, CRDU decided to produce a series of good-practice guides on the implementation of the Convention for use by policy makers and practitioners at the local level. We also decided to optimize the impact of the guides by producing them for specific audiences and in collaboration with the professional bodies that target those audiences. Accordingly, we agreed on three guides:

a) A guide for health practitioners, *Child Health Rights*, published jointly with the British Paediatric Association and the Royal College of Nursing, two key bodies in the field of child health. It focused on five fundamental rights arising from the principles of the Convention: right to equal access to health care; right to information; right to participate in decision-making over treatment and give consent to treatment consistent with age and maturity; right to physical integrity; and right to confidentiality. The guide sought to clarify the rights of children in these aspects of health care and provided practical suggestions for actions to promote their implementation.

b) A guide for local authorities, the *Checklist for Children*, published jointly with the Association of Metropolitan Authorities. This body provides advice and support to local authorities responsible for a broad range of services, including education, social services, housing, roads and transport, planning, environmental health, youth services, leisure and amenities. The guide sought to identify pertinent articles in the Convention for each of these service areas and to translate them into suggestions that would promote the implementation of those principles for both policy and service delivery.

c) A third guide, containing training materials, is being produced jointly with Save the Children Fund and will provide practical guidance on promoting the participation of children and young people in decision-making. It will

seek to explore different models of participation, the barriers that hinder effective participation, and ways of creating structures that can promote and sustain the involvement of children and young people in decision-making.

Promoting debate on the civil rights of children

CRDU considered it important to open up a broad public debate on the civil status of children in our society — in the family, within schools, in the arts and the media. There is, among many adults, a profound resistance to any recognition that children have both the right and the capacity to be involved in decisions that affect them. While legislative change is needed to introduce rights to participation, freedom of expression, conscience and religion, and protection from all forms of violence in the home, any real move towards greater respect for children as individuals will require challenging traditional patterns of parenting and child-rearing.

*One essential step
was to open up
broad public debate
on the civil status
of children in UK society*

1. Children's rights within the family. The Unit worked with the Calouste Gulbenkian Foundation to organize a seminar on children and parenting. The aim of the seminar was to draw together all the key organizations working in the field of parent and family support to discuss the implications of the Convention for the civil rights of children within the family. We invited Marta Santos Pais, rapporteur for the Committee on the Rights of the Child, to address the seminar. The Unit has further contributed to this debate through the publication of a short handbook on the civil rights of children within the family. This book, *Building Small Democracies*, outlines the relevant articles in the Convention, explores the issues raised by those principles, sets out the current legislative framework, introduces some international developments and makes recommendations for change. The pur-



pose of the handbook is to encourage discussion and debate on these issues, without in any way undermining the family or threatening the role of parents, but rather seeking to create the basis for a more participatory model of family life.

*There is evidence
that schools are adopting
exclusionary practices to make
themselves more attractive
to prospective parents*

2. Children's rights within the education system. There has been little recognition to date of the implications of the civil rights embodied in the Convention for education legislation or policy in the UK. Cross-country analyses suggest that the UK is increasingly out of step with developments in Europe in respect of involving children in the running of schools. Children in the UK have no right to participate in individual decisions concerning their education, such as choice of school or curriculum, nor do they have the right to be involved in broader matters of school policy or administration, such as school rules, playground policy, behaviour codes, uniforms or school meals. Schools are not under obligation to have complaints or appeal proce-

dures or to establish school councils, and pupils under 18 years of age are precluded by law from being represented on the governing body of a school. There was no evidence in its report to the Committee on the Rights of the Child that the Government was willing or committed to use the Convention as an opportunity for opening up a wider debate around these issues. And despite criticism from the Committee, which commented that it seemed that “greater emphasis was placed on parental rights and responsibilities to the detriment of the views and best interests of children”, and went on to suggest that greater balance should be achieved, the Government has given no indication that these recommendations are to be acted on.

*Parents are seen to be
the consumers of education,
while children are relegated
to the status of the product*

Certainly, recent developments in education policy in the UK have placed the emphasis on parental rather than children’s rights. Parents are seen to be the consumers of education, while children are relegated to the status of the product. This policy has been characterized by the introduction of the parents’ right to choose their child’s school and the publication of truancy rates and exam results to provide more information from which to exercise this choice. This policy has resulted in the construction of education as a market place in which schools compete for pupils. As schools have sought to become more attractive to parents, they have placed greater emphasis on the imposition of uniforms, early exclusion of disruptive pupils and reluctance to accept pupils with special needs. These policies have increasingly led to an education system that is not inclusive of all children. The number of children permanently excluded from school rose by almost 400 per cent between 1990 and 1995.

The Unit wanted to explore ways in which the Convention could be used as a framework for questioning these trends and developing tools for alternative approaches. In pursuit of these objectives, it initiated the following work:

- It established a working party to explore the potential for producing a training package for

teachers on how and why to consider the Convention as a model for promoting greater respect for children in the life of the school. The group has pointed to the need for substantial research on the extent to which children and young people feel their rights are respected in school and on the systems and changes they feel should be developed in schools to promote their rights more effectively. Funding for this research has been successfully sought in conjunction with the Institute of Education at London University.

- It organized a national conference in April 1996 to explore the implications of working with pupils as partners in schools, using examples of good practice to demonstrate the benefits of participation within schools for both pupils and teachers.
- It wrote to all teacher unions to request a meeting to explore their possible role in promoting the principles of the Convention within schools.

Promoting legislative change

The Unit did not take a proactive role in promoting legislative change in line with the principles of the Convention. As a very small NGO with a specific brief to promote the Convention, we felt that our role was not primarily to advocate for specific changes, but to seek to ensure that all those who were doing so were fully knowledgeable of the principles and standards of the Convention. There were some exceptions to this position, however, and we did participate in specific lobbying on a few occasions when there were few or no organizations promoting a perspective consistent with the principles in the Convention:

- During passage through Parliament of the Education Act 1993 we sought to achieve all-party support for the introduction of the principles of equality of opportunity, complaints procedures, and participation rights into the Bill.
- We sought jointly with the Children’s Legal Centre to promote amendments to the European Charter on Children’s Rights as it progressed through the European Parliament. The purpose of these amendments was to strengthen the Charter in line with the Convention.
- We worked jointly with the Children’s Legal Centre to try to persuade other European governments to pressure the UK Government

to withdraw the reservation on immigration and nationality it made when ratifying the Convention.

- We submitted evidence to the European Communities Committee of the House of Lords about the draft EC Directive on the Protection of Young People at Work to try to ensure that it complied with the provisions of the Convention and to persuade the UK Government to sign the Directive.

Identifying lead organizations to promote implementation

The Unit was established for a limited three-year period with the intention that thereafter other NGOs would assume responsibility for promoting the implementation of the Convention. Accordingly, as CRDU approached its final months, we sought to identify lead organizations that would accept responsibility for the ongoing work of promoting children's rights in their policy area. As a framework for this task, we used the 14 policy areas that had served to structure the *UK Agenda for Children*.

1. Personal freedoms. This area addressed the basic civil rights contained in the Convention, including the right to participation and the freedom of conscience, religion, association and expression. No single organization in the UK lobbies to promote these rights on the behalf of children, although there are children's law centres in England and Wales and in Scotland that make a major contribution to policy development on these issues. Most civil liberty organizations specifically exclude children from their remit. The Children's Rights Development Unit undertook work in this field and planned to continue promoting children's civil rights under the auspices of the new Children's Rights Office, which is discussed later.

2. Care of children. A wide range of organizations both in the statutory and voluntary sectors are working throughout the UK to promote children's rights in the fields of family law and child care and family support services. The principles of the Convention are in large part consistent with the Children Act 1989 in England and Wales, the Children (Northern Ireland) Order and the Children (Scotland) Act 1995, and the work to achieve effective implementation of the current legislation will, in many instances, serve

also to promote the Convention. Some important areas of legislative change are required in relation to parental responsibility, care leavers and party status in private law proceedings, but organizations in each jurisdiction were already campaigning to achieve those changes.

Most civil liberty organizations specifically exclude children from their remit

3. Physical and personal integrity. EPOCH, the campaign to end the physical punishment of children, has a well-established profile both in the UK and internationally in seeking legislative change in line with the principles of the Convention, and will continue to promote this work.

4. Poverty. Many organizations, including increasingly child welfare organizations, are campaigning to raise public awareness about the growth of child poverty in the UK and its devastating implications for children. CRDU worked to encourage organizations in this field to use the Convention as a framework for lobbying.

5. Health. Health and health care is a vast area of both policy and service provision, and no single organization has an overall brief in respect of children. The health authorities and trusts themselves provide generic services but only on a local basis, and many organizations either represent certain professionals in the field, or work in a particular aspect of health or in hospital-based or health-promotion organizations. No one body could take responsibility for providing a focus on children's rights throughout the health services. CRDU therefore met with representatives from the Royal College of Nursing to produce a discussion document on ways to identify the most appropriate mechanisms for ensuring that a children's rights perspective is maintained throughout the provision of health care services.

6. Environment. There is no coordinated consortium working in the field of children and the environment. Many organizations have a relevant brief, but, as with health, usually only in

a specific area. One major children's NGO, the National Children's Bureau, which was working to promote children's participation in Agenda 21 of the United Nations Conference on Environment and Development, agreed to maintain a focus on this aspect of children's rights.

7. Education. There are a number of organizations representing the interests of parents and teachers, but none with specific responsibility for promoting the interests or rights of pupils. Obviously, in many instances, the interests of pupils and parents will coincide, as in campaigns to reduce class sizes, end discrimination in schools, raise investment levels in education, promote free school meals, improve the quality of teacher training. In organizations that do not focus explicitly on children, however, there are other issues where the rights of children are unlikely to be raised. In particular, a specific lobby was needed to promote the civil rights of children in education — the right to participate in decision-making, access to complaints procedures and the rights to sex education and religious education. CRDU established a working party to develop guidelines for teachers on the practical implementation of the Convention on these issues, and it was proposed that the work on the guidelines should continue in the new Children's Rights Office.

8. Play and leisure. A number of organizations in the area of play are now aware of and committed to the implementation of the Convention. In particular, CRDU worked closely with a national play training organization that developed a handbook for the implementation of Article 31 — the right to play — and subsequently received funding to promote the continuing implementation of the right to play. In Northern Ireland, the Play Right project promoted implementation of Article 31.

9. Youth justice. There is a well-organized youth justice lobby in the UK comprising organizations working directly in the criminal justice field and also some child welfare agencies. The members of this group are now fully conversant

with the implications of the Convention for youth justice and already incorporate its principles into their work.

10. Child labour. Surprisingly few organizations operate in the area of child labour. The only really active players are the Low Pay Unit, an organization campaigning against low pay and poor working conditions for all workers, and Anti-Slavery International. Both of these organizations are familiar with the principles of the Convention and incorporate them into their work.

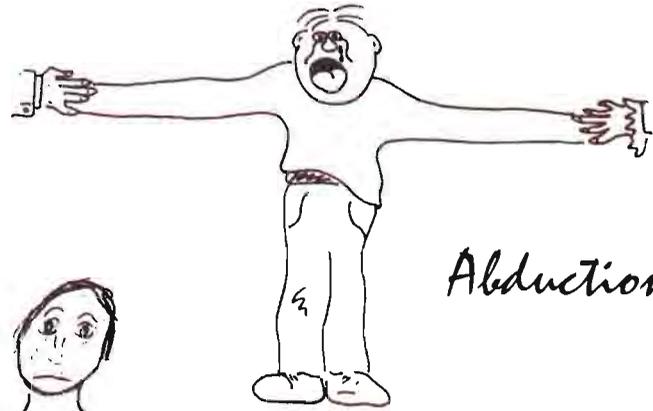
11. Immigration, nationality and refugees. There are two key NGOs working in this field, the Joint Council for the Welfare of Immigrants and the Refugee Council, both providing a high level of expertise. Both were involved in drafting the report on immigration and refugee policy in the *UK Agenda for Children* and will continue to promote the rights of children in line with the principles in the Convention.

12. Children and violent conflict: Northern Ireland. There was no existing body in Northern Ireland specifically devoted to promoting the legal rights of children and providing expertise across the breadth of issues embodied in the Convention. One of the tasks CRDU set for itself was to promote the creation of a child law centre in Northern Ireland. This work is currently progressing.

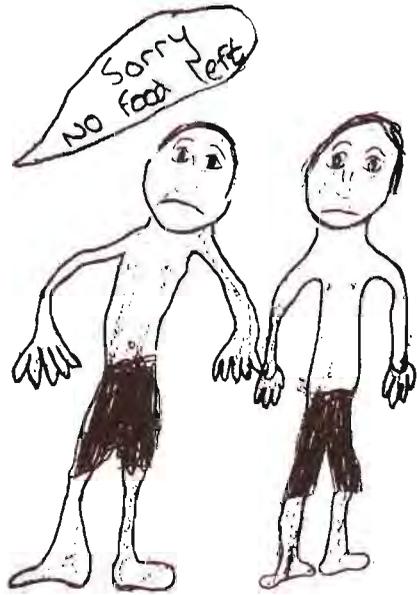
13. Abduction. An NGO, Reunite, has an explicit brief to prevent the abduction of children and works to achieve full implementation of the relevant international conventions on abduction. The report in the *UK Agenda* on this subject was largely drawn from a report published by Reunite in 1993.

14. International obligations. UNICEF has played and continues to play a central role in ensuring that the UK Government fulfils its international obligations as a result of the Convention. The other international aid organizations working with children are also directly involved in promoting the Convention's principles.

A child's - eye view of



Abduction



International obligations



Immigration, nationality
and refugees



Care of children

PROMOTING CHILDREN'S PARTICIPATION

Article 12, the right of children to express their views on matters of concern to them and to have those views taken seriously in accordance with their age and maturity, is arguably the most significant of all the Convention's principles. In the UK, however, there is no culture or tradition of promoting children's participation in decisions that affect them. CRDU recognized that a central component of its work needed to address this issue.

The creation of an organization run by and for children and young people - Article 12

During the consultation with children and young people in the production of the *UK Agenda*, we encountered one recurrent theme: children of all ages and all life experiences felt strongly that their views and opinions were not taken seriously or respected by adults — and they were aware of this lack of respect in the family, schools, the media, public policy and the broader political field. We believed that such a powerful and common message from so many children and young people required a response. As mentioned earlier, there are no national networks of children in the UK. There is a national youth organization that young people from 16 years upwards can join. There are also organizations in Scotland and Wales run by and for children in public care. However, there is no organization through which all children have an opportunity to represent themselves on issues of concern to them. Accordingly, we decided to explore the possibility of facilitating the creation of an organization run by and for children and young people.

As a first step, we decided to hold a residential conference to bring a group of young people together to discuss the possibility of setting up a children's organization. We were fortunate to receive a grant of 8,000 pounds from a television station, Channel 4, to fund the conference. Chan-

nel 4 was interested in expanding its children's programming and saw the conference as an opportunity to meet with children and young people and elicit their views on how children's television should be developed. Having agreed in principle to hold a conference, we then addressed issues about its organization, structure, purpose, and delegates.

1. Who should be invited? The grant from Channel 4 meant that we could invite approximately 50 children and young people to a residential weekend. Given the lack of national networks of children, there was no obvious route for identifying possible delegates. We therefore compiled a list of the different kinds of life experiences that should be represented at the conference. We wanted to involve children and young people:

- from as broad an age range as possible
- from all parts of the UK
- with experience of public care
- with experience of the youth justice system
- with disabilities
- from as many minority ethnic communities as possible
- from differing socio-economic backgrounds
- from rural and city environments.

Beyond seeking these particular characteristics, we also wanted to identify children who had at least some understanding of the concept of children's rights.

2. How to invite the children? Armed with these criteria for delegates, we then approached the key children's organizations and asked them to put us in touch with projects involving children and young people who might be interested in participating in the conference. We then wrote to these projects explaining the purpose of the weekend and asking for volunteers. We sug-

gested that young people could come in groups of two or three; we also offered to pay the expenses of a carer accompanying the younger children.

Article 12, the child's right to express an opinion and to have it taken into account, is arguably the most significant of all the Convention's principles

Within six weeks we had about 60 nominations ranging in age from 8-18 years and from every part of the UK. The only significant failure in fulfilling our range of criteria was that we had no disabled children attending. Despite considerable efforts to make contact with disability groups, we had only two nominations, and unfor-

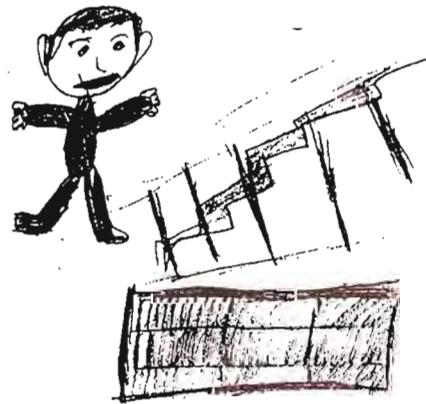
tunately both were too ill to attend at the time of the conference.

3. Agreeing on the structure of the weekend. The young members of the CRDU Management Council collaborated with the Youth Development Worker on the agenda and format of the weekend. It was agreed that it would be helpful to invite a team of youth workers to facilitate the sessions. We were fortunate to find a group of youth workers that not only did this, but also provided entertainment for the children and young people in the evenings.

The weekend was to be chaired by one of the young CRDU Management Council members, and it would begin with a session to set the ground rules. This would be followed by a series of workshops to discuss whether a children's organization was needed, what it could seek to achieve, how it could be established and how it could gain wider support. The workshops were organized in three age-based groups: 8-11 years, 12-15 years, and

A child's - eye view of

A right to have your opinion
and to argue with your mum
or dad with out getting
Smacked or Sent to bed



Article 12

Implementation of Article 12, the child's right to express an opinion and to have that opinion taken into account in any matter or procedure affecting them

Policy areas	What children have to say	Actions that CRDU suggests be taken to comply with Article 12
Personal freedoms	<i>Parents should not impose their own beliefs and disregard what we think. We have the right to our own opinion.</i> - 16-year-old, N. Ireland	<ul style="list-style-type: none"> Amend family law to make it the duty of parents, in reaching major decisions relating to the child, to ascertain the child's wishes and to give them due consideration, taking account of the child's age and maturity.
Care of children	<i>You get moved from one place to another. I went through about six places in a year and you never have a choice. They just tell you to get packed.</i> - 14-year-old, North East	<ul style="list-style-type: none"> Draw up guidelines in consultation with young people concerning ways to increase the involvement of children in residential or foster care in decisions that affect their lives. Give children the right to give consent to adoption, at age 12 or when judged capable of understanding the issues involved.
Physical and personal integrity	<i>For children who have been abused there should be a lot more help to get them through it. You need counselling, it's important to let everything out.</i> - 17-year-old, London	<ul style="list-style-type: none"> Ascertain systematically children's views of the appropriateness and effectiveness of interventions following allegations of abuse. Review child protection procedures nationwide, taking as a starting point the basic principles in the Convention.
Health and health care services	<i>My pet hate is when doctors talk over my head to my parents. I'm the patient regardless of my age, and they should talk directly to me.</i> - 15-year-old, London	<ul style="list-style-type: none"> Involve children and young people in the design and implementation of health promotion programmes, which should include issues identified as important by them. Carry out wide-ranging consultation and debate with a view to statutory clarification of the rights of children and young people in relation to consent and refusal of medical treatment.
Education	<i>I was never given a choice of what school I wished to attend....it's automatically assumed that you must attend a school that is distinctly set aside for disabled people and I think that is wrong.</i> - 18-year-old, N. Ireland <i>Some schools have school councils with representatives from the student body, but more often than not these appear to be mere tokens, rarely being consulted and only on trivial matters.</i> - 17-year-old, North East	<ul style="list-style-type: none"> Enact legislation to ensure that the child has a right to be heard in decision-making and appeals concerned with school choice, exclusions from school, special needs assessment and making of statements of special educational needs. Ensure that children are provided by schools and local authorities with the opportunity to express their views on matters of concern to them in the running of schools and that their views are given due weight in accordance with their age and maturity. Ensure that both initial and in-service training are founded on principles of respect for children and greater democracy within schools.
Child labour	<i>I can't join a trade union because I know I will lose my job over it.</i> - 17-year-old, York <i>I was supposed to be an apprentice carpenter, but they stuck me in the canteen because they were short staffed.</i> - 17-year-old, Scotland	<ul style="list-style-type: none"> Undertake a broad-ranging review of children and employment to explore different aspects of child labour, including the need for opportunities for children to engage in part-time work in exempted categories of employment. The views of children and young people must be sought as part of this review.

15-18 years. One session was devoted to a discussion with several Channel 4 producers, who talked with groups of children about their views on programming and the future.

The adults who participated were there only to facilitate the conference and to perform logistical tasks for the participants. It was agreed that the weekend would provide an opportunity for

the children themselves to explore the idea of a children's organization, and that deliberations were not to be inhibited by adults.

4. Outcome of the conference. The conference, which was held in July 1994 and attended by 55 children and young people, proved to be a challenging, constructive and enjoyable event.

The young people felt strongly about pursuing the idea of creating a new children's organization, and over 20 participants volunteered to form a steering group to foster its development. CRDU's Youth Development Worker agreed to assist the steering group and facilitate its meetings. To support this process, money needed to be raised. We therefore invited all the major children's organizations to a meeting during which we explained the decisions made at the children's conference and the purpose of the steering group and requested financial contributions to support its ongoing costs. We met with a very positive response, receiving several thousand pounds to continue the work.

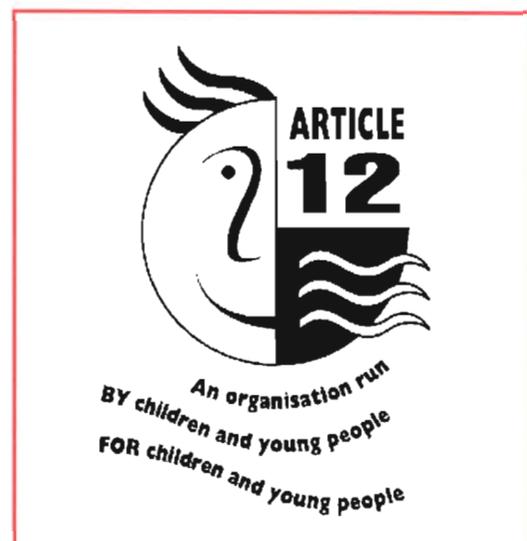
Since then, the group has met every two or three months for residential weekends to put flesh on the bones of ideas that were formulated at the conference. Considerable progress has been made. As of the beginning of 1996:

- It has been agreed to call the organization Article 12, and that its objectives would be to promote the implementation of the Convention on the Rights of the Child. Article 12 has applied for charitable status and has made applications for funding from a range of charitable foundations in the UK to establish a full-time office.
- It has been agreed that the office should be staffed by an adult administrator who would have a support and organizational role but no policy-making responsibility. All policy will be determined by the children and young people themselves.
- It was agreed that Article 12 would try to maintain UK-wide membership. There was some discussion about whether each of the jurisdictions in the UK should break off and develop independently. However, the children rejected this idea, feeling that at this early stage they needed to work collaboratively. This decision had considerable implications for the management of the steering group. Meetings were significantly more expensive to run, involving travel expenses to England from Scotland, Northern Ireland and Wales. It also meant that the organization at this stage was inevitably very remote from the children's own day-to-day lives. However, it is anticipated that eventually separate but linked groups of Article 12 will be set up in each of the jurisdictions.
- A logo has been designed and draft materials produced setting out the aims and objectives of Article 12. These will be disseminated as soon as the organization is formally launched.

- Office space has been made available in one of the major children's organizations.

The process of moving beyond an initial idea to the creation of a fully fledged organization is inevitably slow. Because of the age of the members and resource and time constraints, meetings can take place only once every two or three months. The children have had to absorb a considerable amount of technical and complex information relating not only to charity law, organizational structures and the role of organization trustees, but also to how and where to find funding and how to develop objectives for their organization. It is greatly to their credit that they have sustained their enthusiasm and interest and are still keen to remain involved. It is proposed that the organization be formally launched in the autumn of 1996 with a well-publicized national conference to attract new members and provide ideas on how children can become actively involved in promoting the principles of the Convention.

*Children of all ages
and all life experiences felt strongly
that their views and
opinions were not taken seriously*



IDENTIFYING MECHANISMS FOR ENSURING COMPLIANCE AND ENFORCEMENT

The work of CRDU during its three years of life demonstrated that there is a great deal that needs to change in the UK if full compliance with the Convention is to be achieved. The *UK Agenda for Children* provided powerful testimony to the need for changes in legislation, policy, resourcing and attitudes. It also became clear that without the creation of statutory structures for promoting the Convention and for challenging breaches of its principles and standards, little would change. A growing number of other countries have recognized the need for independent bodies to advocate on behalf of children. Sweden, Norway, New Zealand, South Australia and Costa Rica, for example, have created statutory commissioners for children. Other countries, including Spain, have introduced specific legislation to give practical effect to the rights set out in the Convention. Namibia and South Africa are re-examining their constitution to identify changes that might be needed. Viet Nam has engaged in a thorough review of its criminal justice system to consider whether both the letter and the spirit of the Convention are adequately reflected. Sri Lanka and Madagascar have begun to explore the implications of the Convention for raising the civil status of the child, particularly within the family. They have begun to address the need to protect and support families in the task of bringing up their children, while promoting recognition of the child's right to participate in decision-making, to be protected from all forms of physical violence and to be perceived as a subject with evolving capacities and not the property of their parents. These changes are not easy to achieve; they will take time and will not occur if governments do not introduce the necessary legislative changes backed up by support to parents.

Similarly, compliance with Article 4, which requires governments to “undertake all appropriate legislative, administrative and other mea-

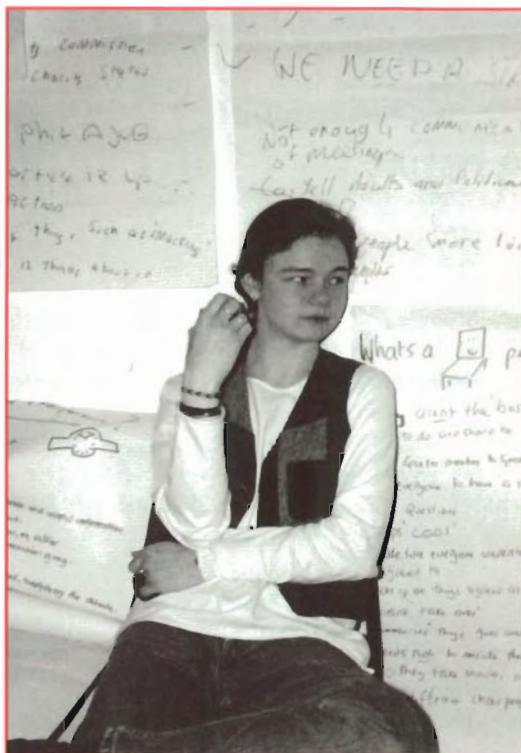
asures for the implementation of the rights recognized in the Convention ... to the maximum extent of their available resources”, necessitates a fundamental rethinking of the value societies attach to children. The UK is not a child-centred society. Our housing developments, transport system, shops, restaurants and city centres are not child-friendly. We have allowed a massive increase in child poverty to occur in the past 15 years — from 1.4 million in 1979 to 4.1 million in 1992 —without any public outcry, a pattern that is not replicated on a comparable scale in other European countries.

There is growing acceptance of the Convention's significance and of the need to use its principles and standards as a framework for developing policy and practice in the UK. *Seen but not heard*, a recent report by the Audit Commission (a body established to monitor government expenditure), acknowledges the obligations imposed by the Convention on parents and the State. Similarly, a draft DOH circular on Children's Service Plans is accompanied by a letter encouraging local authorities to ensure that their plans take account of the Convention. A DOH consultation draft on child health in the community stresses that providers of children's services should consider the provisions of the Convention when defining the principles on which they base their services. Those principles should also be reflected in the stipulation and implementation of contracts for child health services. A strategic document on child health services published by the Welsh Health Planning Forum explicitly addresses the need to respect children's rights in the development of all health services. Even more significantly, the Children (Scotland) Act 1995 represents a considerable step forward in the recognition of children's and young people's rights to participation by incorporating the principle embodied in Article 12 into primary legislation relating to parents and other carers.

These developments are significant indicators that the Convention is now beginning to inform the thinking of certain government departments in the development of legislation and policy. However, it is necessary to be cautious in assuming that sufficient work has been done to ensure continuing momentum in promoting children's rights. Indeed, it was patently clear during the life of CRDU that the Government was not going to take a lead in promoting public debate and policy to challenge the prevailing low status, resourcing and respect for children. But it was also our view that CRDU was not an appropriate long-term alternative. Its role was to act as a catalyst for a time-limited period. At the end of the three years of the Unit's life, it was necessary to examine how best to promote stable, effective and permanent mechanisms to ensure that the Convention would become a dynamic force for change rather than a mere formality — a paper exercise with no consequences for children. The decision to establish the Unit as a short-term project to raise the profile of these issues was a sound one. By existing as an independent unit with an explicit and exclusive focus on the Convention, CRDU was able to raise awareness of both the Convention itself and of its implications for children in British society. The Unit was able to develop a body of expertise on the rights of children and on processes for practical implementation. It played a significant role in seeking to place the Convention on the agenda of politicians, policy makers and practitioners. That role needed consolidation through the establishment of a statutory Children's Rights Commissioner with the resources, power and authority to monitor children's rights effectively and maintain continuing pressure to promote the implementation of the Convention in the longer term.

Stable, effective and permanent mechanisms are needed to ensure that the Convention becomes a dynamic force for change

In 1990, the Calouste Gulbenkian Foundation established an advisory group and commissioned a detailed feasibility study on the idea of a governmental office to promote the rights and inter-



A young participant at a residential conference organized by CRDU.

ests of children in the UK, which resulted in the publication in 1991 of *Taking Children Seriously - A Proposal for a Children's Rights Commissioner*. A steering group, serviced by the chair of CRDU, was established the following year to devise ways of promoting the proposal. At that time it was not felt appropriate to seek funding for this work, as the newly elected Government clearly indicated that it did not accept the case for a statutory office to represent children's interests. The group instead sought to broaden support and keep the proposal in the public eye through seminars and leaflets. By 1994, however, there was growing support for seeking funding to appoint staff who could develop and promote the case for a Children's Rights Commissioner more intensively. Accordingly, the Gulbenkian Foundation proposed that when CRDU closed in March 1995, its legal and charitable status should be used to establish a new office to promote the need for a Children's Rights Commissioner. The Foundation found widespread support for the proposal, and the CRDU Management Council agreed that funding to establish the new Office should be sought. It would be known as the Children's Rights Office: Working towards a Children's Rights Commissioner.

The function of the Children's Rights Office would be to explore further the proposal in *Taking Children Seriously*, illustrate how a Commissioner's office could function and demonstrate its potential benefits. There has been widespread criticism of the lack of coordination of government policy towards children across departments. Also, as noted with concern by the Committee on the Rights of the Child, departments currently lack mechanisms to monitor policy in relation to the Convention's overarching principles and standards.

The Office would also collect and disseminate in the UK information on the work of Commissioners in other countries and on relevant international developments. For example, there is much information about the coordination of government policies towards children in the State Party Initial Reports to the Committee on the Rights of the

Child and in the Committee's observations and recommendations. The Committee is also developing indicators for monitoring international implementation of the Convention.

A primary focus of the office would be to raise awareness of the proposal for a Commissioner and its potential implications for children, particularly in those policy areas less represented by existing supporting organizations (for example, education, environment and planning). It would seek the support of all major political parties for the introduction of legislation to establish a statutory commissioner at the earliest possible opportunity. The creation of such an office would build on the expertise, reputation and experience of CRDU to work proactively towards the establishment of a permanent structure with the authority to monitor and enforce compliance with the Convention.

A child's - eye view of



Education



Being a child

Child labour



An adequate standard of living



Play and leisure

CONCLUSION

The Children's Rights Development Unit was a unique experiment. At the end of its three years of existence, it was important to evaluate the extent to which the Unit had achieved its aim of promoting the fullest possible implementation of the Convention on the Rights of the Child. The following paragraphs seek to examine how far the Unit progressed, the barriers to change and the need for further work.

Promoting awareness of the Convention

The Unit achieved considerable success in raising the profile of the Convention, and awareness of its implications for children, among professionals in the fields of health, youth justice, child welfare, child protection, play and day care. Many organizations, both statutory and non-governmental, in these areas have acknowledged the need to work within the framework of the Convention's principles and have sought to inform their staff and members about the Convention. Success was not as marked in the education world, where understanding and indeed sympathy with a child rights perspective is significantly less pronounced.

Certainly among the public, both adults and children, there is still widespread ignorance of the Convention's existence. The Unit's work with the media began to make some inroads in raising awareness of the implications of the Convention in respect of many social issues. Constructive analysis, however, has been confined to the quality press, whereas, in general, the popular press has been more disparaging and derisive in its discussions of children's rights. There is therefore a considerable task ahead in seeking to give effect to Article 42.

The two most important and urgent developments that now need to take place are the introduction of the Convention and its principles into the National Curriculum, and the incorporation of the Convention into the training of all profes-

sionals working with children. These two measures, both consistently recommended by the Committee on the Rights of the Child, would ensure that the Convention becomes a familiar concept throughout society and begins to inform thinking and policy at a far more profound level than is currently the case.

Monitoring the extent of compliance with the Convention

The production of the *UK Agenda for Children* was an invaluable process for gaining a detailed picture of the state of children's lives in the UK and raising awareness of the ways in which the Convention could be used to evaluate law, policy and practice. By adopting the methodology it did, CRDU not only attempted to provide a commentary on the extent of compliance with the Convention, which served to inform the Committee on the Rights of the Child, but it also sought to create a process which in itself would serve to promote those rights. Some of the strengths of the process and the product were:

a) The *UK Agenda* attempts to analyse and interpret the implications of each article in the Convention. The Convention is still recent, and without an international court there will be no body of case law developed to help in this interpretation. It is therefore important to open up debate on the meaning of each article in relation to legislation, policy and practice. The Committee on the Rights of the Child plays the leading role in this respect, and it is necessary to monitor closely the interpretations and indicators it is establishing in relation to each of the Convention's articles. Meanwhile, the *UK Agenda* provided the first detailed contribution to that debate in the light of current legislation in the UK.

b) The process of producing the *UK Agenda* created a methodology for monitoring the Convention. In many countries there has recently



been a great deal of activity to develop NGO coalitions to monitor the Convention and to produce reports for the Committee on the Rights of the Child. However, few countries have developed as systematic and wide-ranging an approach — in terms of the collaboration, the involvement of children and young people, and the level of detail of the analysis — as that achieved in the UK. We sought to create a framework for continued monitoring of the implementation of children's rights in this country.

The UK Agenda has reached a wide audience, including academics, policy makers and practitioners

c) With so many organizations and individuals involved in drafting the *UK Agenda*, its production process became a key vehicle for making the Convention widely known and understood. Several hundred organizations throughout the UK were approached to take part in the consultation.

In this way, CRDU was able to engage people actively in understanding the Convention, rather than relying on the more passive approach of disseminating information.

d) We made contact with a wide range of children and attempted to assess how aware they were of their rights and how far they felt those rights were respected. This process provided invaluable insights into the extent to which children and young people feel disempowered and marginalized from decisions that affect their lives.

e) By relying on broad-based collaboration, we were able to produce a document that drew from a considerable body of expertise and experience. This lent credibility and strength to both the analytical sections of the *UK Agenda* and the 'actions required for compliance' with the Convention.

f) The *UK Agenda* is indeed an agenda for action. It provides a detailed and comprehensive basis for policy development in every area of children's lives. It became clear in the course of the work that in many respects the UK is failing to promote children's rights in line with its obligations under the Convention and that substan-

tial changes to law, policy and practice are necessary to achieve compliance with its principles and standards. The Committee on the Rights of the Child was obviously a primary audience for the *UK Agenda*. But the report was also meant to be used as a policy tool within the UK by organizations seeking improvements in children's lives through work in areas such as special needs education, play, poverty, child welfare, child labour, health and physical integrity. More than 1,500 copies of the *UK Agenda* have been sold within the UK and abroad. It has reached a wide audience, including academics, policy makers and practitioners, an indication that it is being used as a resource tool in teaching, training, policy development and practice.

However, the need to audit the state of children's rights is a continuous one. The UK Government is due to report again to the Committee on the Rights of the Child in January 1999. It is now necessary to begin to explore ways to update the report and assess how far the Government has responded to the Committee's criticisms and recommendations following its examination of the Government's first report.

Developing strategies for implementation

The process of encouraging organizations to adopt the Convention has been positive: 400 organizations have made a formal commitment to implement the principles and standards of the Convention in their work. Obviously, the extent to which such a commitment will influence and inform that work will vary among different organizations. For some it will be little more than a formality. For others it is a fundamental commitment involving a radical rethinking of the ways in which services are delivered. The publication of the Public Register, which has been undertaken by the Children's Rights Office following on the work of CRDU, will provide positive examples of good practice which will, it is hoped, encourage more organizations to introduce comparable initiatives.

Producing the good-practice guides proved invaluable. The difficulties that many organizations and individuals had in understanding the policy and practical implications of the Convention's articles represented a considerable barrier to its successful implementation. The guides sought to demonstrate how policies could be

reviewed to reflect more consistently the spirit of the Convention, and we have sold many copies to both policy makers and practitioners working with children.

At the national level, the Government is still failing to incorporate the principles of the Convention into policy or legislation. Much new legislation has not only failed to acknowledge the Convention, but explicitly contravenes its principles. Recent proposals on youth justice, housing and refugees, for example, are all likely to have seriously detrimental implications for children. And with regard to promoting debate on the civil rights of children in accordance with the principles of the Convention, the UK, like most other countries, is at the beginning of a very long road. Without doubt it is the civil rights in the Convention that most profoundly challenge our traditional assumptions about both the nature of childhood and the relationship between adults and children. In our work, we attempted to demonstrate that promoting and respecting the rights of children leads neither to the destruction of family life nor to chaos in schools. Rather, valuing and respecting children is the most effective route to the development of children equipped to accept social responsibility and value and respect others. This message is not easily heard in the UK, and there is still a great deal of work to be done to promote it.

*Children who are valued and
respected are likely to value and
respect others*

Promoting participation by children and young people

Progress has been made in recognizing the importance, both in principle and practice, of involving children and young people in decisions affecting their lives. The Unit's Youth Development Worker provided a service to many organizations, undertaking consultations with young people on issues of concern and advising staff on how to develop structures that consider the views of children and young people. A number of local

authorities with responsibility for children in care have begun to explore means of improving children's participation in decisions concerning their day-to-day lives and planning for their futures. There have been some exciting initiatives in the health field that have enabled children to play a greater role in taking responsibility for their own health care. Similarly, a number of NGOs in the child welfare field have acknowledged the benefits of listening to children and have begun to make participation a priority in their work.

*The Convention must be used
as a tool for radical and
far-thinking change
in children's lives*

The language of participation is more widespread than it was before the Convention was ratified, and there is a growing debate about the need to balance children's rights to family or state protection with their right to have their wishes and feelings taken seriously. However, most children and young people identify the failure of adults to listen as one of their most significant concerns, and they have recognized this failure in parents, schools, politicians, policy makers and the media. We hope that the creation of Article 12, the children's organization, will provide a powerful vehicle for both articulating the concerns of children and demonstrating their capacity to make an effective contribution.

Identifying mechanisms for ensuring compliance and enforcement

The Children's Rights Office is envisaged as a step towards the establishment of permanent enforcement structures. The future success of this initiative lies largely in the hands of politicians. Meanwhile, the Office continues to develop some of the work begun by the Children's Rights Development Unit and seeks to maintain a profile in the UK on children's rights.

Without doubt the Unit made a substantial contribution to increasing knowledge and awareness of the Convention and was perceived by many organizations as an invaluable resource.

By focusing exclusively on the Convention it was able to build up a body of expertise on the implications of this treaty's principles and to identify the areas of law, policy and practice requiring change for achieving compliance. The Unit also monitored relevant international developments that were taking place as the Convention was ratified by almost every country in the world. This expertise would have been much harder to achieve without the existence of a secretariat dedicated exclusively to the Convention. But we have a very long way to go before we can confidently claim that all possible efforts are being made to promote and respect all the rights in the Convention for all children. To ensure that by 1999 when the UK Government presents its next report to the Committee on the Rights of the Child the rights of children will have a much higher public and political profile, all NGOs and statutory authorities need to continue to work creatively with and for children. The Convention must be used as a tool for radical and far-thinking change in children's lives. Unless active measures are taken by everyone involved with children to ensure that the principles and standards of the Convention become a reality, it will become little more than a set of pious aspirations. And that failure would be a betrayal of all our children. It must not be allowed to happen.



SOURCES AND FURTHER READING

- Alderson, P.*, *Children's Consent to Surgery*, Open University Press, Buckingham, 1993.
- Amin, K. and Oppenheim, C.*, *Poverty in Black and White: Deprivation and Ethnic Minorities*, Child Poverty Action Group and Runnymede Trust, London, 1992.
- Association of Metropolitan Authorities*, *Children First: Report on Services for Young Children*, Child Care Series No. 1, AMA, London, August 1991.
- Association of Metropolitan Authorities*, *Children and Trouble: Study of Juvenile Justice Issues for Local Government*, Child Care Series No. 2, AMA, London, January 1993.
- Association of Metropolitan Authorities*, *Children in Our Care: Commentary of Visiting Children's Homes*, Child Care Series No. 3, AMA, London, April 1993.
- Association of Metropolitan Authorities*, *Special Child: Special Needs*, Child Care Series No. 4, AMA, London, May 1994.
- Association of Metropolitan Authorities*, *Children and Partnerships*, Child Care Series No. 5, AMA, London, December 1994.
- Association of Metropolitan Authorities and Children's Rights Office*, *Checklist for Children: Local Authorities and the UN Convention on the Rights of the Child*, Child Care Series No. 6, AMA, London, 1995.
- Audit Commission*, *Seen But Not Heard: Co-ordinating Community Child Health and Social Services for Children in Need — Detailed Evidence and Guidelines for Managers and Practitioners*, London, H.M.S.O., 1994.
- Ayotte, W. and Lown, J.*, *Children or Refugees? A Survey of Western European Policies on Unaccompanied Refugee Children*, Children's Legal Centre, London, 1992.
- Bradshaw, J.*, 'Child Poverty and Deprivation in the UK', *Innocenti Occasional Papers*, EPS 8, UNICEF International Child Development Centre, Florence, October 1990.
- Bradshaw, J. and Holmes, H.*, *Living on the Edge: A Study of the Living Standards of Families on Benefit in Tyne and Wear*, Child Poverty Action Group, London, 1989.
- British Association for Community Child Health*, *Child Health Rights: Implementing the UN Convention on the Rights of the Child within the National Health Service. A Practitioners' Guide*, BACCH, London, 1995.
- Cain, M.*, 'Justice or Welfare?', in Cain, M. (ed.), *Growing Up Good*, Sage, London, 1989.
- Children's Legal Centre*, *'It's My Life Not Theirs': A Children's Legal Centre Survey of Current Reviewing Practice for Children and Young People in Care*, Children's Legal Centre, London, 1984.
- Children's Legal Centre*, *Agenda for Children*, Children's Legal Centre, London, 1985.
- Children's Legal Centre*, *Child Abuse Procedures: The Child's Viewpoint*, 2nd rev. ed., Children's Legal Centre, London, 1988.
- Children's Rights Development Unit*, *Scottish Agenda for Children*, CRDU, Glasgow, 1994.
- Children's Rights Office*, *Making the Convention Work for Children: Explaining the History and Structure of the UN Convention on the Rights of the Child and its Application in the UK*, CRO, London, 1995.
- Children's Rights Office*, *Building Small Democracies: The Implications of the UN Convention on the Rights of the Child for Respecting Children's Civil Rights within the Family*, CRO, London, 1995.
- Cohen, P.*, *A New Deal for Children: Implementation of the Children Act 1989 in the Counties*, Association of County Councils Publication, London, 1992.
- Cohen, R., Coxall, J., Craig, G. and Sadiq-Sangster, A.*, *Hardship Britain: Being Poor in the 1990s*, Child Poverty Action Group, London, 1992.
- Department of Health*, 'Child Health in the Community: A Guide to Good Practice', consultation draft, March 1995.

- Department of Health**, 'Children's Services Plans', Local Authority Circular (95).
- Detrick, S.** (ed.), *The United Nations Convention on the Rights of the Child: A Guide to the "Travaux Préparatoires"*, Martinus Nijhoff Publishers, Dordrecht, 1992.
- Franklin, B.** (ed.), *The Handbook of Children's Rights: Comparative Policy and Practice*, Routledge, London, 1995.
- Gulbenkian Foundation**, *One Scandal Too Many ...The Case for Comprehensive Protection for Children in All Settings*, Gulbenkian Foundation, London, 1993.
- Hall, D.** (ed.) *Health for All Children: Report of the Joint Working Party on Child Health Promotion*, 3rd ed., Oxford Medical Publications, Oxford, 1995.
- Hood, R.** (in collaboration with Graça Cordovil), *Race and Sentencing*, Clarendon Press, Oxford, 1992.
- Kumar, V.**, *Poverty and Inequality in the UK: The Effects on Children*, National Children's Bureau, London, 1993.
- Lansdown, G.**, 'Respecting the Rights of Children', *Poverty*, No. 86, Winter 1993, pp. 9-11.
- Lansdown, G.**, *Taking Part: Children's Participation in Decision Making*, Institute of Public Policy Research, London, 1995.
- Lansdown, G. and Newell, P.** (eds.), *UK Agenda for Children: A Systematic Analysis of the Extent to which Law, Policy and Practice in the UK Complies with the Principles and Standards Contained in the UN Convention on the Rights of the Child*, Children's Rights Development Unit, London, 1994.
- Low Pay Unit and Birmingham City Council Education Department**, *The Hidden Army: Children at Work in the 1990s: National Child Employment Study*, Birmingham, 1992.
- McLagan, I.**, *A Broken Promise: The Failure of Youth Training Policy*, Youthaid and The Children's Society, London, 1992.
- Murray, K. and Wilkinson, E.** (eds.), *Children's Rights in a Scottish Context*, National Children's Bureau, London, 1987.
- Newell, P.**, *The UN Convention and Children's Rights in the UK*, National Children's Bureau in collaboration with the Calouste Gulbenkian Foundation, London, 1991.
- Read, C.**, *Air Pollution and Child Health*, Greenpeace UK, London, 1991.
- Rosenbaum, M.**, *Children and the Environment*, National Children's Bureau, London, 1993.
- Rosenbaum, M. and Newell, P.**, *Taking Children Seriously: A Proposal for a Children's Rights Commissioner*, Calouste Gulbenkian Foundation, London, 1991.
- Slater, M.**, *Health for All Our Children: Achieving Appropriate Health Care for Black and Minority Ethnic Children and their Families*, Action for Sick Children, London, 1993.
- Treseder, P.**, 'The Challenge for Professionals', in Cloke C. et al. (eds.), *Participation and Empowerment in Child Protection*, NSPCC, London, 1995.
- Troyna, B. and Hatcher, R.**, *Racism in Children's Lives: A Study of Mainly White Primary Schools*, National Children's Bureau, London, 1992.
- United Kingdom Committee for UNICEF and Save the Children Fund-UK**, *Teachers' Handbook: Teaching the United Nations Convention on the Rights of the Child*, Save the Children Fund-UK, London, 1990.
- Welsh Health Planning Forum**, *Health and Social Gain for Children: Guidance to Inform Local Strategies for Health*, WHPF, 1993.
- Woodroffe, C.** et al., *Children, Teenagers and Health — The Key Data*, Open University Press, Buckingham, 1993.
- Wyld, N.**, *Getting Help from Social Services: A Guide for Children and Young People*, Department of Health, London, 1994.

APPENDIX I



QUESTIONNAIRE

MARCH 1992
PLEASE RETURN BY APRIL 6 1992 AT THE LATEST TO:
CRDU, 235 Shaftesbury Avenue, London WC2H 8EL.

Organisation/authority:

Name for future contact:

address:

phone:

fax:

If you do not have a copy of the Convention, please phone and we will send one by return.
If you find it easier to type your response on separate sheets, please indicate numbers of the questions.

1. Does your work with / for children and young people involve:

--- policy development?

--- service delivery?

--- research?

--- advice/counselling?

--- other?

Please give very brief details, or enclose eg annual report.

2. Are you interested in being involved in drawing up a national agenda for fully implementing the UN Convention in the UK?

yes / no

If "yes", which articles are particularly relevant to your work?

Article nos:

See enclosed summary which groups the Articles around issues. We assume all organisations/authorities will wish to consider the implications to certain general principles, including Article 2 (no discrimination in implementation), Article 3 (best interests of the child to be a primary consideration in all matters) and Article 12 (respect for views of the child).

3. Has your organisation/authority already considered the implications of the Convention?

(a) for UK law, policy and practice affecting children and young people?

yes / no

if "yes" please give brief details and enclose any relevant papers etc.

(b) for its own work?

yes / no

if "yes" please send details, papers etc.

if "yes", have you formally adopted the Convention or part of it as a set of minimum standards for your work with children/young people?

yes / no

if "no", will you consider formally adopting the Convention?

yes / no

if "yes", please let the Unit know the result.

4. Does your organisation/authority consult children/young people formally or informally about any aspects of its work:

(a) about policies?

yes / no

(b) about services?

yes / no

(c) about other aspects?

yes / no

Please give brief details if answer to (a), (b) or (c) is "yes", and enclose any relevant policy papers etc.

5. Are you in touch with groups of children/young people who might be interested in being directly involved in contributing their views to a national agenda for full implementation of the Convention?

yes / no

If "yes" please give details including how they could be contacted (eg directly or through you).

6. From your work, can you identify categories of children in particularly difficult circumstances?

7. The Unit is planning to set up a consultative forum of organisations and individuals committed to full implementation of the Convention. Are you interested in attending such a forum?

yes / no

8. Do you know of any coalitions or groups of organisations/authorities working on particular areas of policy development for children/young people (eg child care, child poverty, children's health)?

yes / no

If "yes" please give details including contact name, address and phone number.

APPENDIX II

WORKING TOWARDS A CHILDREN'S RIGHTS COMMISSIONER

CHILDREN'S RIGHTS OFFICE

235 SHAFTESBURY AVENUE LONDON WC2H 8EL TEL 0171 240 4449 FAX 0171 240 4514

ADOPTION OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD:

Initial report on progress: questionnaire

Name of organisation

Contact person and designation

Address, phone, fax

.....

.....

We suggest you fill in YES/NO answers on this sheet, and type additional information separately, referring to questions by numbers.

1 Has the organisation prepared any reports on progress towards implementation of the Convention following adoption?

YES/NO If "yes", please enclose.

2 Does respect for the standards and principles of the Convention form part of the organisation's mission statement or other public statement of aims?

YES/NO If "yes", please enclose.

3 Is there a corporate strategy involving all or some departments for promoting implementation of the Convention?

YES/NO If "yes" please enclose relevant papers.

4 Is your organisation taking part in consultations over the development of a local "Children's Services Plan"?

YES/NO If "yes", does the plan use the Convention as a framework, or otherwise refer to it?

YES/NO If "yes" please give details, enclose plan if relevant or indicate how it is available.

5 Has your organisation appointed a "Children's Rights Officer", or made a similar appointment?

YES/NO If "yes" please indicate extent of brief/job description and send any reports etc.

6 Have there been any other administrative or structural changes designed to ensure increased consideration of and respect for the Convention in the organisation's policy development and practice?

YES/NO If "yes" please send details.

7 Has your organisation initiated or taken part in any staff training on implications of the Convention for policy and practice?

Initiated YES/NO

Taken part in YES/NO Please send any details.

8 Has your organisation initiated any activities designed to make the public including children more aware of the Convention and its implications?

YES/NO If "yes" please send details.

RESPECT FOR KEY PRINCIPLES IN CONVENTION

- 9 Article 2: no discrimination in access to rights**
Has consideration of the non-discrimination principle in relation to children led to any changes/development of the organisation's equal opportunities statement and policies? And/or any developments in monitoring/evaluation of services?
- 10 Article 3: the best interests principle**
How does the organisation seek to ensure that in all actions concerning children the best interests of the child is a primary consideration? (eg does the organisation require child impact statements when considering new policy?)
- 11 Article 6: ensuring "to the maximum extent" the survival and development of the child**
Has the organisation built this principle of optimal development into its policies?
- 12 Article 12: respecting children's views**
What strategies has the organisation developed for ensuring that children's views are ascertained and appropriately considered in the development, delivery, monitoring and evaluation of services as well as in individual decision-making concerning the child?
- 13 Articles 13,14,15,16,19: respect for children's civil rights to freedom of expression, thought, conscience and religion; freedom of association; right to privacy; right to protection from all forms of violence**
What action has the organisation taken to ensure respect for children's civil rights in its services?

REVIEW OF IMPLICATIONS OF OTHER PROVISIONS

- 14 What action has the organisation taken to ensure that its activities and services are compatible with and promote other provisions of the Convention?**

The information received from voluntary organisations and professional and statutory bodies will be added to the Public Register of Adoption. It will be available to the Public at the offices of the Children's Rights Office, and the Office will disseminate summaries of local initiatives in regular reports.

APPENDIX III

WORKING TOWARDS A CHILDREN'S RIGHTS COMMISSIONER

CHILDREN'S RIGHTS OFFICE

235 SHAFTESBURY AVENUE LONDON WC2H 8EL TEL 0171 240 4449 FAX 0171 240 4514

CHILDREN'S RIGHTS OFFICE

USING THE UN CONVENTION ON THE RIGHTS OF THE CHILD TO AUDIT POLICY AND PRACTICE

A guide for voluntary organisations and professional bodies considering adopting the Convention
September 1995

BRIEFING

THE UN CONVENTION ON THE RIGHTS OF THE CHILD

The UN Convention on the Rights of the Child, which the UK Government ratified on 16 December 1991, provides a set of principles and minimum standards against which to test law, policy and practice as it affects children and young people.

Article 1 defines a child for the purposes of the Convention. Articles 2 to 40 cover civil, political, economic, social, and cultural rights of the child. Article 4 indicates that with regard to economic, social and cultural rights, states must implement to the maximum extent of their available resources. There is an absolute duty to fully implement children's civil and political rights. Article 42 obliges the Government "to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike". Articles 43-54 are concerned with procedures to encourage effective implementation throughout the world.

Basic principles

Certain Articles are fundamental, and their implications need to be considered both overall, and in relation to every other Article:

Article 2 (1): anti-discrimination principle — all rights to be available to all children "without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status".

Article 3 (1): best interests of the child to be a primary consideration in all actions concerning children, "whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies".

Article 12: the child's right to express views freely and have them given due weight; in particular the right to be heard in any judicial and administrative proceedings affecting the child.

CHILDREN'S RIGHTS OFFICE IS A PROJECT OF THE CHILDREN'S RIGHTS DEVELOPMENT UNIT
REGISTERED OFFICE 235 SHAFTESBURY AVE LONDON WC2H 8EL REGISTERED ENGLAND WALES No. 2652127 A REGISTERED CHARITY No. 1005135

Thus, for example, in considering law, policy and practice in education, as well as analysing the implications of Articles 28 and 29, on the right to education and aims of education, it will be necessary to consider:

- are these rights implemented for all children without discrimination?
- do schools policies on exclusions operate in a manner consistent with the right of all children to education on the basis of equality of opportunity?
- are the best interests of the child a primary consideration in all actions concerning the child's education?
- do children have a right to have their views ascertained and taken seriously in all matters affecting them, and to be heard in all judicial and administrative proceedings relating to education?

Other civil and political rights guaranteed by the Convention will also need to be considered in all services and situations involving children:

Article 13: right to freedom of expression;

Article 14: freedom of thought, conscience and religion;

Article 15: freedom of association;

Article 16: right to privacy;

Article 19: right to protection from all forms of physical and mental violence;

Article 37: right to protection from inhuman or degrading treatment or punishment, and from arbitrary or unlawful restriction of liberty.

All the other Articles should then be considered to see if they are relevant to your work or to the lives of children you are working with or for.

HOW VOLUNTARY AND PROFESSIONAL BODIES CAN USE THE CONVENTION

Organizations working with or for children and young people can consider using the Convention in two ways:

First, internally, to “audit” their own policies and practices as far as they affect children, and as an aid to policy development. Some voluntary organizations and other bodies have taken a formal decision to “adopt” the Convention, and use it, like an equal opportunities statement, to inform all their work as it affects children.

Second, externally, to “audit” legislation and the policy and practice of central government and other bodies as it affects children and young people they work with or for.

It is important to remember that the Convention is a set of **minimum** standards. It was drafted for application worldwide, and of course there are many ways in which law, policy and the state of children's lives in the UK already exceed some of the standards. The Convention indicates (Article 41) that nothing in it affects provisions in domestic law or applicable international law, eg the European Convention on Human Rights, which is more conducive to the realization of the rights of the child. For example, while the Convention guarantees participation rights to children and recognises children's evolving capacity, it does not explicitly cover children's growing rights to self-determination, to make decisions for themselves. However, in domestic law the ‘Gillick’ principle suggests that once a child is judged to have “sufficient understanding” they should be able to make decisions on important matters for themselves, unless there is some specific age limit in legislation (eg the ages of consent to sexual activity).

As well as seeking to identify ways in which law, policy and practice fall short of the Convention's standards, it is also important to identify areas where we do not know enough to judge. For example, in relation to Articles on children's rights to life and healthy development, is the UK locally and nationally collecting sufficient information to enable it to tell how effectively these Articles are currently implemented, and how changes in the National Health Service affect implementation; is there sufficient ethnic monitoring of services for children, sanctions applied to children etc to judge if certain Articles of the Convention are fulfilled without discrimination?

The Children's Rights Development Unit, in its publication the *UK Agenda for Children*, identified numerous examples of failures to comply with the Convention and the rights it embodies for children and young people throughout the UK. It also sets out in detail the action needed to comply fully with the Convention.

ADOPTING THE CONVENTION

Adopting the Convention can simply mean expressing general approval and support for it and its full implementation in the UK. In addition, an institution, local authority or professional body could make a specific commitment to seek to implement the principles, or all relevant principles, in all aspects of its work with or for children. In doing so, it could identify both the fundamental principles, and particularly relevant Articles.

The Children's Rights Office, a project of the Children's Rights Development Unit, proposes to establish and maintain a Public Register of bodies which have adopted the Convention, and formally resolved

“to respect the principles and standards in the UN Convention on the Rights of the Child in all aspects of our work, and to seek to promote the fullest possible implementation of the Convention”.

We hope to use the register, and a linked reporting procedure, to promote and disseminate positive examples of policies and strategies developed by local authorities and other bodies which seek to achieve effective implementation of the Convention.

Under the Convention, the Government is required to report regularly on progress towards implementation to the UN Committee on the Rights of the Child. What we are proposing is a voluntary reporting procedure for all those bodies which have adopted the Convention, to enable them to share information on initiatives, and work together in promoting children's rights.

It is important to emphasise that while the primary responsibility for implementation is the Government's, there is nothing to prevent organizations seeking to go beyond current law in implementing aspects of the Convention. For example, an after-school centre might decide to involve children directly in the policy, planning, monitoring and evaluation of the service being provided.

If you do decide to “adopt” the Convention, please let the CRO know and send the Office any relevant papers.

CHECKLIST FOR IMPLEMENTING THE CONVENTION

In seeking to ascertain whether the principles embodied in the Convention are adequately implemented within an organisation, professional body or institution, the following checklist of questions might be useful as a starting point:

- 1 Which Articles are relevant for each area of your work with or for children?
- 2 Is your constitution, aims and objects clause, ethical code consistent with the Convention? Could the Convention, or a commitment to it, be built in?
- 3 Does your equal opportunities policy specifically address the rights of children not to be discriminated against?
- 4 How is your equal opportunities policy, as it affects children, being monitored in respect of disability, race, culture, language, religion, gender, etc? Is there adequate monitoring of all your activities with or for children to enable you to determine whether they are delivered without discrimination?
- 5 When policy proposals and reports are prepared, are the best interests of affected children always a primary consideration? Is a child impact statement prepared?
- 6 What system do you have, if any, for ensuring a) that individual children are consulted on matters of relevance to them, at central and local level, and b) that children and young people as a group are consulted on matters of policy both centrally and locally?
- 7 What system exists to monitor and evaluate procedures for consultation with children?
- 8 What formal complaints/appeals procedures exist for children? Is any representation or independent advocacy service available to children?
- 9 Are complaints procedures being monitored? Are young people being consulted about those procedures?
- 10 The Convention requires that education, recreation, health care, training, preparation for employment and recreational opportunities for disabled children are provided in such a way as to optimise the child's social integration and individual development. Do your policies facilitate social integration?
- 11 Are recreational and leisure facilities provided on an integrated basis for disabled and able-bodied children?
- 12 What policies do you have to promote children's right to respect for their physical integrity, and to protection from all forms of physical and mental violence?
- 13 Are the civil rights of children you work with or for properly respected — rights to freedom of expression, freedom of association, privacy etc?
- 14 If you work with special groups of children — eg refugee children, children of minority groups, children who have been victims of violence or abuse — have you considered the special provisions in the Convention relating to them?

UN COMMITTEE ON THE RIGHTS OF THE CHILD: CRITICISMS AND RECOMMENDATIONS

In January 1994, the Government was examined by the UN Committee on the Rights of the Child on its record to date implementing the Convention. The Committee which is the international authority established to monitor the Convention expressed a number of criticisms of the Government for failing to take sufficient measures to ensure adequate respect for the principles and standards in the Convention. Some of the recommendations of the Committee which may have particular relevance for your organisation are as follows:

- the general principles of the Convention and in particular, Article 3, the duty to promote the best interests of children, should guide policy development at local and national government level. This approach should inform decisions about the allocation of resources and the need to overcome the problems of growing social and economic inequality and increased poverty;
- additional measures are needed to address the impact of poverty, homelessness and race on the health of children;
- teaching about the Convention and children's rights should be incorporated into the curriculum of all professionals working with or for children;
- greater priority should be given to promoting Article 12, the right of children to express a view on all matters of concern to them. Measures need to be established to facilitate the participation of children in decisions affecting them both within the family and the community;
- further action is needed to promote parental responsibility and to tackle the growing problem of teenage pregnancy;
- further measures are needed to challenge societal attitudes towards physical punishment of children and to foster acceptance of the legal prohibition of such punishment;
- procedures should be introduced to ensure that children are provided with opportunities to express their views on the running of schools, that teaching methods are inspired by and reflect the spirit and philosophy of the Convention, that education on the Convention should be introduced into the school curriculum, and that children should always be given a right to appeal against expulsion from school;
- more attention and resources need to be directed to the development of programmes to promote the physical and psychological recovery and social reintegration of child victims of neglect, sexual exploitation, drug abuse, family conflict and children caught up in the system of administration of justice;
- more pro-active measures are needed to protect the right of children in Gypsy and traveller communities including the right to education and to adequate numbers of adequately appointed sites.
- careful monitoring of the Criminal Justice and Public Order Act 1994 is needed to ensure its compatibility with the principles and provisions of the Convention.

(The full texts of the concluding observations are contained in a Children's Rights Office publication, *Making the Convention Work for Children*, see page 70).

USEFUL PUBLICATIONS

UN Convention on the Rights of the Child, full text of the Convention, background and unofficial summary, available free from CRO please send 50p pp

Checklist for Children: Implementing the UN Convention on the Rights of the Child: Developing local authority policy and practice, detailed suggestions for action by local authorities to give effect to the principles and standards of the Convention, AMA/CRO, (1995) £11 plus 50p pp

Child Health Rights: Implementing the UN Convention on the Rights of the Child in the National Health Service — a practitioner's guide, CRO/Royal College of Nursing/British Association of Child Health, (1995) £1.50 plus 50p pp

Making the Convention Work for Children, an explanation of the history and structure of the UN Convention on the Rights of the Child and the international monitoring mechanisms, CRO (1995), £5 plus 50p pp

UK Agenda for Children, a systematic analysis of the extent to which law, policy and practice in the UK complies with the principles and standards of the UN Convention on the Rights of the Child, CRDU, (1994) £20 plus £3.50 pp

Building Small Democracies, the implications of the UN Convention on the Rights of the Child for respecting children's civil rights in the family.

ALL THESE PUBLICATIONS ARE AVAILABLE FROM THE CHILDREN'S RIGHTS OFFICE.

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