
Together briefing: Parenting and the United Nations Convention on the Rights of the Child (UNCRC)



1. Summary

The UNCRC defines the context in which parenting takes place. It promotes parenting that is respectful of the child's best interests and considerate of the needs of parents.¹ It states that the child is entitled to care, security and an upbringing that is respectful of their rights and individuality.

The UNCRC outlines the role of the parent in guaranteeing and promoting the rights of the child and ensuring that their best interests are always taken into account. It outlines how parents should fulfil their responsibilities and is clear that the state should provide parents with the necessary level of support they need to fulfil their role.

2. UNCRC Preamble

From the outset, the UNCRC refers to the role of parents and the family in ensuring a child's rights. It specifically states that:

“the family, as the fundamental group in society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community”²

And goes on to recognise:

“that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”³

3. References to parental responsibilities

Parental responsibilities are directly referenced in articles 5, 18 and 27 of the UNCRC and references to parenting and the role of families are made throughout in no less than 23 of the articles.

¹ Council of Europe (2007) *Parenting in Contemporary Europe: A Positive Approach*

² UNCRC preamble

³ UNCRC preamble

3.1. Article 5

Article 5 makes clear the government's responsibility to respect the rights and responsibilities of parents to guide and advise their child so that as the children grow, they are able to apply their rights properly.

"States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community [...] or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention."

3.2. Article 18

Article 18 gives parents the primary responsibility for the upbringing and development of their child and that they must consider their best interests at all times. It also makes it clear that governments must recognise parental responsibilities and provide resources and support to help them fulfil their responsibilities.

"States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children."

3.3. Article 27

Article 27 outlines that parents have the primary responsibility, within their abilities and financial capacities, to ensure the child has the **right to a standard of living adequate** for the child's physical, mental, spiritual, moral and social development.

"The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development."

States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing."

4. UN Committee's Concluding Observations to the UK (2008)

In 2008, the UN Committee on the Rights of the Child made a number of recommendations (known as 'Concluding Observations') to outline what steps the UK and devolved governments must take to improve the implementation of the UNCRC. Many of these recommendations referred to parenting and the role that the state should take in supporting parents.

Key themes to emerge from the recommendations included:

Raising awareness of the UNCRC:

*"The Committee is concerned that there is no systematic awareness raising of the Convention and that the level of knowledge about it among children, **parents** or professional working with children is low. The Committee recommends that the State party further strengthen its efforts, to ensure that all of the provisions of the Convention are widely known and understood by adults and children alike".⁴*

Supporting positive parenting:

*"The Committee [...] recommends that the State party **provide parental education and professional training in positive child-rearing**".⁵*

*"The Committee is concerned that many **families lack appropriate assistance in the performance of their child-rearing responsibilities**, and notably those families in a crisis situation due to poverty."⁶*

Looked after children:

*"...concerns include the **insufficient investment in the staff and facilities to support children deprived of parental care** in situations including children being taken into alternative care as a result of parental low income; where one or both parents are in prison, and the too frequent move between places for children in alternative care as well as the scarce possibility of contact between them and their parents and siblings".⁷*

*"The Committee recommends that additional resources and improved capacities are employed to **meet the needs of children with mental health** problems throughout the*

⁴ Committee on the Rights of the Child (2008). *Concluding Observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4)* No. 20

⁵ Committee on the Rights of the Child (2008). *Concluding Observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4)* No. 42

⁶ Committee on the Rights of the Child (2008). *Concluding Observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4)* No. 44

⁷ Committee on the Rights of the Child (2008). *Concluding Observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4)* No. 44

country, with particular attention to those at greater risk, including **children deprived of parental care**".⁸

*"The committee recommends that **children without parental care have a representative who actively defends their best interests**, along with a strengthening of children's participation and advocacy in all matters of school, classroom and learning which affects them".⁹*

Providing assistance to families living in poverty:

*"The Committee recommends that besides giving full support to **parents** or others responsible for the child, the State should intensify its efforts to provide material assistance and support programmes for children, particularly with regard to nutrition, clothing and housing."*

*"The committee is concerned that significant inequalities persist with regard to school achievement of children living with their **parents** in economic hardship. "*

⁸ Committee on the Rights of the Child (2008). Concluding Observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4) No. 57

⁹ Committee on the Rights of the Child (2008). Concluding Observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4) No. 66

Appendix 1: UNCRC references to the role of parenting and families:

Article 2: Without Discrimination

- States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction 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.
- States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's **parents**, legal guardians, or family members.

Article 3: Best Interests of the Child

- States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her **parents**, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

Article 5: Parental Guidance

- States Parties shall respect the responsibilities, rights and duties of **parents** or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 7: Registration, Name, Nationality, Care

- The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her **parents**.

Article 8: Preservation of Identity

- States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference

Article 9: Separation of Parents

- States Parties shall ensure that a child shall not be separated from his or her **parents** against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the **parents**, or one where the **parents** are living separately and a decision must be made as to the child's place of residence.
- In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
- States Parties shall respect the right of the child who is separated from one or both **parents** to maintain personal relations and direct contact with both **parents** on a regular basis, except if it is contrary to the child's best interests.
- Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both **parents** or of the child, that State Party shall, upon request, provide the **parents**, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Groups of Children affected: *Children of prisoners, Asylum-seeking and refugee children, Children affected by domestic abuse, Looked after children, Children in the criminal justice system*

Article 10: Family Reunification

- In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her **parents** to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
- A child whose **parents** reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both **parents**. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her **parents** to leave any country, including their own and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Groups of Children Affected: *Asylum-seeking and refugee children*

Article 14: Freedom of Thought, Belief and Religion

- States Parties shall respect the rights and duties of the **parents** and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

Article 16: Right to Privacy

- No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

Article 18: Parental Responsibilities; State Assistance

- States Parties shall use their best efforts to ensure recognition of the principle that both **parents** have common responsibilities for the upbringing and development of the child. **Parents** or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
- For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to **parents** and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
- States Parties shall take all appropriate measures to ensure that children of working **parents** have the right to benefit from child-care services and facilities for which they are eligible

Article 19: Protection from all forms of violence

- States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of **parent(s)**, legal guardian(s) or any other person who has the care of the child.
- Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Groups of Children Affected: *Children affected by domestic abuse*

Article 20: Children deprived of a family

- A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
- States Parties shall in accordance with their national laws ensure alternative care for such a child.
- Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Groups of Children Affected: *Children experiencing homelessness, Children affected by domestic abuse, Looked after children*

Article 21: Adoption

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning **parents**, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Groups of Children Affected: *Looked after children*

Article 22: Refugee Children

- States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her **parents** or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
- For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the **parents** or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no **parents** or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Groups of Children Affected: *Asylum-seeking and refugee children*

Article 23: Children with disability

- States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions, which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
- States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the **parents** or others caring for the child.
- Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the **parents** or others caring for the child and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

Groups of Children Affected: *Children with disability, Children with additional support needs*

Article 24: Health and health services

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services

- To ensure appropriate pre-natal and post-natal health care for mothers;
- To ensure that all segments of society, in particular **parents** and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
- To develop preventive health care, guidance for **parents** and family planning education and services.

Article 26: Social Security

- States Parties shall recognize for every child the right to benefit from social security, including social insurance and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
- The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27: Adequate Standard of Living

- States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
- The **parent(s)** or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
- States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist **parents** and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
- States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the **parents** or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 29: Goals of Education

States Parties agree that the education of the child shall be directed to:

- The development of respect for the child's **parents**, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

Article 30: Children of Minorities

- In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Groups of Children Affected: *Children of ethnic minority communities*

Article 37: Detention

States Parties shall ensure that:

- Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

Groups of Children Affected: *Children in the criminal justice system*

Appendix 2: UN Committee on the Rights of the Child Concluding Observations to the UK (2008)

20: Dissemination, training and awareness-raising:

- The Committee is concerned that there is no systematic awareness raising of the Convention and that the level of knowledge about it among children, **parents** or professional working with children is low. The Committee recommends that the State party further strengthen its efforts, to ensure that all of the provisions of the Convention are widely known and understood by adults and children alike.

42: Corporal Punishment:

- The Committee, reiterating its previous recommendations (CRC/C/15/Add.188, para. 35), in light of its General Comment n° 8 on “the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, recommends that the State party provide **parental** education and professional training in positive child-rearing.

44: Family Environment and Alternative Care:

- The Committee is concerned that many families lack appropriate assistance in the performance of their child-rearing responsibilities, and notably those families in a crisis situation due to poverty.
- These concerns include the insufficient investment in the staff and facilities to support children deprived of parental care in situations including children being taken into alternative care as a result of **parental** low income; where one or both **parents** are in prison, and the too frequent move between places for children in alternative care as well as the scarce possibility of contact between them and their **parents** and siblings.

57: Mental Health:

- The Committee recommends that additional resources and improved capacities are employed to meet the needs of children with mental health problems throughout the country, with particular attention to those at greater risk, including children deprived of **parental** care.

65: Standard of Living:

- The Committee recommends that besides giving full support to **parents** or others responsible for the child, the State should intensify its efforts to provide material assistance and support programmes for children, particularly with regard to nutrition, clothing and housing.

66: Education:

- The committee is concerned that significant inequalities persist with regard to school achievement of children living with their **parents** in economic hardship.
- The right to complain regarding educational provisions is restricted to **parents**, which represent a problem especially for looked after children for whom local authorities have, though mostly do not use, **parental** authority. The committee recommends that children without **parental** care have a representative who actively defends their best interests, along with a strengthening of children's participation and advocacy in all matters of school, classroom and learning which affects them.