

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



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This briefing provides an overview of the [United Nations Convention on the Rights of the Child \(UNCRC\)](#) and its role in supporting parents and families. It sets out how professionals working with parents can draw from the UNCRC to advocate for improvements to legislation, policy and practice to better support families.

Key messages

- The UN Convention on the Rights of the Child explicitly recognises the central role played by parents and families in ensuring that children grow up healthy, happy and safe.
- The UN Committee on the Rights of the Child has made a series of recommendations that set out the further steps that should be taken forward by the Scottish Government to support parents in ensuring their children's human rights are upheld.
- Through international and Scots law, the Scottish Government is under an obligation to implement the UNCRC. As such, it provides a strong framework for those working with and for parents to advocate for support and assistance to families in legislation, policy and practice.

The UN Convention on the Rights of the Child

The UN Convention on the Rights of the Child (UNCRC) is an international agreement which sets out the civil, political, economic, social and cultural rights of children. These rights include the right to education, health, an adequate standard of living, and the right to have their views heard in decisions that affect them. Some groups of children, such as children with a disability or asylum-seeking children, have additional rights to make sure they are treated fairly and their needs are met. The UNCRC was ratified by the UK Government in 1991, meaning that the UK and devolved governments have made a commitment to implement the articles of the UNCRC and an obligation to do so under international law. The Scottish Government has made a further commitment to implement the UNCRC through the [Children and Young People \(Scotland\) Act 2014](#)² which places duties on Ministers and a range of public bodies to consider the UNCRC and report on the progress made.

¹ UNCRC preamble <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> [Date accessed: 23.4.18]

² Children and Young People (Scotland) Act 2014, pt.1. <http://www.legislation.gov.uk/asp/2014/8/contents/enacted>.

Parents and families within the UNCRC

The UNCRC recognises that parents are often the most important defenders of their children's rights. Throughout the provisions of the UNCRC, there is explicit recognition of the importance of parents and the family to children. It is clear that the best interests of the child are usually served by supporting the child's family and places obligations on governments to invest in family support and child protection.

For example, Article 3(2) requires state parties to 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...

Article 5 requires state parties to:

... 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 recognised in the present Convention.

These articles support the primary role of parents and guardians in raising children, a principle that is reflected throughout the UNCRC. More specifically, the role of the family is expressly emphasised in the Preamble to the UNCRC, which reiterates that state parties are:

...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...³

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.⁴

These provisions make clear that children's rights are first and foremost protected within families and that governments should provide families with the support they need.

³ UNCRC preamble <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> [Date accessed: 23.4.18]

⁴ UNCRC preamble

Recommendations from the UN Committee

Every 5-6 years, the UN Committee on the Rights of the Child examines the steps taken by governments to implement the UNCRC. In doing this, the Committee assesses the support provided to parents and families and makes recommendations as to how this can be improved and developed. For example, in the 2008 recommendations, the UN Committee raised concerns that:

*...families lack appropriate assistance in the performance of their child-rearing responsibilities, and notably those families in a crisis situation due to poverty.*⁵

Similarly, in the most recent recommendations made in 2016, the Committee emphasised that the government should:

*...intensify its efforts to render appropriate assistance to parents and legal guardians, including informal kinship carers, in the performance of their childrearing responsibilities.*⁶

A full analysis of the UN Committee's 2016 recommendations in relation to legislation, policy and practice in Scotland is available in Together's 2016 [State of Children's Rights report](#)⁷. This examines a wide range of issues that impact on children and their families, including child poverty, childcare and family support, parental imprisonment and education.

What is the Scottish context for families and the UNCRC?

Scotland's [National Parenting Strategy](#), launched in 2012, aims to strengthen support available to parents and improve the accessibility of this support so that they can 'give the children and young people of Scotland the best start in life.'⁸ The Strategy makes extensive reference to the UNCRC and acknowledges the role Scottish Government must play in supporting parents in line with their international treaty obligations. Many of the commitments included in the Strategy make reference to the UNCRC or other documents, such as [General Comments](#) published by the UN Committee.

Under Part 1 of the [Children and Young People \(Scotland\) Act 2014](#)⁹, the Scottish Government has a duty to consider steps they could take to give further effect the UNCRC in Scotland. To implement this duty, government officials should carry out [Child Rights and Wellbeing Impact Assessments](#) to consider how children's rights can be furthered through the development of legislation and policy, and any negative impacts mitigated.¹⁰ As such, the CRWIAs provide an opportunity for those supporting parents and families to ensure that policy decisions ensure that parents receive the support they need to fulfil and promote their children's human rights.

⁵ CRC/C/GBR/CO/4: Para 44. http://www.togetherscotland.org.uk/pdfs/Concluding_Observations_2016_FINAL.pdf [Date accessed: 23.4.18]

⁶ CRC/C/GBR/CO/5: Para 53(a). http://www.togetherscotland.org.uk/pdfs/Concluding_Observations_2016_FINAL.pdf [Date accessed: 23.4.18]

⁷ Together (Scottish Alliance for Children's Rights) (2016) State of Children's Rights report 2016. <http://www.togetherscotland.org.uk/pdfs/TogetherReport2016.pdf> [Date accessed: 23.4.18].

⁸ Scottish Government (2012). National Parenting Strategy. <http://www.gov.scot/Resource/0040/00403769.pdf> [Date accessed: 9.4.18].

⁹ Children and Young People (Scotland) Act 2014, pt.1. <http://www.legislation.gov.uk/asp/2014/8/contents/enacted>.

¹⁰ Scottish Government (2018). Children's rights and wellbeing impact assessments: guidance. <https://beta.gov.scot/publications/childrens-rights-wellbeing-impact-assessments-crwia-guidance/> [Date accessed: 23.4.18].

The [2014 Act](#) also places a range of public bodies under a duty to publish a report every three years on the steps taken to further the UNCRC. This means that public bodies need to explore ways in which they can embed a children's rights approach into the delivery of public services – from health and education through to transport, planning and the environment. This also provides an opportunity to ensure that local services are planned, delivered and evaluated in a way that supports and involves parents. Together's 2017 [State of Children's Rights report](#)¹¹ includes a range of case studies that outline ways in which public bodies can take a children's rights approach to supporting parents and families.

About Together (Scottish Alliance for Children's Rights)

Together (Scottish Alliance for Children's Rights) is an alliance of children's charities that works to improve the awareness, understanding and implementation of the UN Convention on the Rights of the Child (UNCRC) in Scotland. We have over 380 members ranging from large international and national non-governmental organisations through to small volunteer-led after school clubs. Our activities include providing briefings and insights to key issues affecting children's human rights, raising awareness of children's human rights among our membership and wider decision-makers and collating an annual State of Children's Rights report to set out the progress made to implement the UNCRC in Scotland.

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¹¹ Together (Scottish Alliance for Children's Rights) (2017) State of Children's rights report http://www.togetherscotland.org.uk/pdfs/2017_Online_V11.pdf [Date accessed: 23.4.18].