Children’s rights and children’s wellbeing in UK

Chenhua Gu

Department of Early Childhood, Shanghai Xingjian College, Jingan District, Shanghai, China
gch0417@163.com

Chenhua Gu

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Abstract. This article mainly focuses on the children’s rights in UK by analyzing some specific Articles contained in the UN Convention and its relation with children’s wellbeing. There are achievements as well as problems in terms of children’s rights in UK; as a result, the author attempts to identify some possible solutions to improve children’s rights and children’s wellbeing.

1. Introduction
Over the past few decades, children’s rights have become a set of legal principles that have been developed to support children. Among all the global declarations related to children’s rights, the United Nations Convention on the Rights of the Child (UNCRC) is the most important and comprehensive one which has become a legal and political frame that provides support and protection for children [1]. The Convention was adopted and ratified in 1989 and came into force in 1990; and most countries in the world signed it after recognizing its significance, excluding the USA and Somalia [1].

2. Children’s rights in UNCRC
In 1991, UK signed the UNCRC to protect children’s rights, and in the subsequent twenty years, the UK government published the Children Act in 2004 and implemented a lot of policies to protect children as best as they can.

2.1 The definition of children’s rights
It is essential for us to figure out the definition of children’s rights before further discussion, which can be divided into the definitions of children and children’s rights. In fact, the definition of children varies according to different people and theories. Common practice shows that the children range from age zero to age fourteen, followed by the period of adolescence [1]. However, the Article 1 of UNCRC states that: “For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”. In Britain, majority of people agree that the age of eighteen signals the children for legal purposes, as a result, UK complies the age limit, eighteen years old, with the UN Convention [2].

With regard to the definition of children’s rights, they were used to describe as “a slogan in search of a definition” in the 1970s [3]. As time goes by; an increasing number of scholars and researchers paid attention to the childhood studies, especially focusing on children’s rights, at the same time, the growing attention has been drawn on the UNCRC, which has planned the blueprint of a great deal of children’s rights [2]. The former UN Secretary-General, Kofi Annan (2001), pointed out the fact that the idea of children’s rights is the guide for the future to help to protect children from the ignorance of their parents and violence from peers and adults, and to avoid children become victims of human activities [4].

2.2 The content of UNCRC and its importance
The United Nations Convention on the Rights of the Child is the inheritance and development of the 1924 Declaration of the Rights of the Child and 1959 Declaration of the Rights of the Child, which
makes a lot of improvements from the former Declarations with more detailed information to make children “enjoy a moral, political and legal status” [5]. The 1924 Declaration of the Rights of the Child put emphasis on the provision part to concern the child hunger during the First World War; later the 1959 Declaration added some new Articles and terms, especially stressing on the welfare rights, such as free education and child protection. The UN Convention combines the provision and protection parts of the former Declarations, and adds the participation part to broaden the conception of children’s rights [1]. The UN Convention is designed to entitle children to deal with the everyday experiences [6].

There are altogether fifty-four Articles in the UN Convention, embracing a great amount of children’s rights which provide an outline and framework for the “three Ps”: rights to provision (to necessary goods, services and resources), protection (from neglect, abuse and discrimination), and participation (freedom of association, expression and thought) rights [7]. Although UN Convention is the basic principles that may benefit children in the world, it may be understood and applied in local ways because of different customs, values and beliefs [4]. The UN Convention surpasses the former documents and Articles to add some new ideas and parts to protect children and give them more freedoms and rights to participate more activities in the society, which can help children to enjoy the same rights as adults and have a better relationship with their parents and friends [4]. It is often said that every child has rights, whatever their ethnicity, gender, religion, language, abilities or any other status.

Children’s rights have connection with children’s wellbeing, which will be discussed as follows.

2.2.1 Children’s Wellbeing

The wellbeing of children is related to a variety of outcomes on their physical, mental, behaviour/emotional and social development [25]. In recent years, children’s wellbeing gets more and more attention. In 2007, The United Nations International Children's Emergency Fund (Unicef) put forward a report with six dimensions (1. material wellbeing, 2. health and safety, 3. educational wellbeing, 4. family and peer relationships, 5. behaviors and risks, and 6. subjective wellbeing) about child wellbeing in rich countries [27]. In that report, the UK ranked the 21st among developed countries, which didn’t rank high. However, this year a new study associated with five-year-old children is taken by the International Early Learning and Child Wellbeing Study (IELS) by the Organization for Economic Co-operation and Development (OECD) in UK. The main objective of this study is to support and improve children’s early learning experiences, outcomes and overall wellbeing [26]. There are four aspects to be directly evaluated in IELS, including emerging literacy skills, emerging numeracy skills, self-regulation and social & emotional skills, which show that now children in England enjoy a range of rights, and children’s health and welfare.

2.2.2 The relation between children’s rights and children’s wellbeing

Casas (1996) [22] analyzed a report issued by UNICEF (1994) to compare children’s quality of life among different countries and found out the fact that children’s rights have close connection with children’s quality of life and wellbeing. Children enjoy different kinds of rights like adults, thus also enjoying the wellbeing when having the right of autonomy, freedom of expression, thought and consciousness, and so forth [8]. Since children’s rights and children’s wellbeing have a close relation, there is no doubt that if children can fully enjoy their rights, they can have a better quality of life and feel the sense of happiness.

According to the 2010 report published by the joint committee on human rights [9], it can be found that the UK government has made great effort to implement the UNCRC through many child-related policies in order to improve children’s wellbeing. Since the UN Convention plays such an important role in the field of children’s rights, some specific Articles related to the child-related policies and adult-child relations will be picked out to have a deeper discussion. The focus will be drawn on the child-related educational policies as well as children’s freedoms, which can affect and influence children’s wellbeing and their relations with adults.
3. Children’s rights and child-related policy

When it comes to the children’s rights, the first thing that would be mentioned is education. The education always enjoys a high priority, which needs to ensure that all the children and young people have access to the school and enjoy the educational resources. According to the Article 28 in the UNCRC, “States Parties recognize the right of the child to education and achieve this right progressively and on the basis of the equal opportunity.” In UK, there are many other legislative documents and policies focusing on children’s education. For example, the 2009 New Opportunities White Paper mentions that all the children will be treated equally in the future by attracting and recruiting many talented and qualified teachers, providing free learning and childcare, and helping the disadvantaged children and young people. Besides, the 2007 Children’s Plan shows that sufficient places, educational resources and facilities should be provided to children so that they can have spaces and abilities to achieve full potential [9].

3.1 Achievements in academic and emotion

The UK government has already made a lot of contributions to the education and made great achievements. It is known to all that the primary education and secondary education are compulsory to all the children, which means children can enjoy the right to attend school without any fees. Children should receive the full-time education according to their ability, age and talent in order to cultivate well-rounded people in all aspects, which can improves and promotes their “physical, spiritual, moral, mental and cultural development of children and prepare for their future” [9]. The literacy level has increased a lot in the past decade, rising from 70% in 1990 to 80% in 2009 and further increasing 1% in the following two years [10]. Children and young people are assessed every year all over the nation to record the literacy results. It can be found in the report published by National Literacy Trust in 2012 that over the last ten years, children’s reading writing levels has increased about 8% due to the compulsory education and they also have a continuous rising trend.

In spite of providing support to ordinary children, children in special needs are also taken into consideration, which is called “Every Child Matters” [11]. About 20% of pupils in England attend the “Special Educational Needs” programs, which the government spend large amount of money on this project, to overcome some learning difficulties and help them to control some learning skills and strategies [11]. Teachers can help children with their difficulties and areas of weaknesses, such as literacy, math problems and so forth, and can also assist them with some physical disabilities and communication problems. A report released by the Schools Inspectorate (Ofsted, 2004) shows that children benefit from such programs and make achievements through care and school activities, which consequently enhances children’s feeling of wellbeing. However, it seems that the “Special Educational Needs” programs do not cover all the children, which is inadequate. Sometimes, children can only receive the external support services without any emotional support [11]. As a result, teachers should not only pay attention to children’s learning difficulties and physical disabilities, but also take their emotional and sensory problems into account, which are much closer connected to children’s wellbeing. Besides, the government should spend more expenditure and support on the “Special Educational Needs” programs to benefit more children and young people.

What’s more, the UK government also puts emphasize on the children from migrant workers’ families and take care of their rights and wellbeing from 2004. Although migrant children can catch up with the study by themselves or through teachers’ help, it is not easy for them to deal with the isolation, cultural and social differences, make some new friends and get accustomed to new norms, values and beliefs [12]. Department of Education and Science and Department for Education and Skills try every mean to assist migrant children with the language and culture and integrate with the completely new environment [12]. In addition, migrant children can talk to teachers about their learning difficulties, share their experience and expectations, and ask for the emotional help, which would improve their academic performance as well as interactions and communications with teachers and peers [12]. All these supports and extra help from government and school can help migrant children adapt to the new culture and environment, and consequently increase their wellbeing and learning skills.
3.2 Weaknesses and shortcomings

Although the UK government makes children feel happy and pleasure through a wide range of ways, such as special needs programs and migrant children’s support, there are still many weaknesses and shortcomings for the UK government to make improvements.

3.2.1 The lack of teachers, facilities and equipment

According to the UN Convention, the children should enjoy the right to have access to educational guidance and resources, so the premise of providing sufficient support and resources is that government and schools should invest a lot of capital and power to develop education technology and cultivate more professional talents. However, the UK government faces a serious problem that nowadays, schools in UK are lack of teachers in key areas including biology, math, music, physics, religious education and geography, which cannot meet the needs and demands of children and their parents [13]. A research did by OECD (Organization for Economic Co-operation and Development) reveals that the lack of teachers, facilities and equipment will make children not available to receive proper education and get fully development to prepare for their future. As a result, it is vital and urgent for the government to take some measures to shoulder the responsibility to provide children and young people with education that is full of well-qualified teachers and sufficient learning and teaching resources.

Figures from 2014 recruitment indicated that there would be shortages in secondary schools because in the following years, more students would enter into secondary schools according to the Department for Education [13]. Although it is easy for government to convert some buildings and places into classrooms and laboratories and spend money in providing more facilities and educational support, it is difficult and impossible to train and cultivate many qualified teachers in specific areas in a short period of time. Things go contrary to children and parents’ wishes that “the government has cut all of the marketing in education” [13], and some universities no longer offer the educational courses, while others have already cut courses because of the dramatic decline of the government fund. Universities are supposed to cultivate and bring up students into talented and professional people with abilities in order to make contributions to the society, and educational departments in the universities should train students systematically with specific knowledge and teaching pedagogy so that they are qualified enough to teach children and young people. More teachers are needed, but the reality is that there are many unfilled work places and inadequate well-qualified candidates [13]. More efforts should be made to change the current situation, otherwise children and young people will become victims because they cannot receive excellent and proper education. Schools are not only lack of teachers in specific areas, but also lack of teachers who control and master suitable pedagogy for children [13]. If children cannot receive the proper and excellent education, it may hurt their feelings and decreases the sense of wellbeing.

3.2.2 The poor performance in PISA

What’s more, the UK did not perform well in mathematics according to the 2012 report published by Program for international Student Assessment (PISA) [24], which ranked 19 out of 65. Although UK was above average level, the UK government wanted to raise the teaching quality so that they would achieve a better score in the future. So it is important to train teachers to have sufficient knowledge and proper teaching pedagogy.

It is urgent and essential for the UK government to take steps to improve the current education. The government should invest more money in the universities’ educational departments to cultivate more well-qualified teachers and talents who can fill the jobs in the secondary schools. Besides, the professional development for current teachers in the UK is crucial because teachers should be trained according to the students’ needs and educational trend [14]. Sometimes, international support and cooperation is an effective way to improve the teaching quality because learning from the successful experience of other countries and nations can help to save time and energy to make progress [14]. For example, in recent years UK and China began to cooperate in mathematics teaching, and math teachers from UK came to Shanghai to explore and discuss about shanghai mastery model for teaching and learning by immersion teaching in primary and secondary schools, which made teachers from UK benefit a lot. Making up the shortage of teachers and educational
resources is closely connected with children’s wellbeing of achieving learning skills and future development.

3.2.3 The educational inequality
In spite of the lack of qualified teachers and resources, educational inequality is also a matter of concern. Based on the UN Convention, all children have the right to go to school, and this Article has been specialized in the UK legislation that “admission authorities, whether local authorities or schools, operate in a fair way that promotes social equality and community cohesion” [9], which means that every child has the fair access to education.

However, things go different in UK education because there is the political devolution across the country, including education; as a result, England, Wales, Northern Ireland and Scotland exist educational differences [15]. Machin and McNally (2012) find out two sources, gender and socio-economic status, can lead to the educational inequality within nations. After making the comparison, Machin and McNally (2012) point out the fact that children in England have a better performance in math than children in other nations and girls perform better than boys. Besides, the same situation also happens in the reading abilities. When comparing according to the socio-economic situation, Machin and McNally (2012) indicate that children from wealthier families surpass those from middle class and poor families because the differences in the educational input. In addition, some aspects of the school admission process also appear unfair situation to children from lower class [16].

It is known that educational equality and fair, which is related to children’s rights and wellbeing, is an issue that both parents and children pay attention to. The UK government should input money to support schools in the not wealthy places and provide enough educational resources and qualified teachers to narrow the gap and reduce differences. Schools should avoid discrimination to children from lower class and make them fair to get access to education; on the contrary, schools should treat children equally and let them enjoy their rights and wellbeing. Achieving the educational justice and equality is hard and difficult, but the government can take some measures to bridge the gap and let all the children enjoy the similar educational resources and environment [16].

4. Children’s rights and adult-child relations
When it comes to the adult-child relations, the participation part of children’s rights will be focused on, such as children’s freedoms to express ideas and thoughts and so forth. In participation activities, the roles that parents and adults take can largely influence their relations with children and children’s development.

4.1 Children’s freedoms and overprotection
The UN Convention goes beyond the earlier documents and Declarations because it adds the participation part, which is the central part that gives children right to form and express views [4]. According to the Article 14 of UN Convention, “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”, which means children have the freedom to play, express their ideas and thoughts, and make their own choices; at the same time, parents should ensure children’s safety and provide protection to children. It is essential for parents to shoulder their duty and responsibility to protect children because they are too young to tell right from wrong and protect themselves in some dangerous situations [4].

4.1.1 The result of overprotection
Although children and young people have right and freedom to play and express their point of views, many children do not want to enjoy these freedoms because of the dangerous and risky traffic, the fear of strangers, the Internet and media panic and so on [4]. Children are denied these freedoms and do not want to try fresh new things because they are lack of sense of safety and certainty. When meeting this kind of situation, parents should encourage their children and accompany them to try some new things. If children feel safe and encouraged under parents’ protection, they will be brave enough to try something new and unusual and enjoy their rights and
wellbeing [4]. However, sometimes the unsafe situations may result in parents’ overprotection no matter how children want to go outside to play and enjoy freedoms, which is not good for children’s development [4]. It is understandable that parents are worried about children’s safety and try to protect them and keep them safe, but, to some extent, overprotection may deprive children’s rights and wellbeing.

In UK, less and less students go to school by themselves, and only 9% children did so in 2005 [4]. The same situation also happened in the way how children played with each other. It used to be like that children played in a large group in the open areas and places, like parks and streets, but nowadays, parents tend to help their children arrange a small party at home or drive them to their friends’ home in order to protect them [4]. Consequently, many children in UK who are willing to play outside are virtually ‘imprisoned’ for a long period of time at home, which implies that children are confined from their friends and have no access to make friends and enjoy the real freedom [4]. Depriving children of enjoying freedom goes opposite way to the children’s wellbeing and children’s rights.

It is inadvisable for parents to overprotect their children. Parents may deny children’s rights and freedoms that they enjoy because sometimes they prevent children from taking risks and having accidents, [17]. Overprotection from parents can never reduce risks and dangerous situations that children may encounter; in contrast, it may lead to some new problems or risks to children because sometimes if parents forbid children from doing some dangerous activities, children will try to do it due to the negative mentality without any protection from parents, which is more risky and dangerous, and not beneficial to the adult-children relations [17]. Parents think that if they protect children away from streets and dangerous situations, children will be safe; however, figures from Department for Transport indicate that there is an increasing trend in child pedestrian death rate in UK because of children’s less exposure to the outside society [17]. Some organizations and institutions point out that the increasing tendency could be the results that children have been prevented from becoming “street-wise”, which may lead to children’s unawareness and unconsciousness of the potential traffic dangers [17]. Parental anxiety and worry are reasonable to be understood, but they are not being applied wisely [18]. As a result, parents should take their actions and overprotection into consideration to see whether taking the “street-wise measures” can reduce, and even eliminate the additional risks or not.

4.1.2 The solutions of overprotection

To deal with parents’ overprotection action and make children enjoy their freedoms and wellbeing, the UK government published a consultation document, “Staying Safe”, in July 2007 to try to draw the balance between protection and freedom [17]. “Staying Safe” does not mean that children should be “wrapped in cotton wool”, but implies that parents and governments should do all what children need and desire to ensure children’s safety, freedom and wellbeing [17]. Parents should not deny children’s law of development and deprive their wellbeing on the pretext of protecting children’s safety, which may harm their relationship with children. Parents’ overprotection may stop children from the critical and important opportunities to develop themselves and learn some necessary and indispensible skills as well as abilities when they grow up. If children miss the best time and chances to develop themselves to own the sense of safety and know how to protect themselves when taking risks, even if they try much harder later to shoulder more responsibilities in the following time, children are still more likely to experience the dangerous and risky outside world because they do not have such experience ever before and master useful and necessary skills [17].

Michael Ungar (2007) points out the fact that children nowadays are short of chance to take risks and shoulder responsibilities according to his experience with some troubled young people. Children and young people should be given chances and time to try to do fresh new things instead of being overprotected without facing any challenges and risks, which also means that they need to enjoy freedoms and wellbeing, to show what they can do on their own without parents’ interference [19]. As Ungar (2007) demonstrates, the duty of parents is to provide children with structure “to navigate safely the period between being a child and acting like an adult” and to help children to
know how to take responsibility, how to learn new skills and how to take risks. As a result, an excellent parent should guide his or her child to grow up step by step rather than just giving child “a jacket for safety” [19].

4.2 Act of parents

Parents and adults should take the duty to guide children to have an independent and enjoyable life, not to protect and forbid them from every potential risk in the society, which may be better to adult-child relations [17]. Children and young people need parents and adults to protect and care them, accordingly, parents and adults should find out suitable ways to bring the children up and trust them to make the proper choices so that children can master more skills to do some risky and challenging work, understand this world on their own and enjoy freedoms as well as wellbeing [20].

Once children can have the right to enjoy freedoms that they have with the accompaniment of parents and adults, they can fully develop their potential and make progress because of risks and challenges they face and meet. At the same time, parents and adults can guide children and give them some enlightenment to help children make achievements, which can make the adult-children relations more harmonious and friendly and let children enjoy their rights and wellbeing.

5. Children’ voices

One of the most important Articles in the UN Convention is that children have the right to speak out their own voices. Based on the Article 12 in UN Convention, “States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child”.

5.1 The enforcement of children’s voice

Children should be heard and their point of view should be weighted because child is an independent individual who can form opinions and ideas out of their interests, hobbies and wellbeing [8]. There is no denying that hearing and considering children’s opinions may reveal some brand new and different ideas [8]. Consequently, children’s views and voices have been already heard in UK, especially in the educational systems.

After the enforcement of the UN Convention, the UK government passed the Children Act (1989) and the Children Act (2004) to emphasize on the freedom of expression, thought and conscience in England and Wales [21]. The children’s voice is taken into consideration not only in the field of academic, but also in the area of research [2]. Nowadays, children’s voice is playing an important part in many aspects of school life, including confidence and self-esteem; social, personal and emotional abilities; sense of responsibilities; autonomy; knowledge and skills and so forth [21]. Teachers are willing to hear students’ concerns and advice, and recognize the power of their ideas and voices. Some school leaders and teachers apply students’ ideas to support their own agendas, and improve and raise teaching standard, thus students can also benefit from the improved teaching way and method, which get the relation between students and teachers more closely [21].

5.2 The disagreement of children’s voice

However, the opposite idea exists that it is not essential and necessary to hear from the children’s voices because some people hold the argument that children are not mature enough to raise meaningful and useful ideas that can be weighed and considered [8]. Besides, children’s voices can make no difference of the society. Consequently, although children and young people speak out and express their ideas and opinions, parents and adult do not listen to them or just ignore these voices [8]. In addition, parents and adults tend to make decisions for children without asking for their point of views because adults think they are much more experienced and capable than children to make up their minds [8]. Adults believe that children are not rational and capable enough to make the reasonable and suitable decisions, but sometimes children themselves do not want to be “treated as children” and want to make their own choices [2]. Refusing to accept children’s ideas or ignoring
their voices is not consistent with children’s rights and their wellbeing and does not benefit to adult-child relations.

5.3 The capability of making children’s voice

It is not appropriate to refuse to accept children’s ideas and hear their voices according to their maturity and age [8]. In the UN Convention, children own the right of autonomy, which entitles children to make decisions by themselves as they grow up with maturity [2]. Although children and young people are lack of wisdom and experience to make the right decision and sometimes they tend to make some mistakes during their growth, they can accumulate skills and experience for their next decision making [2]. Blindly denying children’s right of participation and autonomy is not conductive to children’s overall development to learn and master skills by making mistakes. So it is parents’ and adults’ duty and responsibility to guide children and young people to make decisions or to help them analyze the reasons why they make mistakes instead of deciding things for them [2].

Miller’s (1999) [23] study on how children make decisions all the time reveals that children have the ability to make informed decisions through communication with other people and their feelings to the world, which goes beyond to adults’ thoughts that children are incapable of making reasoned decisions. It is not wise for adults to exclude children and young people from enjoying their rights of participation, and represent children and make decisions for them [2]. On the contrary, adults should guide children with their knowledge and experience to tell them how to make decisions and encourage them to express their ideas and opinions loudly [8]. During the period that children and adults have discussion about their ideas and viewpoints, they can better understand each other and their relationship can be close and intimate.

6. Conclusion

In conclusion, through the analysis of three specific Articles in the UN Convention in the context of UK, it is easily found that the UK government have implemented many policies on the basis of the Convention to support and protect children and young people. However, the UK government needs to make some improvements in education to provide children with qualified teachers and sufficient teaching recourses and facilities; and to make children have the fair access to the school. What’s more, it is better for children and young people to enjoy all the freedoms they have instead of being protected and denied by adults and parents, through which children can fully develop.

The better qualification of education can increase their sense of wellbeing; at the same time, the better involvement in the activities and enjoyment of their rights can make them feel pleasure and make the adult-child relations closer. As a result, the UK government and adults should make efforts to ensure children’s rights and their wellbeing for a better future.

References


