

WRITE A BRIEF CRITIQUE OF THE RESPONSE OF UK GOVERNMENTS TO THE UN CONVENTION ON THE RIGHTS OF THE CHILD.

The United Kingdom ratified the United Nations Convention on the Rights of the Child on December 1991 and in doing so they accepted the obligations set out in the convention. Thereby holding themselves answerable for the conformity.

Article 51 states that at the time of ratification, any state parties could express reservations on the provision. It went further that a reservation that was incompatible for the purpose of an object of the Convention would not be permitted (UNCRC 1989). Reservation may be withdrawn through laid down procedures.

The United Kingdom's reservations at the time of the ratification were in the following areas. Immigration, Young offenders, Young working, and Children's hearing.

Immigration.

The UK made the reservation that it had the right to apply its own legislation to the issue of immigration

Since the mid 1980s, legislative and policy changes have made the influx of refugees into the UK extremely difficult. From 1987 to 2000, efforts have been made to keep down the number of refugees.

These measures affect the children as much as the parents. Jill Rutter mentioned that asylum seekers are liable to detention at immigration centres along with their children. This has an impact on the life of the refugee children and their best interests are not being sought after or non-discrimination irrespective of legal status. A child that is of age that probably had a traumatic experience in his home country may find it upsetting and distressing facing similar issue were he was expecting some freedom. It seems some immigration matters are not bound by the best interest principle in the UK but more by the policy.

Unaccompanied refugee children are not affected however, the local authorities' social services are responsible for their upkeep. Some Local authorities nonetheless, are less willing than others due to difficulties like social carers from the same ethnic group especially where the child cannot speak English, financial constraints and the particular need of the child.

New asylum seekers applying in the UK and the ones appealing against the already decisions cost access to benefit Jill Rutter (2000). Families with children are given cash allowance and short-term accommodation. The poor qualities of life experienced by these refugee children is made worse by their parents not receiving benefits. In addition, the ones entitled could claim up to 90% of the personal allowance of income support.

The Immigration and Asylum Act 1999 removed the asylum seeker's right to social housing. They are moved to locations that have few refugees and any refugee that refuses such offer will lose all support. This is an unfair measure for new arrivals

and their children. This might affect the children in their school, they may feel isolated and lonely. One of the problems they encounter is the print media, hostile attitude towards them makes them vulnerable to racial attack and abuse. There has been instances where children suffer racial attacks in school. (Rutter 2001).

The voucher system in England and Wales constrains them from purchasing other important items and services with cash. This would also affect children who may need things that are not in named retail outlets.

The final decisions towards asylum seekers might take many months or years and the time they spend waiting for a decision will affect their integration, employment, and the children's schooling as well.

The UK asylum application in 2000 was 76,040 - the second largest in Europe. Jill Rutter, the influx of asylum seekers could affect or cause a strain on available resources. Social services like health, education, housing and transport and benefit are all affected. People living in poverty already might become disillusioned and the fear that things might get worse might incite them to attack refugees. However, barriers and social deterrent employed by UK against asylum seekers are too severe contrary to the UNCRC. This impacts on the way refugees are being treated.

Young Offenders

The reservation made by the UK regarding young offenders is in contradiction to article 37C and this also infringes on other provisions of children's rights. Children in such a place could be open to abuse and neglect.

Children in such settings have been stereotyped and labelled so that the question of expressing their opinion and their freedom of expression may be difficult. Contrary to UK claims it may not be beneficial for children and adult to be in the same prison. The UK government did not define those benefits that will accrue to such a child.

According to John Munice (1999), an offender that is under 17 in care of local government authority may be placed under the custody if uncontrollable. Therefore, it is not clear whether this children are put inside adult prison due to lack of accommodation or their behaviour. The underlying factor may be to deter them from committing further crime or to simply punish them.

The situation is uncertain, while the law says that no one under 17 can be sentenced to imprisonment the number of juveniles locked up in adult's prison are on the increase. The following statistics drawn from Munice 1999 was that in 1995 about 1,500 fifteen and sixteen year old boys were held up in adult's prison and later half of them were discharged. Which shows probably that the offences committed were minor. Children in adult prison will be influenced negatively and this might affect their development, education and may even make some worse off than at the beginning.

However, some few young offenders commit grievous crimes, and re-offend but they still should be kept separate from the adults. Majority of these young offenders are in need of welfare and care and not prison sentences.

Diversion, which is in line with (UNCRC) position is an alternative to custody and

has been practiced for years past. It actually helped to reduce the number of young people in prison but conservative government in 1994 reverted back to the custodial method.

The UK in contradiction to UN recommendation has not still raised its age of criminal responsibility as it is in other parts Europe, Instead it went further to abolish the doli incapax presumption. This has the ability of putting more young ones behind bars.

Young Workers.

In the UK young people under 18 are allowed to work and this opposes the UNCRC provision for young workers. This reservation made by the UK is not well defined because a person under 18 in the UK is still a child but for the purpose of this reservation such a person can start work at the age of 16.

This reservation is not well defined because they are neither treated as adults in terms of full minimum wage nor are they treated as children because they are working.

In considering their age, there is no special provision protecting them from jobs which are hazardous to their health, physical, mental and social development. Some of them are so vulnerable that employers take advantage of them paying them so little for jobs with such risks. Government should bring up a policy or law for the benefit of the 'young work force' and enforce it on the employers of labour

Children's Hearing.

The UK reiterated that it deserves its right to continue the operation of Children's Hearing. This is a welfare tribunal serviced by local people from local community. Children's Hearing as practised in UK (Scotland) is not in agreement with various articles of the UNCRC. Children are deprived of their liberty for some days before attending the hearing and during the hearing they are not allowed legal representation. This is an infringement on their right especially when some of them are clueless as to why their liberty is being curtailed.

Furthermore, judging from the wide range of offences referred to in Children's Hearing, for instance failing to attend school regularly, being beyond the control of parents, being exposed to moral danger these are problems in need of welfare and counselling and not restricting of their liberty. When a child is at risk during the time of consideration, it is then in the best interest of the child to restrict their liberty.

Although this tribunal has its grey area, it has been shown to be effective in dealing with problems of children and preventing some of them from going into open care systems or locked up units. The decision taken there is not final because it is subject to appeal.

In conclusion, the main strengths of the UNCRC is that the international community have joint responsibility in promoting the interest and well being of all children. However, its main weakness is that there is no formal device for complaints and no effective sanction for undermine the provision. Nonetheless, it has the potentials to be developed further and this can only be done by those who have responsibility towards the children and not the children themselves.