

Respecting Children and Young People's Rights in Wales

Ross Phillips

The right to education is a major factor for every human rights. Children and young people have the right to education, as outlined in the UNHCR's, ensuring access to both primary and secondary schools. The UNCRC summarises every child has the right to receive education for free. Education can foster a child's growth and a sense of empowerment. I will be looking at children's right to privacy and identity, children's right to non discrimination, children's right to know their rights and children's right to an education.

Children's right to privacy and identity

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Article 8 – Children have the right to develop and preserve their identity, including nationality, name, family relations, gender and other personal identity characteristics. Children need protection when you are collecting and processing their personal data because they may be less aware of the risks involved. The article also says official records should be kept of who a child or young person is to make sure information about their name, nationality or birth parents isn't lost. The article places a strong emphasis on the need to respect children's rights and ensuring every decision is made by themselves. This article permits interference with a child's privacy in situations where it is necessary to safeguard their health, safety or to protect them from harm. The law can get involved in order to protect the welfare of children. The law can intervene in family matters such as in cases of neglect or abuse this is where it is essential for the child's protection and wellbeing. Article 8 reinforces children's rights should not be viewed in isolation but within the context of their family environment as family life plays a pivotal role in shaping a child's development. In conclusion article 8 recognises children have a fundamental right to privacy, which must be upheld by the authorities, but also acknowledges that in some situations, the law may need to intervene to protect the child's wellbeing. The balance between safeguarding children's privacy and ensuring their protection is the central aspect of the article's application, with the child's best interest at the forefront of any decision that may impact their life

https://www.unicef.org.uk/wp-content/uploads/2019/10/UNCRC_summary-1_1.pdf

Article 2 of the UNRCR also emphasises that all children, regardless of if their characteristics or circumstances, are entitled to rights outlined in the convention. Making sure they have equal treatment and are protected from discrimination. The protection of a child's right to life is paramount, and this article ensures that children are not deprived of their lives intentionally. It reinforces the idea that are not deprived of their lives intentionally. In summary article 2 the convention applies to every child without discrimination, whatever their ethnicity, sex, religion, language, abilities or any other status, whatever they think or say, whatever their background. Article 2 states to ensure that laws and actions at all levels of government are in sync with the principle of non discrimination. UNCRC promote equality and inclusion for children. Article 2 encourages policymakers and nations to build an ecosystem where each child can thrive and none are given preferential treatment. Governments are obligated to align their policies with unrcr provisions. This means prioritising children's rights in education and healthcare.

The right to non discrimination is a vital right of the realisation of human rights. While all children should be treated, protected, and cared for equally in today's world, many children remain victims of discrimination. Discrimination is largely rooted in fear, often of a group that looks, speaks, thinks, or behaves differently, or of an ethnic group threatening the security and cultural identity of another (Save the Children, 2014). Discrimination leads to exclusion and can significantly impact society. The reason for which children are discriminated against in their childhood persist and remain well into their adulthood. This long lasting exclusion and discrimination can stem from grievance and xenophobia and have devastating consequences on the lives of victims (UNICEF 2022). Discrimination may also lead to missed opportunities for children and young adults. Being the victim of discrimination can cause children to have negative perception of their ethnicity, race, culture, gender any characteristics used to discriminate them. Research has shown victims of discrimination are more likely to experience higher levels of depression and other mental health outcomes (Wellbeing 2020) Discrimination among children has also been linked to bullying, which affects a child's mental wellbeing and development and can have a lasting harmful impact throughout the child's adult life. The UN conventions on the rights of child is based on four general principles, non discrimination, best interest of the child, right to life, survival and development, and the right to be heard. The right to children to non discrimination is the first pillar to the realisation of the rights of all children. At the international level some types of discrimination have been considered to be so problematic and recurrent that the international community developed specific international tools to fight them such as UN convention against discrimination in education (1960) Non discrimination does not mean equality in treatment, the same way that non discrimination does not mean that all types of discrimination are prohibited. Indeed, positive discrimination can be a tool to ensure that a child can adequately and fully participate in life in society. For instance, the council of Europe, when promoting complete belonging to society for children with disabilities, promotes 'positive action programs' in parallel to other

responses. In addition to the legal tools available, discrimination is fought with social and humane tools. Education is a critical component in the fight against discriminatory practises and beliefs. In the same trajectory, awareness programs and campaigns play a key role in sensitising individuals to the struggles and hardships that different people might face. Young people have increasingly engaged in these programs, primarily through social media, engaging with youths all around the globe and sharing their stories. According to UNICEF at least nine in ten people in young generations agree that treating minorities equally is important.

<https://www.humanium.org/en/nondiscrimination/>

Children's right to an education is one of the most important principle in becoming a rights respecting school, education is a key social and cultural right and plays an important role in reducing poverty and child labour. Education promotes democracy, peace, tolerance, development and economic growth. Article 28 and 29 focus on a child's right to an education and on the quality and content of education. Article 28 says that state parties recognise the right of children to education and should take all appropriate measures to ensure that school discipline is administered in a manner consistent with child humans dignity. Article 29 focuses on the aims of education and says that government agree that the education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential. The development of respect for human rights and fundamental freedom and the principles enshrined in the charter of the United Nations. The preparation of the child for responsible life in a free society in the spirit of understanding, peace, tolerance, equality of sexes and friendship among all other peoples, ethnic, national and religious groups. The general comment on the aims of education provides a clear overview of what the right to education means in practise. Education must be child centered and empowering. This applies to the curriculum as well as the educational processes, the pedagogical methods and the environment where education takes place. Education must be provided in a way that respects the inherent dignity of the child and enables the child to express his or hers view in accordance with article 12 to participate in school life. Education must respect the strict limits on discipline reflected in article 28 and promote non violence in school. Education must include not only literacy and numeracy but also life skills such as the ability to make well balanced decisions, to resolve conflicts in a non violent manner and to develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents and other abilities which give children the tools needed to pursue there options in their life's.

Article 28 of the UNCRC says that children and young people have the right to education no matter who they are regardless of race, gender or disability if they're in detention, or if they're a refugee. Children and young people have the right to both primary and secondary education and should be able to choose different subjects

when in secondary school. This should include the option of technical and vocational training, so they shouldn't have to focus on academic subjects if they don't want to.

Under section 436a education act 1996 (introduced by section 4 education and skills 2008) local authorities are under a duty to identify children not receiving an education. Local authorities must make arrangements to identify children of compulsory school age in their area who are not registered pupils at a school and are not receiving suitable education otherwise than at a school or in alternative provision. For pupils aged 16-18, local authorities have the power rather than the duty to arrange education provision. There is alternative education for children out of school. Education can be arranged by local authorities for pupils because of exclusion, illness or other reasons would not otherwise receive a suitable education. Also education arranged by schools for pupils who. Have been suspended.

<https://www.unicef.org.uk/rights-respecting-schools/the-rrsa/the-right-to-education/>

When talking about children and young peoples rights, there are several theoretical frameworks to understand such as behaviour, needs and their entitlement. These framework help practise the wellbeing and development of children and young peoples. In their a two main categories of theories. One is humans rights theory and the second one is child development theory. Human rights theory emphasises on inherent dignity and equality. It has a foundation for recognising children as rights holders, while child development theories illuminate unique needs and capabilities of children as different ages and stages. United Nations conventions on the rights of a child. They are the most depth international legal framework dedicated to the protection and promotion of children's rights. The CRC emphasise the best interest of the child, right to protection, right to participation and the right to non discrimination.

The human rights theory asserts that the rights are universal and cannot be based on age, gender, ethnicity or any other features. The rights of children are based on the same fundamentals as those of adults, including the freedom from violence, the right to life, the right to education, and the right to health. Children's rights are linked to more general ideas of justice, equality, and autonomy through human rights theory. Also The Social Justice Framework Social justice is closely related to human rights theology when it comes to children's rights. Fairness, equity, and resource redistribution are the main focusses of this framework, which makes sure that children and other marginalised groups have access to the chances they require for healthy development. This approach seeks to address the social factors influencing children's rights while criticising systems of inequality.

Child development theories help explain how kids grow and develop over time, both physically and emotionally. Famous psychologist Jean Piaget has this theory about

cognitive development, where he suggested that children go through stages of learning and understanding the world around them (Piaget, 1952). His work shows that children's abilities and the decisions they make evolve as they get older. When we're asking about their rights we need to be aware of the different ages and how we can make sure their rights are respected in a way that matches where they are developed. Another famous psychologist is Lev Vygotsky, who emphasised on the social aspects of learning, Vygotsky believed children's development is influenced a lot by their interactions with the people around them, like family, teachers. Vygotsky suggested for kids to reach their full potential, they need to be in environments where they feel supported and where their voices are heard (Vygotsky, 1978) this is a perfect idea for children's rights. As this emphasises grows important it is for children to have a say in the choices they make and be supported in their growth. These two frameworks are similar and complement each other. While child development theories describe how we might support children in ways that are in line with their needs and progress, human rights theory provides the moral and legal justification for why children's rights should be upheld. When you combine these two concepts, it becomes evident that upholding children's rights involves more than just meeting their fundamental needs; it also entails developing their potential and allowing them to take an active role in their own lives.

There are a lot of laws and policies that come into play when talking about children's rights, to make sure children are treated fairly and get the education they deserve. One of the policies which is the Welsh government policies on children's right in education. The right of children and young Wales Act 2011. This act is important because it makes sure that the United Nations conventions on the rights of the child are actually followed by the Welsh governments. This means when the Welsh government make a decision about policy or anything affecting children they have to make sure the decision is respected with child's right. This is a big step to making Wales a right respected place for young people. (WELSH GOVERNMENT, 2011). The school standards and organisation (Wales) Act 2013 this act is to make sure Wales schools are performing a high standards and promoting inclusivity, making sure schools are welcoming and equal to all students. The Equality Act 2010 (UK)

This act makes sure people are not discriminated against because of things such as age, race disability and gender this law is important. Section 85 states it is illegal for schools to discriminate against students based on characteristics. Schools have to treat everyone fairly and equally. Section 85 also states schools have to make reasonable adjustments for students with disabilities, for example if there is a student with disability. Schools will need to make adjustments so they can participate in learning. (Government of the United Kingdom). This law ensures no one gets unfairly treated to the education system because of who they are.

<https://www.legislation.gov.uk/mwa/2010/1/contents/enacted>

Carter's Churchill's right to education and sign language access, Carter is deaf and faced challenges in accessing education in that accommodated his communication needs. Carter's case underscores the right to education without discrimination, as stated in the UNCRC. The Canadian human right act emphasised the obligation of educational institutions to provide necessary accommodations for students with disabilities. Carter's parents advocated for his right to a full time American Sign Language interpreter in his classroom. They filed a complaint with Canadian human right tribunal for not making reasonable adjustments for students with disabilities. This case set a precedent for the rights of deaf students in Canada.

There are several obstacles and problems that can arise when implementing procedures and policies to safeguard the rights of children and youth. Although advocating for these rights is important, putting them into practice can be difficult because of factors including a lack of funding, cultural differences, and even legal issues. Lack of funds and resources is one of the biggest obstacles. Many organisations and governments just lack the funding and resources necessary to effectively implement and uphold children's rights (Morrow, 2011). For instance, although the United Nations Convention on the Rights of the Child (UNCRC) guarantees everyone the right to an education, in many places schools are overcrowded and teachers lack the necessary skills to provide kids with adequate support. These rights become more of an ideal than something that is actually exercised in the absence of adequate investment. The cultural and societal variations that may affect how children's rights are perceived and upheld globally are another problem. The responsibilities that children play in society are viewed significantly differently in several cultures, and this can occasionally conflict with international standards. For example, in some societies, children may be expected to labour to support the family, which may be in opposition to their rights to leisure and education (Tisdall, 2014). When attempting to apply policies that might not be in line with local customs or values, this cultural difference might cause conflict.

Lansdown, G., 2005. *The evolving capacities of the child*. UNICEF.

Morrow, V., 2011. *The ethics of social research with children and families in an era of increasing surveillance*. *Sociology*, 45(2), pp. 219-234.

Tisdall, E.K.M., 2014. *Children and young people's participation in decision-making: Theories and policy*. *Children & Society*, 28(4), pp. 309-322.

including students in decision-making is a key tactic. Giving kids a say in issues like curriculum, school regulations, and school administration is one way to do this. Children and young people feel more empowered and are more willing to accept responsibility for their behaviour when they are involved in decisions that impact

them, claims Shier (2001). Additionally, it aids in the development of critical thinking and problem-solving abilities. This approach is significant because it recognises that children are not merely passive beneficiaries of adult decisions but also have their own viewpoints and are capable of making significant contributions. Effective implementation isn't always simple, though, as some educators and school personnel lack the necessary skills to engage kids in meaningful ways. This can result in tokenism, when children are asked for their thoughts but aren't given any real consideration. Increasing awareness and educating people about children's rights is a third tactic. Parents, teachers, and even students must understand children's rights, their significance, and how to defend them. This can be accomplished through school-based awareness initiatives or curricular content. According to Lansdown (2005), pupils who are aware of their rights are more inclined to defend both themselves and other people when their rights are being infringed. One possible problem, though, is that some schools might not have the time or money to add this type of instruction to their already full schedules

Lansdown, G., 2005. *The evolving capacities of the child*. UNICEF.

Shier, H., 2001. *Children's participation in decisions about their education: A review of the literature*. *International Journal of Children's Rights*, 9(1), pp. 65-98.

In conclusion, establishing settings where children and young people can develop, flourish, and receive dignified treatment requires an awareness of their rights. The importance of actively promoting fundamental rights in all spheres of life—from healthcare to education and beyond—is demonstrated by current research and practice. With important laws like the Rights of Children and Young Persons (Wales) Act 2011, which requires public entities to take children's rights into account when making decisions, Wales places a high priority on ensuring the rights of children and young people are upheld.