

## Children and Young People's Rights

### Purpose

This position statement affirms the beliefs and values of the Association of British Paediatric Nurses. It has been produced by officers and members of the Association in line with our role to promote the development of children's nursing through evidence-based information about practice and education. Further details can be read in the background paper [https://www.abpn-uk.com/press-releases-and-position-statements.html ]

### Background

In 1989 the *UN Convention on the Rights of the Child*<sup>1</sup>, an international human rights treaty focused on children was agreed by world leaders. The Convention recognised that childhood is separate from adulthood and encouraged governments to change laws and policies to safeguard and protect children from violence and exploitation.

The overarching principles are:

- non-discrimination (Article 2)
- the best interests of the child as a primary consideration in all actions concerning children (Article 3)
- a child's right to life and obligations to ensure to the maximum extent possible the survival and development of the child (Article 6)
- a child's right to express his or her views freely in all matters affecting them, with views given due consideration (Article 12).

The Convention has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights (See Appendix 1: outline summary of the UN Convention on the Rights of the Child).

196 countries have ratified the UN Convention on the Rights of the Child. The UK ratified the Convention in 1991.

The Committee on the Rights of the Child monitors the articulation of a clear national plan for children, monitoring the budget spent on children, impact assessments across all government departments and the appointment of independent children's commissioners, enabling children and young people to have their voice heard at the highest level.

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<sup>1</sup> United Nations, 1989, UN Convention on the Rights of the Child <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

Article 6 (life, survival, and development) states that

‘Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential’,

Article 12 concerns respecting the views of children and young people:

‘Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child’s day-to-day home life’.

Article 24 relates to health and health services stating:

‘Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy’.

Article 27 refers to the standard of living stating:

‘Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this’.

### **The ABPN believes that**

- Services for infants, children and young people should be age appropriate in facilities that meet their specific needs
- The voices of children and young people should be heard and inform the development and planning/ commissioning of services for them
- Infants, children and young people should receive care from nurses that have the child specific knowledge, skills and competencies
- Infants, children and young people should receive care and treatment at home or as close to home as possible, with transfer of care planned along with timely transition from children services to adult service provision
- Parents, family and significant others should be involved in planning and delivery of care according to their and their child/young person’s wishes

### **Current situation**

Although there has been progress in embedding the UN Convention on the Rights of the Child across the UK, there is still room for improvement.

## *England*

Lord Darzi's investigation report<sup>2</sup> published in September 2024 clearly outlines that health systems in England have failed children and young people, with

- 100,000 infants waited more than 6 hours in Emergency departments to be seen, with nearly 500,000 children and young people waiting more than four hours and 225,00 waiting more than six hours
- 40,000 children and young people waiting more than a year for access to community services
- 343,000 referrals for children and young people under the age of 18 are on waiting lists for mental health services, with 109,000 waiting more than a year for mental health support.

The ABPN published a position statement and briefing paper in response to the report<sup>3</sup>

Many of the issues for children and young people are also highlighted by a recent Royal College of Paediatric and Child Health report<sup>4</sup>.

## *Scotland*

Recent NHS statistics indicate that there has been a slight decline in waiting times since July 2022, when numbers reached a peak. A review by the Royal College of Paediatrics and Child health<sup>5</sup> highlighted that 10,512 children and young people were on waiting lists, a 114.6% increase from October 2012. The percentage of patients waiting over 12 weeks to access paediatric care had increased significantly to 48.9% by September 2023. The report<sup>6</sup> also highlights there are notable variations across Scotland's Health Boards.

## *Wales*

Recent NHS statistics highlight that waiting times across the whole population have increased<sup>7</sup>. A review by the Royal College of Paediatrics and Child health<sup>8</sup> highlights that in November 2016 7,096 children and young people were on paediatric waiting lists. By November 2023 there were 11,514, equating to a 62.3% increase over 7 years, with 1,203 waiting more than 9 months in November 2023.

In relation to all waiting lists for children and young people, there were 6,785 waiting over a year for treatment, and 1,229 waiting over 2 years in November 2023, and 3,307 waiting over a year for an outpatient appointment.

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<sup>2</sup> [Independent Investigation of the National Health Service in England](#)

<sup>3</sup> <https://www.abpn-uk.com/press-releases-and-position-statements.html> (Position statement and briefing paper in relation to Lord Darzi's Independent Investigation of the National Health Service in England)

<sup>4</sup> [https://www.rcpch.ac.uk/sites/default/files/2024-09/rcpch\\_child\\_health\\_blueprint\\_2024.pdf](https://www.rcpch.ac.uk/sites/default/files/2024-09/rcpch_child_health_blueprint_2024.pdf)

<sup>5</sup> <https://www.rcpch.ac.uk/sites/default/files/2024-03/Worried-and-waiting-review-waiting-times-Scotland-2024.pdf>

<sup>6</sup> <https://www.rcpch.ac.uk/sites/default/files/2024-03/Worried-and-waiting-review-waiting-times-Scotland-2024.pdf>

<sup>7</sup> <https://www.gov.wales/nhs-diagnostic-and-therapy-service-waiting-times>

<sup>8</sup> <https://www.rcpch.ac.uk/sites/default/files/2024-02/Worried-and-waiting-Wales-English.pdf>

## *Northern Ireland*

NHS statistics demonstrates that paediatrics had the biggest increase in the number of patients on waiting lists between June 2016 and June 2023 when compared with other medical specialities. A review by the Royal College of Paediatrics and Child Health<sup>9</sup> highlights significant waiting times for children and young people, particularly to access Child and Adolescent Mental Health and out-patient services.

In respect of access to outpatients there was a notable increase between June 2016 and June 2023 in the number of children waiting to attend an outpatient appointment (22,272 = 172.6%) , with over 21.3% of those waiting more than a year.

The demand for access to Child and Adolescent Mental Health Services (CAMHS) has been increasing since the Covid pandemic. There were 2,388 children and young people waiting to be seen in March 2023. By December 2023, 1,104 had been waiting for more than 2 months.

## **Action needed**

Delays in accessing care and treatment can impair infants, children and young people's mental and physical development at a critical time of life. The ABPN calls on the UK Government and the devolved nations to:

- place children and young people at the heart of all policy-making decisions
- invest in services for children and young people, including child and adolescent mental health, transition from children's services to adult services, care closer to home and public health measures to promote health and wellbeing
- develop a child health workforce strategy and action plan to ensure a sustainable future workforce
- end child poverty and address issues such as food insecurity and homelessness (see *ABPN position statement and background briefing* )

## **References**

Association of British Paediatric Nurses (2024) Position statement and briefing paper in relation to Lord Darzi's Independent Investigation of the National Health Service in England – see [www.abpn-uk.com](http://www.abpn-uk.com)

Lord Darzi (2024) Independent Investigation of the National Health Service in England [Independent](https://www.gov.uk/government/publications/independent-investigation-of-the-nhs-in-england) <https://www.gov.uk/government/publications/independent-investigation-of-the-nhs-in-england>

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<sup>9</sup> <https://www.rcpch.ac.uk/sites/default/files/2024-04/worried-and-waiting-northern-ireland-2024.pdf>

Royal College of Paediatrics and Child Health (2024) From left behind to leading the way: a blueprint for transforming child health services in England  
[https://www.rcpch.ac.uk/sites/default/files/2024-09/rcpch\\_child\\_health\\_blueprint\\_2024.pdf](https://www.rcpch.ac.uk/sites/default/files/2024-09/rcpch_child_health_blueprint_2024.pdf)

Royal College of Paediatrics and Child Health (2024) Worried and waiting: A review of paediatric waiting times in Northern Ireland  
<https://www.rcpch.ac.uk/sites/default/files/2024-04/worried-and-waiting-northern-ireland-2024.pdf>

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Royal College of Paediatrics and Child Health (2024) Worried and waiting: A review of paediatric waiting times in Wales  
<https://www.rcpch.ac.uk/sites/default/files/2024-02/Worried-and-waiting-Wales-English.pdf>

United Nations, 1989, UN Convention on the Rights of the Child

Welsh Government (2024) NHS diagnostic and therapy waiting times  
<https://www.rcpch.ac.uk/sites/default/files/2024-02/Worried-and-waiting-Wales-English.pdf>

## **Terms**

The term child refers to infants, children, young people and young adults up to 25 years of age.

## **About the ABPN**

The ABPN is a network of children's nurses with a wide membership of experts in clinical practice, education, leadership and research. It is the oldest children's nursing association in the world, established in 1938.

[www.abpn-uk.com](http://www.abpn-uk.com)

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## Appendix 1: **UN Convention on the Rights of the Child – summary**

Article 1 (definition of the child) Everyone under the age of 18 has all the rights in the Convention

Article 2 (non-discrimination) 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 family background.

Article 3 (best interests of the child) The best interests of the child must be a top priority in all decisions and actions that affect children.

Article 4 (implementation of the Convention) Governments must do all they can to make sure every child can enjoy their rights by creating systems and passing laws that promote and protect children's rights.

Article 5 (parental guidance and a child's evolving capacities) Governments must respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up, so that they fully enjoy their rights. This must be done in a way that recognises the child's increasing capacity to make their own choices.

Article 6 (life, survival and development) Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.

Article 7 (birth registration, name, nationality, care) Every child has the right to be registered at birth, to have a name and nationality, and, as far as possible, to know and be cared for by their parents.

Article 8 (protection and preservation of identity) Every child has the right to an identity. Governments must respect and protect that right, and prevent the child's name, nationality or family relationships from being changed unlawfully.

Article 9 (separation from parents) Children must not be separated from their parents against their will unless it is in their best interests (for example, if a parent is hurting or neglecting a child). Children whose parents have separated have the right to stay in contact with both parents, unless this could cause them harm.

Article 10 (family reunification) Governments must respond quickly and sympathetically if a child or their parents apply to live together in the same country. If a child's parents live apart in different countries, the child has the right to visit and keep in contact with both of them.

Article 11 (abduction and non-return of children) Governments must do everything they can to stop children being taken out of their own country illegally by their parents or other relatives, or being prevented from returning home.

Article 12 (respect for the views of the child) Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.

Article 13 (freedom of expression) Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law.

Article 14 (freedom of thought, belief and religion) Every child has the right to think and believe what they choose and also to practise their religion, as long as they are not stopping other

people from enjoying their rights. Governments must respect the rights and responsibilities of parents to guide their child as they grow up.

Article 15 (freedom of association) Every child has the right to meet with other children and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

Article 16 (right to privacy) Every child has the right to privacy. The law should protect the child's private, family and home life, including protecting children from unlawful attacks that harm their reputation.

Article 17 (access to information from the media) Every child has the right to reliable information from a variety of sources, and governments should encourage the media to provide information that children can understand. Governments must help protect children from materials that could harm them.

Article 18 (parental responsibilities and state assistance) Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by creating support services for children and giving parents the help they need to raise their children.

Article 19 (protection from violence, abuse and neglect) Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

Article 20 (children unable to live with their family) If a child cannot be looked after by their immediate family, the government must give them special protection and assistance. This includes making sure the child is provided with alternative care that is continuous and respects the child's culture, language and religion.

Article 21 (adoption) Governments must oversee the process of adoption to make sure it is safe, lawful and that it prioritises children's best interests. Children should only be adopted outside of their country if they cannot be placed with a family in their own country.

Article 22 (refugee children) If a child is seeking refuge or has refugee status, governments must provide them with appropriate protection and assistance to help them enjoy all the rights in the Convention. Governments must help refugee children who are separated from their parents to be reunited with them.

Article 23 (children with a disability) A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.

Article 24 (health and health services) Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy. Richer countries must help poorer countries achieve this.

Article 25 (review of treatment in care) If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.

Article 26 (social security) Every child has the right to benefit from social security. Governments must provide social security, including financial support and other benefits, to families in need of assistance.

Article 27 (adequate standard of living) Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.

Article 28 (right to education) Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this.

Article 29 (goals of education) Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

Article 30 (children from minority or indigenous groups) Every child has the right to learn and use the language, customs and religion of their family, whether or not these are shared by the majority of the people in the country where they live.

Article 31 (leisure, play and culture) Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.

Article 32 (child labour) Governments must protect children from economic exploitation and work that is dangerous or might harm their health, development or education. Governments must set a minimum age for children to work and ensure that work conditions are safe and appropriate.

Article 33 (drug abuse) Governments must protect children from the illegal use of drugs and from being involved in the production or distribution of drugs.

Article 34 (sexual exploitation) Governments must protect children from all forms of sexual abuse and exploitation.

Article 35 (abduction, sale and trafficking) Governments must protect children from being abducted, sold or moved illegally to a different place in or outside their country for the purpose of exploitation

Article 36 (other forms of exploitation) Governments must protect children from all other forms of exploitation, for example the exploitation of children for political activities, by the media or for medical research.

Article 37 (inhumane treatment and detention) Children must not be tortured, sentenced to the death penalty or suffer other cruel or degrading treatment or punishment. Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible. They must be treated with respect and care, and be able to keep in contact with their family. Children must not be put in prison with adults.

Article 38 (war and armed conflicts) Governments must not allow children under the age of 15 to take part in war or join the armed forces. Governments must do everything they can to protect and care for children affected by war and armed conflicts.

Article 39 (recovery from trauma and reintegration) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.

Article 40 (juvenile justice) A child accused or guilty of breaking the law must be treated with dignity and respect. They have the right to legal assistance and a fair trial that takes account of their age. Governments must set a minimum age for children to be tried in a criminal court



and manage a justice system that enables children who have been in conflict with the law to reintegrate into society.

Article 41 (respect for higher national standards) If a country has laws and standards that go further than the present Convention, then the country must keep these laws. Article 42 (knowledge of rights) Governments must actively work to make sure children and adults know about the Convention.

The Convention has 54 articles in total. Articles 43–54 are about how adults and governments must work together to make sure all children can enjoy all their rights, including: article 45 UNICEF can provide expert advice and assistance on children's rights - <https://www.unicef.org.uk/>

Optional Protocols:

- on the sale of children, child prostitution and child pornography,
- on the involvement of children in armed conflict
- on a complaints mechanism for children (called Communications Procedure).

For more information go to <https://www.unicef.org.uk/>