

Missing Children and the UN Convention on the Rights of the Child

The UK Government signed the United Nations Convention on the Rights of the Child (UNCRC) in April 1990, ratified it in December 1991 and implemented it in January 1992.

Because the reasons behind a child going missing are so varied, the Convention does not recognise 'missing' children specifically. However it does recognise child abduction in all its forms (stranger and parental) as well as the sale and trafficking of children.

The Convention also recognises that separation from parents may be necessary for the best interests of the child, for example, as a consequence of abuse or neglect. Whilst such separation should be part of a well thought out protection strategy (i.e. being put in local authority care), it should also be recognised that some children will choose to run away from home for these reasons.

Whatever the reason for a child going missing, they are at risk of harm. These risks are varied and may include: abuse, exploitation, violence, criminality, alcohol and drug abuse, homelessness, health problems, educational disadvantage due to poor attendance at school/college, financial hardship, hunger, loneliness and depression.

A substantial number of the Convention's Articles are therefore relevant to missing children:

Article 4 (Protection of rights): Governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled. This involves assessing their social services, legal, health and educational systems, as well as levels of funding for these services.

Article 5 (Parental guidance): The Convention places on governments the responsibility to protect and assist families in fulfilling their essential role as nurturers of children.

Article 6 (Survival and development): Children have the right to live. Governments should ensure that children survive and develop healthily.

Article 7 (Registration, name, nationality, care): All children have the right to know and, as far as possible, to be cared for by their parents.

Article 8 (Preservation of identity): Children have the right to an identity – an official record of who they are. Governments should respect children's right to a name, a nationality and family ties.

Article 9 (Separation from parents): Children have the right to live with their parent(s), unless it is bad for them. Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt the child.

Article 10 (Family reunification): Families whose members live in different countries should be allowed to move between those countries so that parents and children can stay in contact, or get back together as a family.

Article 11 (Kidnapping): Governments should take steps to stop children being taken out of their own country illegally. This article is particularly concerned with parental abductions. The Convention's Optional Protocol on the sale of children, child prostitution and child pornography has a provision that concerns abduction for financial gain.

Article 12 (Respect for the views of the child): When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account.

Article 19 (Protection from all forms of violence): Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.

Article 21 (Adoption): Children have the right to care and protection if they are adopted or in foster care.

Article 22 (Refugee children): Children have the right to special protection and help if they are refugees (if they have been forced to leave their home and live in another country), as well as all the rights in this Convention.

Article 24 (Health and health services): Children have the right to good quality healthcare – the best healthcare possible – to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy.

Article 25 (Review of treatment in care): Children who are looked after by their local authorities, rather than their parents, have the right to have these living arrangements regularly assessed. Their care and treatment should always be based on “the best interests of the child”.

Article 26 (Social security): Children – either through their guardians or directly – have the right to seek help from the government if they are poor or in need.

Article 27 (Adequate standard of living): Children have the right to a standard of living that is good enough to meet their physical and mental needs. Governments should help families and guardians who cannot afford to provide this, particularly with regard to food, clothing and housing.

Article 28: (Right to education): All children have the right to an education.

Article 31 (Leisure, play and culture): Children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities.

Article 32 (Child labour): The government should protect children from work that is dangerous or might harm their health or their education.

Article 34 (Sexual exploitation): Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

Article 35 (Abduction, sale and trafficking): The government should take all measures possible to make sure that children are not abducted, sold or trafficked. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

Article 36 (Other forms of exploitation): Children should be protected from any activity that takes advantage of them or could harm their welfare and development.

Article 39 (Rehabilitation of child victims): Children who have been neglected, abused or exploited should receive special help to physically and psychologically recover and reintegrate into society. Particular attention should be paid to restoring the health, self-respect and dignity of the child.

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