

Briefing 4: The UN Committee on the Rights of the Child's Concluding Observations on the UK: How civil society organisations can use them

In June 2023, the UK was examined on its compliance with the UN Convention on the Rights of the Child (CRC). While the United Nations Committee on the Rights of the Child (UN Committee) recognised that some progress has been made, it also identified a number of areas where the UK needs to take steps so that it better protects and promotes children's rights. The UN Committee made almost two hundred recommendations in its Concluding Observations.¹

This briefing focuses on how civil society organisations, within the children's sector and beyond, can use the Concluding Observations in their work. It should be read alongside other briefings in this series:

- [The UN Convention on the Rights of the Child and how parliamentarians and civil servants can use it;](#)
- [Children at the Centre: The Concluding Observations of the UN Committee on the Rights of the Child 2023 on the General Measures of Implementation;](#)
- [The Concluding Observations of the UN Committee on the Rights of the Child 2023: Key issues raised.](#)

What are children's rights?

The UN Convention on the Rights of the Child (CRC) sets out the fundamental human rights that all children should have, so that every child is able to have a good childhood and develop to their full potential. This includes their right to an adequate standard of living, access to education and healthcare, and to be cared for and protected regardless of their background or circumstances.

What is the UN Convention of the Rights of the Child (CRC)?

Adopted by the United Nations in 1989, the CRC is the most widely ratified international human rights treaty in history. The UK Government ratified the CRC

in 1991, which means all areas of the Government and the state (including devolved governments, local government, schools and health services) must do all they can to uphold these rights.

Each right is set out in the **54 articles** of the CRC. The CRC also has four guiding principles (**General Principles**) which are rights in themselves but also the framework through which all the rights in the Convention should be interpreted. They are: non-discrimination (Article 2); the best interests of the child (Article 3); survival and development (Article 6); respect for the views of the child (Article 12). **General Comments**, published by the UN Committee, provide a more detailed interpretation of an article or issues in the CRC, and provide guidance on the actions required by governments to ensure its implementation.²

The CRC also has three Optional Protocols (OPs). These are legal instruments that are added to an international treaty, expanding the state parties' obligations on particular issues. For the CRC, these are: OP 1³ on the involvement of children in armed conflict (which the UK ratified in 2003); OP 2⁴ on the sale of children, child prostitution and child pornography (which the UK ratified in 2009); OP 3⁵ on a communication procedure. OP 3 enables children to challenge violations of their rights and to bring complaints to the UN Committee if these have not been resolved in national courts. It also provides for an inquiry procedure for grave and systematic violations of children's rights. However, children in the UK are not able to make use of these procedures as the UK has not yet ratified OP 3, despite calls by the UN Committee for the Government to do so.

The CRC in the UK

As the UK has ratified the CRC, it is binding in international law. This means the UK Government must adhere to its principles and standards and put relevant laws, policies and procedures in place. However, it is not incorporated into UK domestic law,

as is the case in some other countries, which means it cannot be enforced in the UK courts.⁶ Nevertheless, courts use the CRC to interpret the Human Rights Act 1998 in cases involving children and use it to inform judgements concerning under 18s.⁷

The CRC reporting process

The UN Committee scrutinises each country that has ratified the CRC roughly every five years. This group of independent experts assesses how well a country is respecting and promoting children's rights, and at the end of this examination process it publishes its Concluding Observations. This document includes important recommendations to be taken forward in order for the CRC to be better realised. As part of the review process, civil society organisations can submit evidence to the UN Committee, highlighting areas where there has been either progress or retrogression in implementing the CRC. This helps the Committee to understand the issues facing children, and the extent to which the CRC is upheld in practice. Ahead of the review process, CRAE leads and co-ordinates a civil society alternative report on children's rights in England, based on written and oral evidence from its members, and including policy recommendations across the range of issues contained in the CRC. Children's rights organisations in the devolved jurisdictions also submit reports to the Committee. The latest civil society report on the implementation of the CRC in England, published in February 2023 and signed by 97 children's organisations, highlighted a range of concerning issues affecting children's rights.⁸ Many were included in the Committee's subsequent Concluding Observations on the UK.

Review of the UK

The UN Committee published its latest Concluding Observations on the UK in June 2023 following its recent examination. It raised concerns on a number of issues. For example, the long waiting lists for children seeking mental health services and the increasing number of children with mental health issues; restrictions on the rights of asylum-seeking, refugee and migrant children; the punitive approach to child justice; the large number of children living in poverty and inequalities in educational attainment. However, it also welcomed several measures the UK (including devolved administrations) had taken to realise children's rights, such as policy measures to combat violence against children and to support children deprived of a family environment.⁹ For more

information see Briefings 2 and 3 on the Concluding Observations (links provided above).

Important: The Concluding Observations end the session, not the process. The Concluding Observations should set an agenda for action over the coming five years or more until the next report is due. As the recommendations aren't legally binding, civil society, including children and young people, have an important role to play in ensuring the recommendations are fully implemented by the Government.

How civil society organisations can use the CRC and the Concluding Observations

The CRC and the Concluding Observations issued by the UN Committee are important tools for policy-making, and for holding the UK Government to account for its obligations on children's rights. They can be used in a variety of ways to help ensure that Government policy and legislation upholds children's rights and is consistent with the principles and standards of the CRC. They are also powerful tools to help children and young people to understand and claim their rights.

Civil society organisations can play a vital role in protecting and defending children's rights and ensuring that the Committee's recommendations are implemented. In engaging with Government, civil servants, parliamentarians and institutions, organisations can use the CRC and the Concluding Observations in several ways:

Engaging Government ministers and officials

- ▶ Raise relevant Concluding Observations with Government ministers and officials in meetings, letters, reports and consultation responses.
- ▶ Ask ministers how the Government intends to respond to the recommendations and uphold the CRC, and if it intends to publish a child-friendly version of the UN Committee's recommendations.
- ▶ Use the Concluding Observations to increase knowledge and awareness of children's rights among civil servants, Government ministers and special advisers.

Scrutinising legislation and policy proposals

- ▶ Scrutinise Bills and policy proposals to ensure they meet the UK's responsibilities to implement the CRC and take forward the UN's recommendations
- ▶ Encourage the Government to consider the CRC in policy-making and legislation, and raise concerns where proposed legislation would contravene the UN Committee's recommendations, or otherwise harm children's rights.
- ▶ Always ask if the Government has carried out a Child Rights Impact Assessment on any policy or legislative proposals (see text box).

Engaging MPs and peers in their scrutiny role

- ▶ Make parliamentarians aware of the CRC and the Concluding Observations.
- ▶ Use the Concluding Observations when giving evidence to inquiries by select committees, when briefing MPs/peers for parliamentary votes and debates, and when engaging individual parliamentarians in specific issues affecting children.
- ▶ Ask MPs and peers to raise the Committee's recommendations in Parliamentary Questions to the Government, in order to hold the Government to account for its progress on the CRC and to highlight or explore an issue.

Engaging children and young people

- ▶ Organisations can share information on the CRC and the Concluding Observations with the children and young people they work with, and provide opportunities for them to use these in understanding and advocating for their rights. For example, CRAE worked with children and young people to campaign for children's right to housing with a particular focus on pushing for action on the relevant recommendations in the Concluding Observations. As part of the Change it! campaign, children and young people aged 11 to 22 - who had experienced homelessness and lived in unsuitable and unsafe temporary accommodation such as B&Bs - engaged with policy-makers and spoke out about the right of all children to a safe and healthy home.¹⁰

Engaging institutions to uphold children's rights

- ▶ Use the CRC and the Concluding Observations when engaging with institutions and services that interact with children, such as the police, schools, local authorities, health services and those responsible for children in care and care leavers. These institutions and services have a duty to respect and protect children's rights and should take the CRC into account in their policies, guidelines and practices.
- ▶ The CRC and the recommendations from the UN Committee can be effective tools to help achieve policy and practice change in the way institutions work with children, and ensure they respect children's rights. For example, the National Police Chief's Council's National Strategy for the Policing of Children & Young People¹¹ explicitly states in its guiding principles that the police must have regard for the safety, welfare and well-being of all those under 18, as required by the CRC.¹²
- ▶ Raise awareness of the CRC and the Concluding Observations to institutions that hold the Government and other public bodies to account, for example, Ofsted, the Local Government and Social Care Ombudsman and the Independent Office for Police Conduct.

Advocacy and campaigning

- ▶ Use the CRC principles and articles and the Concluding Observations in advocacy and campaigns messages and recommendations, highlighting the issues raised by the Committee and what needs to change for children's rights to be protected.
- ▶ Refer to the CRC and the Committee's recommendations in media and communications work, raising awareness and understanding of, and support for, children's rights issues in the UK.

Developing policy positions

- ▶ Use CRC principles and articles, and the Concluding Observations, to inform the development of organisational policy positions, briefings, reports and public statements on issues affecting children.

Child Rights Impact Assessments (CRIA)

CRIAs are an important process that governments should use to implement the CRC. CRIAs consider policy or legislation through a 'child rights lens', using the CRC as the framework for assessing whether or not they respect, protect and fulfill the rights included in the Convention. If there is a negative effect, changes must be considered. Nearly all policies and legislation are not child-neutral, they can directly or indirectly have positive or negative impacts on the lives of children.

Positively, the UK Government has developed a CRIA template as a tool for civil servants to consider the impacts on children's rights when developing new policy or legislation, from the start. The CRIA tool is accompanied by an on-line training package for civil service across Whitehall, to ensure better knowledge and understanding of children's rights.¹³ The CRIA tool asks civil servants to consider the CRC articles, the Optional Protocols to the UNCRC and the relevant Concluding Observations from the UN Committee. Organisations should ask the Government if they have carried out a CRIA on a new policy or legislative proposals and, if so, for it to be made public.

Unfortunately, there is no statutory obligation to conduct CRIAs in all policy areas affecting children (despite similar requirements in Wales and Scotland). This means that in practice very few CRIAs have been carried out by central Government and most are not made public. It is therefore really important for organisations to advocate for the Government to introduce a statutory obligation on public authorities to conduct CRIAs in all decision-making affecting children and ensure that adequate resources and training are in place to support CRIA processes. For more information see the CRAE briefing on [Using Children's Rights Impact Assessments to improve policy making for children](#).

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About CRAE

The Children's Rights Alliance for England (CRAE), part of Just for Kids Law, works with around 100 members to promote children's rights and monitor government implementation of the UN Convention on the Rights of the Child.

About UNICEF UK

The UK Committee for UNICEF is a UK registered charity that raises funds for UNICEF's emergency and development work around the world and advocates for lasting change for children worldwide. We have also been delivering programmes in the UK for more than 25 years, in line with our universal mandate to be there for every child. We work in all four nations of the UK reaching around 2.5 million children each year through our Baby Friendly Initiative, Rights Respecting Schools and Child Friendly Cities programmes.

Endnotes

1. UN Committee on the Rights of the Child (2023) [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#)
2. For example, the most recent is General Comment No. 26 which focuses on the urgent need to address the adverse effects of environmental degradation, with a special focus on climate change, on the enjoyment of children's rights.
3. [Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#)
4. [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#)
5. [Optional Protocol to the Convention on the Rights of the Child on a communications procedure](#)
6. A country incorporates a treaty by passing domestic legislation that gives effect to the treaty in the national legal system.
7. R (P & Q) v The Secretary of State for the Home Department, 2001, EWCA Civ 1151
8. Children's Rights Alliance for England, part of Just for Kids Law [UK implementation of the UN Convention on the Rights of the Child. Civil society alternative report 2022 to the UN Committee – England](#)
9. For a summary the UK's 2023 Concluding Observations from the CRC Committee, see: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en
10. Children's Rights Alliance for England, part of Just for Kids Law [Change it! It's like being in prison. Children speak out on homelessness](#)
11. National Police Chief's Council (2015) [National strategy for the Policing of Children and Young People](#)
12. National Police Chiefs' Council, [National Strategy for the Policing of Children & Young People](#)
13. The training package can be found on Civil Service Learning, you will need to log in first, then click the link: <https://civilservicelearning.civilservice.gov.uk/user/login?destination=node/499495>