

# Briefing 1: The UN Convention on the Rights of the Child and how parliamentarians and civil servants can use it

## 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. It also has four guiding principles (**General Principles**) which are rights in themselves but also the framework through which all the rights in the CRC 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 on the Rights of the Child (UN Committee), provide a more detailed interpretation of an article or issue relating to the CRC and provide guidance on the actions required by governments to ensure its implementation.<sup>1</sup>

## 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. The UK Government has not incorporated the CRC into domestic law, which means it cannot be enforced in the courts.<sup>2</sup> Nevertheless, courts use the CRC to interpret the Human Rights Act in cases involving children and use it to inform judgements concerning under 18s.<sup>3</sup>

## The CRC reporting process

The UN Committee scrutinises each country that has ratified the CRC roughly every five years. The group of independent experts will assess how well a country is respecting and promoting children's rights and at the end of this examination process it will publish its Concluding Observations. This document includes important recommendations to be taken forward in order for the CRC to be better realised.

## 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; and the punitive approach to child justice. 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. For more information see our two briefings on the Concluding Observations.

### Central Government and the CRC

The UK Government should take the CRC and the UN Committee's Concluding Observations into account in the development and delivery of policy and budgetary decisions. It can do this in the following ways:

- **Develop an action plan** to outline clear steps it will take to address the CRC Committee's recommendations to ensure children's rights can be fully realised.
- **Give due consideration in policy-making and legislation** – In 2018, the Minister for Children and Families reaffirmed the Government's commitment to give due consideration to the CRC when making policy and legislation.<sup>4</sup> This can be done by carrying out a children rights impact assessment (see below). The Cabinet Office Guide to Making Legislation also states that it is helpful to include a summary of the anticipated effects on children and compatibility with the CRC in Bill explanatory notes.<sup>5</sup>
- **Use the Children's Rights Impact Assessment Template (CRIATM)** – The Government has developed a CRIATM template to assist civil servants to consider the impact of policy or legislation on children's rights. When developing new policy or legislation consideration should be given, from the start, to assess whether it will have an impact on children's rights. If there is a negative effect, changes must be considered. Unfortunately, as CRIATMs aren't mandatory, they are still not regularly and consistently used.

- **Provide training for civil servants on children's rights** – The Government has developed an e-learning training package for civil servants across Whitehall to raise awareness of children's rights and help ensure that the CRC is always considered in the development and delivery of policy and Government business.<sup>6</sup>

### Parliamentarians and the CRC

Parliament has an important role in working with the Government and ensuring it holds it to account on its obligations under the CRC and upholding children's rights, as well as ensuring it implements the recommendations from the UN Committee. Parliamentarians can do this in the following ways:

- **CRIATM template** – Parliamentarians can also make use of this template when scrutinising Government policies and legislation, for example, through the passage of a Bill or within a Select Committee. Parliamentarians should also ask if a CRIATM was used by the Government when developing a particular piece of policy or legislation.
- **Select Committees** – All parliamentary Select Committees can use the UN Committee's recommendations to hold the Government to account using the inquiry process and when scrutinising legislation. Select Committee recommendations may be referred to by civil society when inputting into the examination process or to put pressure on the Government to make progress on an issue.
- **Scrutinising legislation** – Through Bill committees and the Bill process, parliamentarians can ensure legislation meets the UK's responsibilities to implement the CRC and the UN's recommendations and ask for a memorandum setting out the impact of proposed legislation on children's rights.

- **Parliamentary questions** – These can be used to hold the Government to account on their progress against the UN Committee’s recommendations, and to highlight or explore an issue.
- **Parliamentary debates** – These can be used to raise awareness of the UN Committee’s recommendations or encourage the Government to make progress on them ahead of examination by the UN Committee.

## EHRC online tool to monitor human rights

Developed by the Equality and Human Rights Commission (EHRC), the [Human Rights Tracker](https://www.humanrightstracker.com) (available at [humanrightstracker.com](https://www.humanrightstracker.com)) allows civil society organisations, academics, parliamentarians, officials and legal professionals to learn about the UK’s human rights duties under UN treaties and identify where the Government is falling short. It enables users to:

- Find out what the UN has said about a particular human rights issue (such as access to justice and inclusive education) or population group (such as disabled people or children) in the UK
- Access information on the international human rights framework to use in research, legal, policy and advocacy work
- Find out how to engage with international human rights mechanisms

Understand how the UK’s international human rights obligations link to the UN Sustainable Development Goals

## Endnotes

1. 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.
2. A country incorporates a treaty by passing domestic legislation that gives effect to the treaty in the national legal system.
3. R (P & Q) v The Secretary of State for the Home Department, 2001, EWCA Civ 1151
4. HC Deb, 20 November 2018, CWS
5. Cabinet Office (2017) Guide to Making Legislation, paragraph 12.29
6. The training package can be found on Civil Service Learning.

## Find out more

[UN Committee on the Rights of the Child \(2023\) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland](#)

[Civil society alternative report 2022 to the UN Committee – England](#)

[Equality and Human Rights Commission report to the UN Committee – 2022](#)

[UN Committee on the Rights of the Child \(2003\) General Comment No. 5 on the General Measures of Implementation of the Convention on the Rights of the Child \(arts. 4, 42 and 44, para. 6\)](#)

[UN Committee on the Rights of the Child \(2002\) General Comment No.2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child](#)

## 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.

## About the Equality and Human Rights Commission

The Equality and Human Rights Commission (EHRC) is an independent statutory body and A-status National Human Rights Institution with a mandate covering equality and human rights. The EHRC promotes understanding, protects human rights and encourages good practice.

## Other briefings in this series:

Briefing 2: Children at the Centre: The Concluding Observations of the UN Committee on the Rights of the Child 2023 on the General Measures of Implementation

Briefing 3: The Concluding Observations of the UN Committee on the Rights of the Child 2023: Key issues raised



**Children's Rights  
Alliance for England**

Part of Just for Kids Law

**This briefing was written by:**

The Children's Rights Alliance for England, part of Just for Kids Law.

T: 020 1374 2279 | E: [info@crae.org.uk](mailto:info@crae.org.uk)

W: [www.crae.org.uk](http://www.crae.org.uk) | T: @crae\_official