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## State of Children's Rights in England 2018

Children at the Centre: The General Measures of Implementation and General Principles of the CRC



## Briefing 2

# Children at the Centre: The General Measures of Implementation and General Principles of the CRC

**Article 2** States Parties shall respect and ensure the rights set forth in the CRC to each child within their jurisdiction without discrimination of any kind. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment.

**Article 3** In all actions concerning children, the best interests of the child shall be a primary consideration.

**Article 4** States Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the CRC. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of available resources.

**Article 6** States Parties recognise that every child has the inherent right to life and shall ensure to the maximum extent possible the survival and development of the child.

**Article 12** States Parties shall assure to the child, who is capable of forming his or her own views, the right to express those views freely in all matters affecting the child. The views of the child should be given due weight in accordance with the child's age and maturity.

**Article 23** A disabled child should enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. States Parties recognise the right of the disabled child to special care and ensure they have effective access to education, training, health care, rehabilitation, preparation for employment and recreation opportunities.

**Article 42** States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

**Article 44.6** States Parties shall make their reports widely available to the public in their own countries.

### Definitions and glossary

**Children:** All children and young people under 18 as set out by article 1 of the UN Convention on the Rights of the Child (CRC).

**States Party:** Countries that have ratified the CRC.

**General Measures of Implementation (GMIs):** Articles 4, 42 and 44.6 of the CRC, which set out what is required to ensure children's rights are fully respected. Further guidance is set out in a General Comment by the UN Committee. This says that States Parties should take legal measures to implement the CRC so that decisions can be challenged in court, and non-legal measures such as carrying out child rights impact assessments when making policy and budgetary decisions.

**Reservation and Declarations:** A Reservation allows a State to ratify a Convention as a whole, but to place a specific exception on part of a Treaty. A Declaration sets out how a State interprets an aspect of a Treaty that they believe is unclear.

**Optional Protocol:** An additional legal instrument that adds to a treaty. The CRC has three Optional Protocols on: the involvement of children in armed conflict; the sale of children, child prostitution and child pornography; and a communication procedure. States must independently ratify a protocol.

## About this briefing

The UK ratified the UN Convention on the Rights of the Child (CRC) in 1991. This means that all areas of government and the state including local government, schools, health services and criminal justice bodies must do all they can to fulfil children's rights.

This briefing is part of CRAE's *State of children's rights 2018* and assesses the progress made in England towards implementing the UN Committee's recommendations relating to the CRC General Measures of Implementation (GMIs) and the General Principles. It highlights areas of progress and concern since CRAE's last *State of Children's Rights in England* report published in December 2017. It is based on written and oral evidence from CRAE's members and additional analysis of recent laws and policies, newly published research, official statistics and responses to Freedom of Information (FOI) requests.

### What is the CRC?

The CRC applies to all children aged 17 years and under and sets out the basic things that children need to thrive: the right to an adequate standard of living, to be protected from all forms of violence, to an education, to play, be healthy and be cared for. Children's rights should act as a safety net, meaning children always receive at least the minimum standard of treatment whatever the changing economic climate.

The CRC 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) and respect for the views of the child (article 12).

### Concerns of the United Nations

In June 2016 the UK government was examined by the UN Committee on the Rights of the Child (the UN Committee) on its compliance with the CRC for the first time since 2008. The UN Committee made a number of recommendations (Concluding Observations) for change.<sup>1</sup> In May 2017 the UK was examined on all its human rights treaties, including the CRC, by the 193 member states of the Human Rights Council as part of the Universal Periodic Review (UPR).<sup>2</sup> This is a process where states can reiterate previous recommendations made by UN Committees and can be used by civil society and parliamentarians as an additional advocacy tool. The government can choose whether to "support" (accept) recommendations or "note" them (reject or not agree). We are very disappointed that the government has only supported 28% of the recommendations relating to children's rights compared to 42% of all the recommendations it received. Below are the relevant UN Committee and UPR recommendations for this briefing:

- Ratify the Third Optional Protocol to the CRC on a complaints procedure **CRC** **UPR**
- Withdraw the interpretive Declaration to the Optional Protocol on Children in Armed Conflict **CRC** **UPR**
- Ensure any reforms to the Human Rights Act do not lead to decreased rights protection **UPR**
- Develop a comprehensive action plan to ensure full CRC implementation **CRC**
- Introduce a statutory obligation to systematically conduct child rights impact assessments **CRC**
- Allocate sufficient human, technical and financial resources to ensure effective coordination and evaluation of CRC implementation **CRC** **UPR**
- Assess the impact and expedite the review of the reforms on legal aid **CRC** **UPR**
- Ensure that implementation of counterterrorism measures does not have a discriminatory and stigmatising impact on any group of children **CRC** **UPR**

#### Key to UPR recommendations:

**UPR** Supported **UPR** Noted

- Undertake preventive activities against discrimination and stigmatisation **CRC** **UPR**
- Ensure children's views are systematically heard in policy making and by professionals, including young children and disabled children **CRC**
- Integrate consideration of a child's best interests in all legislation, administrative and judicial proceedings and decisions **CRC**
- Address the underlying causes of infant and child mortality **CRC**

## Introduction

### **Brexit continues to dominate the political debate and difficulties remain in securing political space on issues relating to children.**

The EU (Withdrawal) Act 2018 excluded the Charter of Fundamental Rights from the body of retained EU law, which will become part of UK law after exit day in order to ensure legal continuity.

More encouragingly, the Department for Education (DfE) has taken steps to raise awareness and understanding of children's rights across Whitehall and encourage policy makers to take children's rights into account as part of decision-making. However, there is still a need for a cross-departmental plan to take forward concerns raised by the UN Committee over two years ago, many of which were reiterated following the UK's review under UPR.

Large numbers of children continue to experience discrimination based on particular characteristics such as ethnicity and there has been no concerted government effort to address the significant disadvantage faced by Gypsy/Roma and Traveller children. On a more positive note, there has been some progress towards realising children's participation rights.

## What progress have we made?

### **A Civil Service Learning online training programme on children's rights was launched on Universal Children's Day. It will help to raise awareness and understanding of the CRC across Whitehall.**

A template for carrying out child rights impact assessments (CRIA) has also been developed. Positively in November, the Minister for Children laid a ministerial statement reaffirming the government's commitment to the CRC: *'As we approach the 30th anniversary of the Convention on the Rights of the Child, I would like to reaffirm the value that this Government places on the UNCRC and our ongoing commitment to give due consideration to the UNCRC when making policy and legislation'*.<sup>3</sup> While there is still much more to do to ensure that children's rights are fully embedded in government decision-making, these steps are extremely positive.

The UNCRC Action Group continues to meet regularly. A sub-group has worked closely with the DfE on the development of the child rights training and will shortly be taking stock on progress made on taking forward the UN Committee's recommendations.

This year the government also ratified the Council of Europe Lanzarote Convention to tackle child sexual exploitation<sup>4</sup> and announced that separated children would be brought back into scope for legal aid on immigration matters. Funds to train teachers to tackle homophobic bullying is also welcome and follows the LGBT Action Plan published in the summer.<sup>5</sup>

### **The Department for Digital, Cultural, Media and Sport (DCMS) recently announced £170,000 to deliver its youth voice commitments set out in the civil society strategy.**

These include setting up a civil society youth voice steering group; running a national Youth Inspectors and Commissioners Group; and undertaking youth-led research into digital solutions to engage young people in national policy making. The programme will involve 10-25 year-olds with 75% required to be between 10 and 19 years.<sup>6</sup>

## Where do we need to improve?

### General Measures of Implementation

#### No progress on signing up to CRC complaints procedure

**There continues to be no progress on signing the Optional Protocol on a Communications Procedure (OP3 CRC) or removing its declaration to the Optional Protocol on the involvement of children in armed conflict (OPAC), which sets out when it might not be possible to prevent deployment of under-18s in hostilities.** The UK was urged by several countries to both ratify OP3 CRC and remove its declaration to OPAC under UPR. See Briefing 4 for more on recruitment of children to the armed forces.

#### Weakening of children's legal rights

The EU (Withdrawal) Act 2018 excluded the EU Charter of Fundamental Rights (the Charter) from being transposed into UK law. The Charter imposes a constitutional obligation on EU Member States to adhere to it when implementing EU law. While all Charter rights apply to children, article 24 gives rights specifically to them, including the rights to protection and care, and to have their views taken into consideration. Although an amendment to retain the Charter passed in the House of Lords, it was overturned in the House of Commons.

The government argued that it isn't necessary to transpose the Charter as many of the rights within it are also found in UN and other international treaties, which the UK has ratified. While true, the UK has not incorporated the vast majority of these rights into domestic law, including the CRC. The government also stated that children will continue to have all their rights contained in the Charter through the transposition of all other EU legislation. However, some key rights, such as broad participation rights are not to be found in other EU laws.

The European Union (Withdrawal) Act also gives Ministers powers to create statutory instruments to help with a range of legal issues caused by the UK's exit from the EU. There is concern that changes will be introduced without adequate consideration of children's rights (see below).



The EU (Withdrawal) Act excluded the EU Charter of Fundamental Rights from being transposed into UK law.

#### Still no Cabinet Minister for children Following a ministerial reshuffle in early 2018 the role of Children and Families Minister was demoted from a Minister of State to a Parliamentary Under-Secretary.

This is a retrograde step. The UN Committee has made clear that senior political leadership is required if children's rights are to be fully respected. More is also required to ensure adequate coordination of CRC implementation. A child rights team within the DfE is welcome, as is engagement through the UNCRC Action Group, but more capacity and authority is needed if implementation of the CRC is to be adequately co-ordinated and monitored.

#### Lack of children's rights plan

The government continues to resist calls for a children's rights action plan or strategy. This is urgently needed to ensure coherent government action to address the concerns raised by the UN Committee and take forward the recommendations made to the UK under UPR. It is now over two years since the publication of the Concluding Observations and the majority of the UN Committee's recommendations have not been implemented.

#### Little movement on securing a statutory child rights impact assessment

The civil service training, CRIA template and ministerial statement are welcome measures to better ensure that consideration of children's rights is part of government decision-making. However, concerns remain that a requirement to do so has not been placed on a statutory footing as recommended by the UN Committee. As a result, England remains behind both Wales and Scotland.<sup>7</sup>

Disappointingly, there is no requirement to include a reference to children's rights in the explanatory notes of secondary legislation arising from the UK's departure from the EU, nor is a consideration of the impact on children part of the decision-making process on whether the statutory instrument will be passed by a parliamentary negative or affirmative procedure. Affirmative statutory instruments will always have a debate and require both Houses to actively approve while negative statutory instruments are not guaranteed a debate.

### Inadequate legal aid remains a key threat to children's rights

**The drastic reduction in legal aid introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) remains a key threat to children's rights.** A report published earlier this year concluded that since the changes were introduced in April 2013, *'at least 6,000 children each year have been left without access to free legal advice and representation in many areas of civil law – some estimates are as high as 15,000'*.<sup>8</sup>

Private family law cases have been removed from the scope of legal aid, except where there is evidence of domestic abuse or child abuse. This means that legal aid is no longer available in cases which determine, for example, who children will live with. In 2016-17 Coram's Child Legal Advice Service received 15,500 calls relating to private family law matters – their analysis showed that around 73% of callers would have been eligible for legal aid prior to 2013.

The analysis also found that out of the 1,704 calls which dealt with exclusions, a quarter of these related to primary school exclusions where the adviser concluded that the school may *'have acted unlawfully, either by not complying with procedures or because it did not adequately consider the child's special educational needs'*. This correlates with our direct work at Just for Kids Law and highlights the devastating impact that removing advice and assistance on school exclusion matters from the scope of legal aid can have on children. For more information on school exclusions see Briefing 6.

Following judicial review, the government will bring immigration matters for separated children back into scope of legal aid.<sup>9</sup> A statutory instrument is planned for next spring

### Case study

#### Plan International UK

#### Girls regularly sexually harassed on the street

Sophie, 15, from London talks about her experiences of being harassed:

*'There was this one time me and my mum were going up to the shop. My mum, I mean she looks much older than me, she's in her 50s, and we were walking and there were these builders sitting on the wall and they were visibly checking both of us out. I could see them sort of looking us up and down.'*

*'This was a few years ago too. I firstly felt really disgusted by that 'cause it was obvious that I was like about 11 or whatever and with my mum. And stuff like that happens fairly often. It like puts me off like going places really.'*

From Plan International UK (2018) *Street Harassment. It's not OK. Girls' experiences and views*

but concerns remain that care leavers will be excluded from its remit. It's also crucial that the ongoing government review of legal aid fully considers how the cuts have affected all children and hears directly from children affected by the changes. The UN Committee called on the UK to *'assess the impact and expedite the review of the reforms on legal aid [...] in order to ensure that such reforms do not negatively affect children's access to justice'*.

### General Principles

#### Discrimination persists for particular groups

The UN Committee recommended that the government *'strengthen awareness-raising and other preventive activities against discrimination and stigmatisation'*, yet children continue to experience discrimination due to particular characteristics.

Following her visit to the UK, the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (Special Rapporteur) welcomed the government's Race Disparity Audit and associated Inter-Ministerial Group but stressed that action must be taken to address the disparities revealed through a comprehensive cross-government

**Graph 1: Reasons children report they were bullied**



Source: Ditch the Label (2018) *The annual bullying survey 2018: The annual benchmark of bullying in the United Kingdom*

strategy.<sup>10</sup> The Women and Equalities Committee made a similar call.<sup>11</sup> The Special Rapporteur also recommended that the scope of the audit was widened to include an assessment of the racially disparate impact of immigration and counter-terrorism law and policy.<sup>12</sup> She also expressed disappointment that there has been no progress on bringing into effect provisions in the Equality Act 2010 in relation to socio-economic inequalities and intersectional discrimination.<sup>13</sup> For more on disproportionality in the justice system see Briefing 8. For more on racial disparities in school attainment and exclusions see Briefing 6.

**Unfortunately, homophobic and transphobic bullying remains common.**<sup>14</sup> Research has found that **43% of young people have heard their friends use language that is discriminatory or negative towards being LGBTQ+** and 45% of young people have heard their friends use language that is discriminatory or negative about race or skin colour. Over half (58%) of young people say their school has never taught LGBTQ+ focused lessons.<sup>15</sup> 11% of children report that they have been bullied because of attitudes towards their disability and 10% because of living in a household with a low income.

**A report by the Women and Equalities Committee concluded that 'sexual harassment pervades the lives of women and girls and is deeply ingrained in our culture' and raised concern that little action has been taken to tackle harmful social norms that underpin it.** The report expressed disappointment with the

delayed introduction of Relationships Education (RE) and Relationships and Sex Education (RSE) which provides a welcome opportunity to discuss issues around healthy relationships, consent and boundaries with children.<sup>16</sup> For more on RE and SRE see Briefing 6.

### **Anti-terrorism strategy risks stigmatising children**

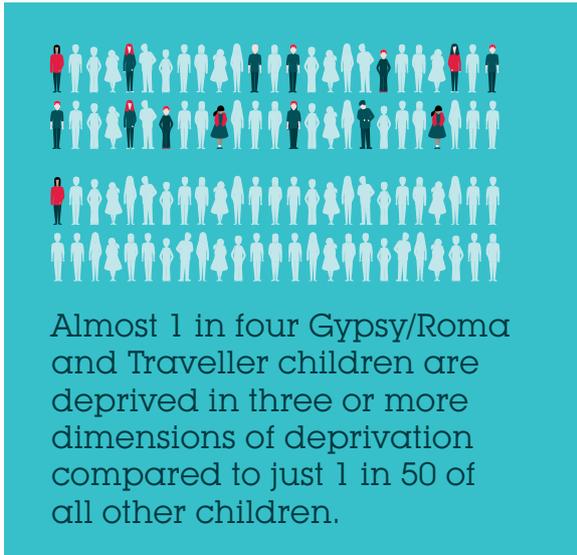
The UN Committee called on the UK to *'ensure that the implementation of counterterrorism measures ... will not have a discriminatory and stigmatising impact on any group of children'*, which is echoed in the UPR recommendations. Following her UK visit, the Special Rapporteur concluded that the Prevent Strategy is *'inherently flawed'* and raised concern that it means that many professionals, including those working with children, are mandated to make *'life-altering judgements on the basis of vague criteria.'* Following the successful amendment to the Counter-Terrorism and Border Security Act 2019, the government is required to carry out an independent review of Prevent.

### **Gypsy/Roma and Traveller children remain significantly disadvantaged**

New analysis of dimensions of disadvantage in relation to housing, household economic activity, education and health found that a disproportionate number of Gypsy/Roma and Traveller children experience deprivations.<sup>17</sup> Despite recommendations from the UN Committee the government is yet to set out a Roma Integration Strategy, which would aim to reduce the severe deprivation faced by Gypsy/Roma and Traveller families. Local authority Traveller Education Services, set up to address the low educational attainment of Gypsy/Roma and Traveller children, have seen huge cuts and few now remain. See Briefing 4 for more on the educational attainment gap and exclusions.

### **The most recent Traveller Caravan Count figures show that Gypsies and Travellers experience the highest level of homelessness out of any ethnic group.**

13% of caravans (2,179) are on unauthorised land, meaning they have no legitimate place on which to reside and could be moved on at any time and face homelessness.<sup>18</sup> A government consultation on whether to increase eviction powers of unauthorised encampments does not consider how to ensure there are more



Source: London School of Economics (2018) *Experience of multiple disadvantage among Roma, Gypsy and Traveller children in England and Wales*

legal sites.<sup>19</sup> Local authorities are making little or no progress on providing sites and not complying with their requirement, under the government's planning policy for traveller sites, to allocate a five-year supply of land for sites even though grants are available under the Affordable Homes Programme. It's also disappointing that the government has rescinded on its commitment to include site provision in the Housing Delivery Test (HDT), which measures net additional dwellings provided in a local authority area against the homes required. As HDT results for each local authority in England will be published annually this is a missed opportunity to hold local authorities accountable for providing sites.

### Respect for the views of the child not fully realised

#### Children not systematically involved in national decision-making

There has been some headway on taking forward the UN Committee's recommendation to '*Establish structures for the active and meaningful participation of children... in designing laws, policies, programmes and services at the local and national level!*' In particular DCMS has allocated funding to deliver its youth voice commitments (see above). However, while this is a positive step forward, the available budget is limited which means delivery will be reasonably small scale. There has also been little advancement on government recognition of the need to enable young children to meaningfully influence national

policy.<sup>20</sup> Despite some positive developments around including a commitment on open policymaking in the Fourth Open Government Partnership National Action Plan, finalising the plan has stalled.

#### The DfE has published statutory guidance on the seven Corporate Parenting Principles (CPPs) for local authorities for looked after children.<sup>21</sup> Two of the CPPs focus on children's participation rights. If implemented effectively they could help address the persistent concerns of looked after children that their views are often not heard and acted upon.<sup>22</sup>

Positively, the guidance emphasises that the participation principles apply to all children and encourage and promote the views of those with barriers to participation, such as young children or young people with cultural or language barriers. CRAE called for the draft guidance to be strengthened including an explicit reference to the CRC and detail on what good participation looks like, but this has not been taken forward. More positively, the guidance does stress that the '*child's best interests and their right to be heard are not mutually exclusive*' and emphasises that due consideration must be given to the child's wishes and feelings as part of this assessment. It also highlights the importance of explaining to children why decisions have been made which differ to their views.

Reports continue to show that the extent to which children are listened to by professionals often relies on the commitment of individuals. A thematic inspection on responses to older children aged between 7-15 years who were living with neglect found limited evidence to suggest children were involved in developing a plan to address their needs. This was alongside limited understanding by children of the plan's aims, and how it should make a positive difference to their lives. Inspections found that in areas that had strong leadership and set staff clear expectations about working with children, there was a more consistent approach to listening to their views.<sup>23</sup>

#### No progress on lowering the voting age

There has been no progress on lowering the voting age despite the UN Committee's recommendation and it remaining an important

issue for young people.<sup>24</sup> In contrast, the Assembly Commission in Wales announced that it intends to legislate to lower the voting age to 16. This has been approved by the Welsh Assembly.<sup>25</sup>

A cross-party group of MPs have established an All-Party Parliamentary Group to help develop the case for lowering the voting age. Two Private Members Bill which propose to lower the voting age will resume their second reading debate in January 2019.

### Children's best interests not a primary consideration

The UN Committee recommended that consideration of children's best interests be *'appropriately integrated and consistently applied in all legislation, administrative and judicial proceedings and decisions'*. However, there remains inadequate progress in this area.

The National Transfer Scheme Protocol for Unaccompanied Asylum-Seeking Children includes detailed guidance on children's best interests including a reference to the UN Committee's General Comment on this issue and key elements to be taken into account when assessing a child's best interests. While this is very encouraging, in contrast, caseworker guidance on the EU Settlement Scheme has very little detail on this fundamental principle. Similarly, guidance on the Corporate Parenting Principle to *'act in the best interests [of children] and promote the physical and mental health and wellbeing'* lacks detail and focusses more on how to promote a child's health and wellbeing.

**Similarly, an Independent Chief Inspector of Borders and Immigration report on how the Home Office considers the best interests of unaccompanied asylum seeking children found that more needed to be done to ensure that this principle is integrated across the immigration system.** This included reviewing how Asylum Intake and Casework Managers manage claims from unaccompanied children to ensure that decision-makers have the *'the time, information and expertise necessary to make fully considered decisions that are in the child's best interests and that the rationale for decisions are evidenced.'*<sup>26</sup>

### Right to survival and development not fully realised

In 2016, there were 3,112 stillbirths and 1,515 deaths at age under seven days, resulting in a perinatal mortality rate of 6.6 deaths per 1,000 total births, compared with 6.5 deaths per 1,000 in 2015. The number of stillbirths decreased from 3,147 the previous year but deaths at age under seven days increased from 1,436.

There were 2,651 infant deaths in England and Wales in 2016. The infant mortality rate was 3.8 deaths per 1,000 live births, an increase from 3.7 deaths per 1,000 live births in 2015. The infant mortality rate had been following a downward trend since the 1990s until 2015, when the rate began to increase. Risk factors contributing to infant mortality include the mother's country of birth, mother's age at birth of child, birthweight and the parents' socio-economic status.

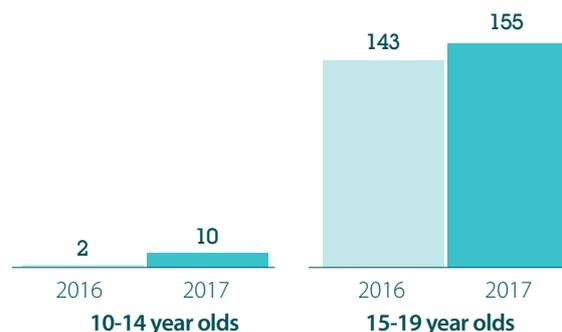
### The infant mortality rate in the most deprived areas was 5.9 per 1,000 live births in England in 2016 compared to the least deprived areas where it was 2.6 per 1,000 live births.

See Briefing 7 for more information on health inequalities.<sup>27</sup>

The numbers of children committing suicide has increased. For younger children the rate for boys and girls was the same but the difference is stark for 15-19 year olds where 104 suicides were male compared to 51 female. See Briefing 7 for more information on children's mental health.<sup>28</sup>

In April 2018 work began on the National Child Mortality Database this will collect and analyse information about all children in England who die before their 18th birthday, to facilitate learning in order to reduce preventable child mortality.<sup>29</sup>

Graph 2: UK suicide rate by age 2016-2017



Samaritans (2018) *Suicide statistics report: Latest statistics for the UK and Republic of Ireland*

## Recommendations

1. In consultation with stakeholders, government should give full consideration to ratification of the Optional Protocol on a complaints procedure, and remove its declaration to the Optional Protocol on children and armed conflict.
2. There should be a child rights impact assessment on any changes proposed under delegated powers introduced by the EU (Withdrawal) Act. Reference to children's rights should be included in the explanatory notes to any statutory instruments related to Brexit.
3. In consultation with stakeholders, government should develop a comprehensive action plan to take forward the recommendations made under UPR and by the UN Committee.
4. A cabinet minister with responsibility for children's rights should be appointed alongside sufficient human, technical and financial resources, to ensure effective coordination and evaluation of implementing the CRC.
5. The government should introduce a statutory obligation on public authorities to conduct child rights impact assessments in all decision-making affecting children, including in budgetary decision-making.
6. The government should ensure that all children can access adequate legal aid. It should ensure specific consideration of the effect of legal aid changes on children as part of its review, including engaging with children who have direct experience of the changes.
7. The government must establish an independent review of the Prevent Strategy. The review should be meaningfully independent, have scope to examine the Strategy's evidence base and impact on human rights, and engage with affected individuals, community organisations and human rights groups.
8. The government should take urgent action to address the discrimination experienced by many groups of children, especially in relation to bullying and school exclusions.
9. The government should ensure that the best interests of the child as a primary consideration is enshrined in all relevant legislation and policy matters.
10. A holistic and multi-agency Best Interests Determination process should be introduced by the Home Office to identify and implement a durable solution as early as possible for children subject to immigration control.
11. The government should ensure there is adequate funding available for mechanisms to allow the participation of older children in decision-making at national and local level and establish and fund equivalent initiatives for under 10s.
12. Local authorities must ensure that the new corporate parenting principles relating to listening to children and acting in a child's best interests are systematically implemented.
13. The government should develop a national strategy for children's rights to independent advocacy, framed around what children value and want from their advocates; and enshrine in law a right to an independent advocate for all children receiving or seeking care or support from the state. Steps should also be taken to ensure that independent and confidential advocacy is widely available. Where a child is subject of administrative proceedings there should be a statutory right to an independent and confidential advocate.
14. The government should extend the right to vote to 16 and 17 year-olds.
15. The government should ensure that learning from the new child mortality database is fully utilised to take further action to address the underlying causes of infant and child mortality.
16. The government should ensure that disaggregated data is publicly available on all children who self-harm or commit suicide including those in care, custody and immigration detention.

## Endnotes

- 1 UN Committee on the Rights of the Child (2016) *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*
- 2 United Nations Universal Periodic Review (2017) *United Kingdom, British Overseas Territories and Crown Dependencies. Annex to the response to the recommendations received on 4 May 2017*
- 3 HC Deb, 20 November 2018, cWS
- 4 Home Office 'UK government ratifies Lanzarote Convention to tackle child sexual exploitation' Press release (20 June 2018)
- 5 Government Equalities Office (2018) *LGBT action plan: Improving the lives of lesbian, gay, bisexual and transgender people*
- 6 Department for Digital, Culture Media and Sport (2018) *Civil Society Strategy Youth Voice Programme Youth Voice Groups Grant Scheme: Application Guide*
- 7 The Rights of Children and Young Persons (Wales) Measure 2011 requires Welsh Ministers to have "due regard" to the UNCRC when exercising any of their functions, and the Children and Young People (Scotland) Act 2014 requires Scottish Ministers to give due consideration to ways in which the UNCRC can be better implemented in Scotland.
- 8 Coram Children's Legal Centre (2018) *Rights without remedies: Legal aid and access to justice for children*
- 9 Written statement - HCWS853 12 July 2018
- 10 Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (2018) *End of mission statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance at the Conclusion of Her Mission to the United Kingdom of Great Britain and Northern Ireland*
- 11 House of Commons Women and Equalities Committee (2018) *Race Disparity Audit Third Report of Session 2017–19 Report, together with formal minutes relating to the, HC 562* Published on 11 June 2018
- 12 Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (2018) *End of mission statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance at the Conclusion of Her Mission to the United Kingdom of Great Britain and Northern Ireland*
- 13 Ibid
- 14 Ditch the Label (2018) *The annual bullying survey 2018: The annual benchmark of bullying in the United Kingdom*
- 15 Diana Award 'The Diana Award partners with hit show 'Everyone's talking about Jamie' for anti-bullying week' Press release (12 November 2018)
- 16 House of Commons Women and Equalities Committee (2018) *Sexual harassment of women and girls in public places Sixth Report of Session 2017–19 Report, together with formal minutes relating to the report, HC 701* Published on 23 October 2018
- 17 Burchardt, T., Obolenskaya, P., Vizard P., and Battaglini, M. (2018) *Experience of multiple disadvantage among Roma, Gypsy and Traveller children in England and Wales*, London School of Economics
- 18 Ministry of Housing, Community and Local Government (2018) *Housing statistical release 2018: Count of Traveller Caravans, January 2018 England*
- 19 HM Government (2018) *Consultation: Powers for dealing with unauthorised development and encampments*
- 20 Department for Digital, Culture Media and Sport (2018) *Civil Society Strategy Youth Voice Programme Youth Voice Groups Grant Scheme: Application Guide*
- 21 Department for Education (2018) *Applying corporate parenting principles to looked-after children and care leavers Statutory guidance for local authorities*
- 22 Baginsky, et al (2017) *The Fostering system in England: Evidence Review* Department for Education
- 23 Ofsted, Care Quality Commission, HM Inspectorate of Constabulary and HM Inspectorate of Probation (2018) *Growing up neglected: a multi-agency response to older children*
- 24 UK Youth Parliament 9 November 2018 'UK Youth Parliament to campaign on knife crime and votes at 16' Press release
- 25 National Assembly for Wales Press release 18 July 2018 'Creating a Parliament fit for Wales'
- 26 Independent Chief Inspector of Borders and Immigration (2018) *An inspection of how the Home Office considers the 'best interests' of unaccompanied asylum-seeking children August – December 2017*
- 27 Office for National Statistics (2017) *Childhood mortality in England and Wales: 2015 stillbirths, infant and childhood deaths occurring annually in England and Wales, and associated risk factors*
- 28 The Samaritans (2018) *Suicide statistics report: Latest statistics for the UK and Republic of Ireland*
- 29 <https://www.hqip.org.uk/clinical-outcome-review-programmes/national-child-mortality-database/#.XAZiBmj7SUI>

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**Briefing 4: Safeguarding Children**

**Briefing 5: Immigration, Asylum & Trafficking**

**Briefing 6: Education, Leisure & Cultural Activities**

**Briefing 7: Health**

**Briefing 8: Policing & Criminal Justice**

## About CRAE

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

We believe that human rights are a powerful tool in making life better for children. We fight for children's rights by listening to what they say, carrying out research to understand what children are going through and using the law to challenge those who violate children's rights. We campaign for the people in power to change things for children. And we empower children and those who care about children to push for the changes that they want to see.

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