

# How parliamentarians and civil servants can use the UN Convention on the Rights of the Child

## 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 CRC?

Children's rights are set out in the CRC. Adopted in 1989, it 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 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); and 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 issue relating to the CRC and provide guidance on the actions required by governments to ensure its implementation.

## The CRC in the UK

As the UK has ratified the CRC, it is therefore binding in international law. This means the UK Government has to adhere to its principles and standards and put relevant laws, policies and procedures in place. It is not incorporated into domestic law in the UK, as is the case in some other countries.<sup>1</sup> Nevertheless, importantly the courts use the CRC to interpret the Human Rights Act in cases involving children and use it to inform judgements concerning children.

## The CRC reporting process

Roughly every five years, a group of 18 independent experts from the UN – the UN Committee on the Rights of the Child (CRC Committee) - scrutinises all States Parties (countries that have ratified the CRC) on how well they are respecting and promoting children's rights and issue recommendations (also known as the Concluding Observations). **The UK was last examined in 2016 and will be examined again in 2022, the first opportunity to input is in November 2020.** This brings an opportunity for parliamentarians to work with the Government to engage in the reporting process and hold them to account on these recommendations. Officials can also ensure these recommendations are being considered as part of the policy making process. At the last examination the CRC Committee raised concerns on a number of issues, for example; the use of temporary accommodation for homeless children in families, growing health inequalities and lack of incorporation of the CRC into domestic legislation. However, they also welcomed several measures the UK had taken to realise children's rights including those to tackle child sexual exploitation and trafficking.<sup>2</sup>

## Central Government and the CRC

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

- **When making policy 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>3</sup> 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>4</sup>

- **Children’s Rights Impact Assessment Template (CRIA)** – The Government has developed a Children’s Rights Impact Assessment Template (CRIA) - to help civil servants consider the impact of their policy or legislation on children’s rights. When developing new policy or legislation they should consider, from the start, if this will have an impact on children’s rights and if there is a negative impact on children’s rights, consider making changes.<sup>5</sup>
- **Training for civil servants on children’s rights** – The Government has developed an online training package for civil servants across Whitehall to raise awareness of children’s rights and help ensure that children’s rights are 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 they hold them to account on its obligations under the CRC and upholding children’s rights, as well as ensuring it implements the recommendations from the CRC Committee. They can do this in the following ways:

- **CRIA template** – Parliamentarians can also make use of this template when scrutinising Government policies and legislation e.g. through the passage of Bill or within a Select Committee.<sup>7</sup>
- **Select Committees** – All parliamentary Select Committees can use the UN’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 CRC Committee’s recommendations, highlight or explore an issue.
- **Parliamentary debates** – These can be used to raise awareness of the CRC Committee’s recommendations or encourage the Government to make progress on them ahead of examination by the CRC Committee.

## New online tool to monitor human rights

Developed by the Equality and Human Rights Commission (EHRC), the [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

For more information on anything in this briefing, please contact Natalie Williams, Policy and Public Affairs Manager, Children’s Rights Alliance for England (CRAE), part of Just for Kids Law: [NWilliams@crae.org.uk](mailto:NWilliams@crae.org.uk)

## Endnotes

1. A country incorporates a treaty by passing domestic legislation that gives effect to the treaty in the national legal system.
2. For a summary of the UK’s 2016 Concluding Observations from the CRC Committee, see: [www.crae.org.uk/media/118248/CRAE-Briefing-UN-Committee-Rights-of-the-Child-Concluding-Observations-2016.pdf](https://www.crae.org.uk/media/118248/CRAE-Briefing-UN-Committee-Rights-of-the-Child-Concluding-Observations-2016.pdf)
3. HC Deb, 20 November 2018, CWS
4. Cabinet Office (2017) Guide to Making Legislation, paragraph 12.29
5. Please contact Natalie Williams [NWilliams@crae.org.uk](mailto:NWilliams@crae.org.uk) for a copy of the CRIA template.
6. 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>
7. Please contact Natalie Williams [NWilliams@crae.org.uk](mailto:NWilliams@crae.org.uk) for a copy of the CRIA template.