

Rt Hon Harriet Harman QC MP
Joint Committee on Human Rights
Committee Office
House of Commons
London
SW1A 0AA

5 September 2016

Dear Chair,

Thank you for your letter of 23 August, in which you invited my assessment of the recommendations of the UN Committee on the Rights of the Child, any concerns about the process of the review and other issues I would like raised with the UK Government.

I am pleased to provide this input, as the Joint Committee on Human Rights clearly has a key role in scrutinising the UK Government's response to the Committee's recommendations. Indeed, I am aware that, following the 2008 Concluding Observations, the Committee held a hearing to gather evidence from the four UK Commissioners on the process and the appropriate response from both the UK and devolved governments. I understand that this was a very helpful session as it provided a forum for the Concluding Observations to be considered in a coherent and comprehensive manner.

The Children's Commissioner for England will, no doubt, provide you with information on how the four UK Children's Commissioners worked together and, indeed, with a wide range of NGOs and NHRIs to ensure that the evidence provided to the Committee allowed it to robustly and meaningfully scrutinise the UK State party report. In general, we felt that this was a positive process, and that the resulting Concluding Observations not only provided insightful recommendations on the most important issues affecting children across the UK, but also critical commentary on children's rights violations that were particular to specific regions.

You have asked about any concerns I might have around the process leading up to the review. In compiling the Periodic Review Report, the Department of Education liaised with officials in each devolved jurisdiction, and also engaged with other key stakeholders including the four UK Children's Commissioners. From the perspective of Northern Ireland, I was disappointed at the limited information on the implementation of the UNCRC in this jurisdiction in the draft report and during the examination itself. In general, while there appeared to have been meaningful engagement in some areas in relation to this process, this was not uniform across all jurisdictions. It would seem that the requirement for ministerial sign off of information provided at the devolved level, and then subsequently as it was collated at the UK level, left only limited time for meaningful engagement with civil society. Disappointingly, there was no engagement with children and young people in Northern Ireland in producing the report.

The final Periodic Review report, however, was a significant improvement on the earlier draft, systematically providing information on each of the four jurisdictions, including the very detailed and useful Data Annex.

Clearly Parliament has a critical role in following up on the recommendations contained in the Concluding Observations, and I would encourage the Joint Committee on Human Rights to do this in an inclusive and comprehensive manner.

When considering the recommendations relating to children in Northern Ireland, there are a number that are reserved matters that affect all children across the UK. These include ensuring that the principle and provisions of the Convention are directly applicable and justiciable under domestic law (Para 7a), the ratification of the Optional Protocol on a communications procedure (Para 88) and the ratification of a number of international human rights instruments (Para 89).

The Committee also explored how the UK government was meeting its obligations in relation to refugee and asylum seeking children (Paras 76-77), social security and tax credit reforms. (Paras 70-71).

The UK government has a key role in ensuring a coordinated response to the recommendations relating to the general measures of implementation. The Committee recommended the production of a UK-wide strategy to ensure the full implementation of the Convention (Para 8a) alongside comprehensive action plans for each of the four jurisdictions (Para 8b-d). It emphasised the importance of coordination, including the establishment of coordinating bodies in each jurisdiction. (Para 11)

In addition, the Committee was concerned at the effects of recent fiscal policies and the allocation of resources on the realisation of children's rights, and made a number of recommendations around adopting a child rights approach to budget allocation, including regularly conducting child rights impact assessment of budget and economic decision-making processes and outcomes. (Paras 12-13) These recommendations must be taken account of in the allocation of budgets to each of the devolved regions, to ensure that there is protection for children in disadvantaged or vulnerable situations and that there is transparency on how money is being spent on implementing children's rights across the UK.

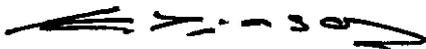
It is essential that the UK government, when responding to all of these recommendations, takes account of the rights and best interests of children in Northern Ireland, and works in cooperation with the Northern Ireland Executive.

Your letter also asked me to raise any implications for children in Northern Ireland of the Children and Social Work Bill. As this extends only to England and Wales, I have no comments in relation to this.

I would suggest that your Committee considers holding a comprehensive evidence session with all four Children's Commissioners on the process and the implementation of the concluding observations.

I hope that the information I have provided is of assistance to the Committee, and will be happy to provide further information should it be required.

Yours sincerely



Koulla Yiasouma
Commissioner