Section B: Relevant provisions of the UNCRC

Contents

Introduction 4

Outcome 1: Physical and mental health 5

Key UNCRC Articles 5

Key Articles in other Conventions 6

Relevant General Comments 7

UN Committee on the Rights of the Child Concluding Observations 2016 8

Outcome 2: The enjoyment of play and leisure 12

Key UNCRC Articles 12

Relevant General Comments 12

UN Committee on the Rights of the Child Concluding Observations 2016 13

Outcome 3: Learning and achievement 15

Key UNCRC Articles 15

Relevant General Comments 16

UN Committee on the Rights of the Child Concluding Observations 2016 16

Outcome 4: Living in safety and with stability 20

Key UNCRC Articles 20

Relevant General Comments 26

UN Committee on the Rights of the Child Concluding Observations 2016 28

Outcome 5: Economic and environmental well-being 35

Key UNCRC Articles 35

Relevant General Comments 36

UN Committee on the Rights of the Child Concluding Observations 2016 36

Outcome 6: Making a positive contribution to society 39

Key UNCRC Articles 39

Relevant General Comments

UN Committee on the Rights of the Child Concluding Observations 2016 39

Outcome 7: Living in a society which respects their rights 41

Key UNCRC Articles 41

Relevant General Comments 41

UN Committee on the Rights of the Child Concluding Observations 2016 42

Outcome 8: Equality of Opportunity and Good Relations 46

Key UNCRC Articles 46

Relevant General Comments 48

UN Committee on the Rights of the Child Concluding Observations 2016 48

Introduction

In all of the Outcome areas under the Children’s Services Co-operation Act (Northern Ireland) 2015, the four principles of the United Nations Convention on the Rights of the Child (UNCRC) are relevant and should be given cognisance. The UNCRC is a set of minimum standards that the UK Government and its devolved administrations have committed to upholding for all children through ratification of the Convention. The principles of the Convention are Article 2, children should not be discriminated against on any ground, Article 3, the best interests of the child should be the paramount consideration, Article 6, the child’s right to life and to survive and develop to his/her maximum potential, Article 12, the right of the child to have their view heard and taken into account in decisions which impact on their lives.

Outcome 1: Physical and mental health

Key UNCRC Articles

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
3. To diminish infant and child mortality;
4. To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
5. To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
6. To ensure appropriate pre-natal and post-natal health care for mothers;
7. To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
8. To develop preventive health care, guidance for parents and family planning education and services.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 23

1. States Parties recognize that a mentally or physically 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.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

**Article 33**

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Key Articles in other Conventions

UNCRPD – Article 25

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation.

In particular state parties shall:

1. Provide persons with a disability with the same range, quality and standard of free or affordable health care and programme as provided to other persons.
2. Provide health services needed specifically because of their disabilities, including early identification and intervention and services designed to minimise and prevent further disability.
3. Provide health services as close as possible to peoples own communities, including in rural areas.
4. Health Care Professional Training: Raise awareness of human rights, dignity, autonomy and needs of people with a disability.

Relevant General Comments

The Committee provides more detailed guidance on the intentions of articles and Governments obligations under these.

General Comment 15: A Child’s Right to Health (2013)

General Comment 15 on a Child’s Right to Health, highlights the following key points:

* The right of the child to develop to their full potential and to attain the highest standard of health;
* The Committee reaffirms that health rights are inclusive –includes prevention, health promotion, intervention and rehabilitative services;
* The underlying determinants of health must be addressed;
* Highlights the evolving capacities of the child and the importance of children’s autonomy in decision making, noting with concern that those vulnerable to discrimination are less able to exercise autonomy;
* Address mental ill-health difficulties among adolescents, including self harm and suicide;
* Need for Treatment and Rehabilitation.

The Committee recommends that States legislate for:

* Specific proportion of expenditure to be allocated to children’s health;
* Making this visible in budgets;
* Rights based monitoring and analysis;
* Child impact assessments.

General Comment 4: Adolescent Health and Development (2003)

General Comment 4 on Adolescent Health and Development, highlights the following key points:

* Insufficient attention is given to adolescents as rights holders and in promoting their health and development;
* Understand it more broadly than being restricted to (Article 6) right to life and rights to health (Article 24);
* The promotion and enforcement of the provisions and principles of the Convention, especially Articles 2-6, 12-17, 24, 28, 29 and 31, are key to guaranteeing adolescents’ right to health and development;
* Right to express views and have them duly taken into account (Article 12);
* Rights to access information and material aimed at promoting physical and mental health;
* Rights to privacy and confidentiality, including respect to advice and counselling.

Draft General Comment on the implementation of the rights of the child during adolescence (2016) (See Basic Health and Welfare section xi- para 61-72).

General Comment 9 (2006) on the rights of children with disabilities - the CRC raised concerns about the fact that children often lose out in relation to right to health. The Committee commented on the need for inclusive health care system, focus on prevention, early identification, provision of multidisciplinary care and a focus on adolescent health and development (CRC/C/GC9 para 51-61).

UN Committee on the Rights of the Child Concluding Observations 2016

Following the 2016 examination of the implementation of the UNCRC in the UK, the Committee made a comprehensive range of concluding observations in relation to *health and health services*, *physical disabilities* and *mental health*. The full text is included below:

**Health and health services**

58. With reference to its General Comment 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party, the governments of devolved administrations, Overseas Territories and Crown Dependencies develop comprehensive and multi-sectoral strategies on child health:

(a) With allocation of the maximum extent of available resources and a robust monitoring mechanism;

(b) With a strong focus on eliminating inequalities in health outcome as well as in access to health services;

(c) Addressing underlying social determinants of health.

**Mental health**

60. The Committee recommends that the State party:

(a) Regularly collect comprehensive data on child mental health, disaggregated across the life course of the child, with due attention to children in vulnerable situations, and covering key underlying determinants;

(b) Rigorously invest in child and adolescent mental health services and develop strategies at national and devolved levels, with clear time frames, targets, measureable indicators, effective monitoring mechanisms and sufficient human, technical and financial resources. Such strategy should include measures to ensure availability, accessibility, acceptability, quality and stability of such services, with particular attention to children at greater risk, including children living in poverty, children in care and children in contact with the criminal justice system;

(c) Expedite the prohibition of placement of children with mental health needs in adult psychiatric wards or police stations, while ensuring provision of age-appropriate mental health services and facilities;

(d) Support and develop therapeutic community-based services for children with mental health conditions;

(e) Review current legislation on mental health to ensure that the best interests and the views of the child are taken duly into account in cases of mental health treatment of children below the age of 16, in particular with regard to hospitalization and treatment without consent.

62. The Committee recommends that the State party:

(a) Regularly collect data on the amount and regularity of psychotropic drugs (Ritalin, Concerta etc.) being prescribed to children, and make the data transparent;

(b) Ensure that prescription of drugs is used as a measure of last resort and only after an individualized assessment of the best interests of that child, and that children and their parents are properly informed about the possible side effects of this medical treatment and about non-medical alternatives;

(c) Establish a system of independent expert monitoring of the ADHD and related disorders diagnoses, and undertake a study on the root causes of their increase, also aimed at improving the accuracy of diagnoses.

**Adolescent health**

64. With reference to its general comments No.4 (2003) on adolescent health and No. 15 (2013), the Committee recommends that the State party:

(a) Develop and adopt a comprehensive sexual and reproductive health policy for adolescents, with particular attention to reducing inequalities and with participation of adolescents;

(b) Ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools, including academies, special schools and youth detention centres, in all areas of the State party. Such education should provide age-appropriate information on: confidential sexual and reproductive health-care services; contraceptives; prevention of sexual abuse or exploitation, including sexual bullying; available support in cases of such abuse and exploitation; and sexuality, including that of LGBT children;

(c) Decriminalize abortion in Northern Ireland in all circumstances and review its legislation with a view to ensuring girls’ access to safe abortion and post-abortion care services. The views of the child should always be heard and respected in abortion decisions.

**Nutrition**

66. The Committee recommends that the State party:

(a) Systematically collect data on food security and nutrition for children, including those relevant to breast-feeding, overweight and obesity, in order to identify root causes of child food insecurity and malnutrition;

(b) Regularly monitor and assess effectiveness of policies and programmes on food security and nutrition of children, including school meal programmes and food banks, as well as programmes addressing infants and young children;

(c) Promote, protect and support breastfeeding in all policy areas where breastfeeding has an impact on child health, including obesity, certain non-communicable diseases, and mental health, and fully implement the International Code of Marketing of Breastmilk Substitutes.

**Children with disabilities**

56. With reference to its general comment No.9 (2006) on the rights of children with disabilities, the Committee recommends that the State party adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

(a) Ensure full respect of the rights of children with disabilities to express their views and to have their views given due weight in all decision-making that affect them, including on access to and choice of personal support and education;

(b) Set up comprehensive measures to further develop inclusive education, ensure that inclusive education is given priority over the placement of children in specialized institutions and classes, and make mainstream schools fully accessible to children with disabilities;

(c) Provide children with disabilities with a comprehensive and integrated package of services for transition to adulthood, from a sufficiently early stage, by coordinating legislation, policy and programmes across relevant sectors, and ensure fully-informed decision by children with disabilities on their personal choice in the transition, by involving them in the design of services and by providing advice and information on available options.

Outcome 2: The enjoyment of play and leisure

Key UNCRC Articles

**Article 31**

1. States parties recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States parties shall respect and promote the rights of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Relevant General Comments

General Comment 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts provides rich information on how article 31 should be interpreted.

* For children aged 0 – 17;
* Unique to childhood – ‘together they describe the conditions necessary to protect the unique and evolving nature of childhood’;
* Critical to optimum development, essential to health and well-being, physical, social, cognitive, emotional strength and skills;
* Promote resilience, creativity, self confidence;
* Contribute to all aspects of learning, exploring and experiencing the world around them;
* Social development – negotiation, regaining emotional balance, resolving conflicts and making decisions;
* When supported by adults, can build understanding between generations, and give adults unique insights into children’s’ perspectives. Benefits are diminished, though, where control by adults is pervasive;
* Involvement in a community’s cultural life important to a sense of belonging, supporting them to forge their own identity and contribute to the life of their community;
* Rest and leisure (time and space without obligations, entertainment or stimulus) are as important to children’s development as are the basics of nutrition, housing, health care and education;
* Definitions of rest, leisure, play, recreational activities, cultural life and arts;
* Non-discrimination in relation to girls, children in poverty, children with disabilities, children in institutions, children from minority communities and in situations of conflict or disaster;
* Factors for an optimum environment;
* Challenges;
* Lack of recognition of importance;
* Unsafe or hazardous environments;
* Resistance to children’s use of public spaces;
* Balancing risk and safety;
* Lack of access to nature;
* Pressure for educational achievement;
* Overly structured and programmed schedules;
* Lack of investment in cultural and artistic opportunities for children;
* Growing role of electronic media – benefits, but also concerns at cyber-bullying, grooming, access to pornography, violent video games, mono-cultural viewing, impact of reduced physical activity.

UN Committee on the Rights of the Child Concluding Observations 2016

Following the 2016 examination of the implementation of the UNCRC in the UK, the Committee made a comprehensive range of concluding observations in relation to *play and leisure*.

**Rest, leisure, recreation and cultural and artistic activities**

73. The Committee welcomes the initiative of the government of Wales to adopt a play policy and integrate children’s right to play systematically in relevant legislation and other relevant policies. However, the Committee is concerned about:

(a) The withdrawal of a play and leisure policy in England, and under-funding of play and leisure policies in Northern Ireland, Scotland and Wales;

(b) Insufficient places and facilities for play and leisure for children, in particular those accessible for children with disabilities and children in marginalized and disadvantaged situations, as well as public space for adolescents to socialize.

74. With reference to its general comment No 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party, including the governments of devolved administrations:

(a) Strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in play and recreational activities appropriate to the age of the child, including by adopting and implementing play and leisure policies with sufficient and sustainable resources;

(b) Provide children, including those with disabilities and children in marginalized and disadvantaged situations, with safe, accessible, inclusive and smoking-free spaces for play and socialization and public transport to access such spaces;

(c) Fully involve children in planning, designing and monitoring the implementation of play policies and activities relevant to play and leisure, at community, local and national levels.

Outcome 3: Learning and achievement

Key UNCRC Articles

**Article 28**

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

**Article 29**

 1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present Article or Article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Relevant General Comments

**General Comment 1: The Aims of Education (2002)**

* Insight into Government’s obligations under Article 29(1);
* Education must be child-centred, child-friendly and empowering;
* Goal is to strengthen the child’s capacity to enjoy the full range of human rights, to promote a culture which is infused by appropriate human rights values and to empower the child through developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence;
* ‘Education’ goes far beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, individually or collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society.

UN Committee on the Rights of the Child Concluding Observations 2016

In its examination of the UK Government’s compliance with its obligations under the UNCRC in 2016 the Committee made a number of recommendations which relate to education.

**Allocation of resources**

12. In accordance with Article 4 of the Convention and Sustainable Development Goal 10, Targets 10.2 and 10.4, the Committee urges the State party to allocate the maximum extent of available resources for the implementation of children’s rights, with a special focus on eradicating child poverty and reducing inequalities within and across all jurisdictions.

**International cooperation**

17. The Committee recommends that the State party ensure that its international development cooperation supports the recipient States in guaranteeing the right to free compulsory primary education for all, by prioritizing free and quality primary education in public schools, refraining from funding for-profit private schools, and facilitating registration and regulation of private schools.

**Respect for the views of the child**

30. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national level, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care, sexual and reproductive education, leisure and play. Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities.

(d) Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children.

**Freedom of the child from all forms of violence**

48. The Committee recommends that the State party:

(a) Intensify its efforts to tackle bullying and violence in schools, including through teaching human rights, building capacities of students and staff members to respect diversity at school, improving students’ conflict resolution skills, conducting regular monitoring of incidences of bullying at school, and involving children in the initiatives and monitoring aimed at eliminating bullying.

**Family environment and alternative care**

52. The Committee recommends that the State party:

(f) Inform and consult with children from an early stage on plans for their care and transition and provide sufficient support for care leavers, including for accommodation, employment or further education.

**Disability, basic health and welfare**

56. With reference to its general comment No.9 (2006) on the rights of children with disabilities, the Committee recommends that the State party adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

(a)Ensure full respect of the rights of children with disabilities to express their views and to have their views given due weight in all decision-making that affect them, including on access to and choice of personal support and education.

(b) Set up comprehensive measures to further develop inclusive education, ensure that inclusive education is given priority over the placement of children in specialized institutions and classes, and make mainstream schools fully accessible to children with disabilities.

**Adolescent health**

64. With reference to its general comments No.4 (2003) on adolescent health and No. 15 (2013), the Committee recommends that the State party:

(b)Ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools, including academies, special schools and youth detention centres, in all areas of the State party. Such education should provide age-appropriate information on: confidential sexual and reproductive health-care services; contraceptives; prevention of sexual abuse or exploitation, including sexual bullying; available support in cases of such abuse and exploitation; and sexuality, including that of LGBT children.

**Education, leisure and cultural activities**

*72*. The Committee recommends that the State party:

(a) Enhance its efforts to reduce the effects of the social background or disabilities of children on their achievement in school and to guarantee the right of all children to a truly inclusive education in all parts of the State party, including for newcomer children without experiences of formal education. In this regard, closely monitor and if necessary, regulate the establishment and management of academies and free schools in England, and abolish the practice of unregulated admission tests to post-primary education in Northern Ireland;

(b) Use the disciplinary measure of permanent or temporary exclusion as a means of last resort only, forbid and abolish the practice of “informal” exclusions, and further reduce the number of exclusions by working closely with social workers and educational psychologists in school and using mediation and restorative justice;

(c) Ensure that children have the right to appeal against their exclusion, and are provided with legal advice, assistance and, where appropriate, representation for those without means;

(d) Abolish the use of isolation rooms;

(e) In Northern Ireland, actively promote a fully integrated education system and carefully monitor the provision of shared education, with the participation of children, in order to ensure that it facilitates social integration;

(f) Taking note of Sustainable Development Goal 4, Target 4.2 on access to quality early childhood development services, allocate sufficient human, technical and financial resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, with special attention to the children in the most vulnerable situations;

(g) Make children’s rights education mandatory.

Outcome 4: Living in safety and with stability

Key UNCRC Articles

**Article 6**

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

**Article 9**

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

**Article 18**

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

**Article 19**

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

**Article 20**

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

**Article 21**

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

**Article 22**

1.States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

**Article 23**

1. States Parties recognize that a mentally or physically 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.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

**Article 25**

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

**Article 34**

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

**Article 35**

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

**Article 36**

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

**Article 37**

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

**Article 39**

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

**Article 40**

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

1. No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

1. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Relevant General Comments

A number of General Comments are relevant to this outcome including:

**General Comment 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin:** this outlines the range of obligations placed on government to address the rights of separated children across all areas of their lives including:

* General and specific measures to be taken (including appointment of a guardian, provision of care and accommodation, full enjoyment of rights to education, adequate standard of living and health, prevention of trafficking and of sexual and other exploitation and prevention of deprivation of liberty);
* Access to asylum procedures and legal safeguards (including child sensitive assessment of protection needs, access to procedural safeguards and support measures);
* Durable solution (which may include family reunification, return to country of origin, local integration, adoption or resettlement in a third country).

**General Comment 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment:** this is underpinned by the Committee’s view that any use of physical force intended to cause pain or discomfort however ‘light’ or any non-physical punishment which degrades, belittles, humiliates, threatens or ridicules a child is in direct conflict with their human dignity and cannot be justified. Guidance is provided on the range of measures that are required to be in place to eliminate corporal punishment and other forms of cruel or degrading forms of punishment, such as, legislative measures (including the repeal of all legal defences of physical punishment), implementing prohibition, educational and other measures (such as awareness raising and promotion of positive parenting) and monitoring implementation.

**General Comment 10 (2007) on children’s rights in juvenile justice:** this provides an insight into Government’s obligations under Articles 37 and 40. The Aim is to provide States with guidance and recommendations, promoting diversion and restorative justice, enabling States Parties to respond to children in conflict with the law in a manner which serves the best interests not only of the child but of society and to promote integration into national policies of other international standards, in particular the relevant United Nations rules and guidelines. The leading principles for a comprehensive policy for juvenile justice are found in the General Principles (articles 2 – Non-discrimination, 3 – best interests, 6 – survival and development to maximum potential and 12 – views of the child) together with articles 37 and 40.

General Comment 13 (2011) on the right of the child to protection from all forms of violence (2011): this highlights that a rights based approach should be taken to child protection to promote the dignity and integrity of each child and recognise they are rights bearing individuals rather than perceiving them primarily as ‘victims’. The Committee notes that the definition of violence includes: neglect; mental violence; physical violence; harmful practices; corporal punishment; sexual abuse and exploitation; torture or inhuman or degrading treatment or punishment; institutional violations of children’s rights; violence within the media and technology, and violence amongst children. The General Comment sets out a legal analysis of article 19 and outlines that a national coordinating framework on violence against children that should be in place alongside resources for this, stating that resource constraints cannot provide a justification for failing to take any, or enough, of the measures required for child protection.

**General Comment 18 (2014) joint general recommendation with the Committee on the Elimination of all forms of Discrimination against Women (CEDAW) on harmful practices:** in collaboration with CEDAW the Committee draws attention to how harmful practices are often deeply rooted in societal attitudes to women and girls (whilst acknowledging that boys may also be subject to harmful practices) and highlight the gender dimension to violence and highlight that sex and gender based stereotypes, power imbalances and discrimination perpetuate such violence. The Committee note that a wide range of harmful practices are used against children (such as, female genital mutilation, child and forced marriage, polygamy and honour crimes) and provides guidance on the holistic framework which should be in place to address these. This includes having a comprehensive prevention strategy works to empower women and girls, resource capacity development and raise awareness and develop public dialogue.

It is important to also take account of further relevant guidance provided by the Committee including, for example, 2010 Guidelines for the Alternative Care of Children and the 2012 Day of General Discussion on the Rights of all Children in the Context of International Migration.

UN Committee on the Rights of the Child Concluding Observations 2016

**Right to life, survival and development**

28. The Committee recommends that the State party:

(a) Address underlying determinants of infant and child mortality, including social and economic deprivation and inequality;

(b) Introduce automatic, independent and public reviews of unexpected death or serious injury involving children, including in custody, care and mental health care institutions in all the territory of the State party.

**Measures used to deal with anti-social behaviour**

36. In order to fully guarantee children’s right to freedom of movement and peaceful assembly, the Committee recommends that the State party:

(b) Collect data on measures used against children, including children aged 10-11 years, to deal with anti-social behaviours, as well as dispersal, and monitor the criteria and proportionality of their use.

**Torture and other cruel or degrading treatment or punishment**

39. With reference to the Committee’s general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and Sustainable Development Goal 16, Target 16.2, the Committee urges the State party to:

(a) Prohibit the use of electrical discharge weapons, such as Taser guns, AEPs (Northern Ireland) and any other harmful devices on children and systematically collect and publish age disaggregated data on their use in order to monitor the implementation of such prohibition;

(b) Abolish all methods of restraint against children for disciplinary purposes in all institutional settings, both residential and non-residential, and ban the use of any technique designed to inflict pain on children;

(c) Ensure that restraint is used against children exclusively to prevent harm to the child or others and only as a last resort;

(d) Systematically and regularly collect and publish disaggregated data on the use of restraint and other restrictive interventions on children in order to monitor the appropriateness of discipline and behaviour management for children in all settings, including in education, custody, mental health, welfare and immigration settings.

**Corporal punishment**

40. With reference to its general comment No. 8 and its previous recommendations, the Committee urges the State party, in all devolved administrations, Overseas Territories and Crown Dependencies, to:

(a) Prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, such as “reasonable chastisement”;

(b) Ensure that corporal punishment is explicitly prohibited in all schools and educational institutions and all other institutions and forms of alternative care;

(c) Strengthen its efforts to promote positive and non-violent forms of discipline and respect for children’s equal right to human dignity and physical integrity, with a view to eliminating the general acceptance of the use of corporal punishment in child-rearing.

**Violence, abuse and neglect**

42. With reference to its general comment No. 13 (2011) and Sustainable Development Goal 16, Target 16.2, the Committee recommends that the State party:

(a) Revise the Children and Young Persons Act (1933) in order to protect all children under 18 years from child abuse and neglect;

(b) Strengthen systematic data collection and recording of information on violence against children, including domestic violence, gender-based violence, abuse and neglect, in all settings, as well as information sharing and referral of cases among relevant sectors;

(c) Increase the number of social workers and strengthen their capacity to address violence against children;

(d) Give due weight to the views of children concerned in the responses to violence, including in criminal and family law proceedings;

(e) Consider ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence.

**Sexual exploitation and abuse**

44. The Committee recommends that the State party, including devolved governments, Overseas Territories and Crown Dependencies:

(a) Systematically collect and publish comprehensive and disaggregated data on child exploitation and abuse, including through mandatory reporting, in all settings;

(b) Develop and implement comprehensive multi-sectoral strategies on child exploitation and abuse, including online, to ensure effective prevention, early detection and intervention, at national as well as at devolved levels, in Overseas Territories and Crown Dependencies;

(c) Implement the recommendations of the Marshall Inquiry into child sexual exploitation in Northern Ireland;

(d) Further develop comprehensive services to support children who are victims or at risk of sexual exploitation and abuse;

(e) Strengthen the capacity of law enforcement authorities and the judiciary to detect and prosecute child sexual exploitation and abuse, and grant effective remedies to the child victims;

(f) Consider ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

**Harmful practices**

46. With reference to its general comment No. 18 on harmful practices (2014), the Committee recommends that the State party:

(a) Take effective measures to ensure that marriage of children of 16-17 years of age takes place only in exceptional circumstances and is based on the full, free and informed consent of the concerned children;

(b) Continue and strengthen preventive and protection measures to address the issue of harmful practices, including collecting data, training of relevant professionals, awareness-raising programmes, provision of protection and care to the child victims and the prosecution of perpetrators of these acts;

(c) Ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned, and provide families with intersex children with adequate counselling and support;

(d) Provide redress to the victims of such treatment;

(e) Educate medical and psychological professionals on the range of sexual, and related biological and physical, diversity and on the consequences of unnecessary interventions for intersex children.

**Freedom of the child from all forms of violence**

48. The Committee recommends that the State party:

(a) Intensify its efforts to tackle bullying and violence in schools, including through teaching human rights, building capacities of students and staff members to respect diversity at school, improving students’ conflict resolution skills, conducting regular monitoring of incidences of bullying at school, and involving children in the initiatives and monitoring aimed at eliminating bullying;

(b) In the light of the recommendations resulting from the day of general discussion on digital media and children’s rights, train children, teachers and families on the safe use of information and communication technologies, raise awareness among children on the severe effects that online bullying can have on their peers, and increase the involvement of social media outlets in the efforts to combat cyber-bullying;

(c) Take immediate and effective measures to protect children from violence by non-State actors involved in paramilitary-style attacks as well as from recruitment by such actors into violent activities, including through measures relating to transitional and criminal justice.

**Family environment**

50. The Committee recommends that the State party and the devolved governments conduct a rigorous child rights impact assessment of the recent reduction of funding for childcare and family support and adjust the family support policy in order to make childcare services available to all those who need it.

**Children deprived of a family environment**

51. Drawing the State party’s attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee emphasizes that conditions directly and uniquely attributable to poverty should never be the sole justification for removing a child from parental care. The Committee recommends that the State party:

a) Intensify its efforts to render appropriate assistance to parents and legal guardians, including informal kinship carers, in the performance of their child-rearing responsibilities;

b) Ensure that the removal of children from their families is always subject to thorough investigation, is in accordance with the best interests of the child and is only used as a measure of last resort;

(c) Wherever possible find a placement for the child which will facilitate contact with his or her biological parents and siblings;

(d) Ensure that secure accommodation in Northern Ireland is only used as a measure of last resort and for the shortest possible period of time, address the reasons for repeated or lengthy stays in such accommodation, and develop alternatives to secure accommodation;

(e) Take all measures necessary to provide stability for children in care, including efforts to retain social workers and to avoid unnecessary changes in placement;

(f) Inform and consult with children from an early stage on plans for their care and transition and provide sufficient support for care leavers, including for accommodation, employment or further education;

(g) Expedite the approval and enactment of the Adoption and Children Bill in Northern Ireland.

**Children of incarcerated parents**

54. The Committee recommends that the State party:

(a) Ensure that child protection authorities are always informed when a person who has a child (children) is imprisoned in order to avoid situations where children are left unattended;

(b) Take into account the best interests of the child as a primary consideration when sentencing parents, avoiding, as far as possible, sentences for parents which lead to their being separated from their children.

**Asylum-seeking, refugee and migrant children**

76. With reference to its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:

(a) Systematically collect and publish disaggregated data on the number of children seeking asylum, including those whose age is disputed;

(b) Establish statutory independent guardians for all unaccompanied and separated children throughout the State Party;

(c) Conduct age assessments only in cases of serious doubt through multidisciplinary and transparent procedures taking into account all aspects, including the psychological and environmental aspects of the person under assessment;

(d) Cease the detention of asylum-seeking and migrant children;

(e) Review its asylum policy in order to facilitate family reunion for unaccompanied and separated refugee children within and outside of the State party, including through implementation of the EU Dublin III regulation;

(f) Provide sufficient support to migrant, refugee and asylum-seeking children to access basic services;

(g) Review the Immigration Act (2016) in order to ensure its compatibility with the Convention;

(h) Ensure that when the return of children occurs, this happens with adequate safeguards, including a formal best interests determination, effective family tracing that includes individual risk and security assessments, and appropriate reception and care arrangements.

**Child victims and witnesses of crimes**

82. The Committee recommends that the State party fully implement the Committee’s recommendations on the initial report of the State party (CRC/C/OPSC/GBR/CO/1), provided in its concluding observations on the Optional Protocol on the sale of children, child prostitution and child pornography in particular that the State party:

(a) Ensure that all children up to 18 years of age are protected from all types of offence covered by the Optional Protocol and that domestic legislation throughout the State party, including in its devolved administrations, enables it to establish and exercise extraterritorial jurisdiction, without the dual criminality criterion, over all the offences covered by the Optional Protocol;

(b) Strengthen the National Referral Mechanism for identifying trafficked and exploited children which is embedded in existing child protection procedures;

(c) Establish mechanisms and procedures to protect the rights of child victims of offences covered by the Optional Protocol, including establishing a clear obligation of non-prosecution, and ensure that they are treated as victims rather than criminals by the law enforcement and judicial authorities;

(d) Operationalize the provision of a competent and statutory guardian during the criminal justice process;

(e) Revise its legislation to ensure that all children up to 18 years of age are protected from all types of offence covered by the Optional Protocol.

60. Rigorously invest in child and adolescent mental health services and develop strategies at national and devolved levels, with clear time frames, targets, measureable indicators, effective monitoring mechanisms and sufficient human, technical and financial resources. Such strategy should include measures to ensure availability, accessibility, acceptability, quality and stability of such services, with particular attention to children at greater risk, including (...) children in contact with the criminal justice system.

**Administration of juvenile justice**

78. With reference to its general comment No. 10 (2007) on children’s rights in juvenile justice, the Committee recommends the State party to bring its juvenile justice system, including in all devolved administrations, the Overseas Territories and the Crown Dependencies, fully into line with the Convention and other relevant standards. In particular, the Committee recommends that the State party:

(a) Raise the minimum age of criminal responsibility in accordance with acceptable international standards;

(b) Ensure that children in conflict with the law are always dealt with within the juvenile justice system up to the age of 18, and that diversion measures do not appear in children’s criminal records;

(c) Abolish the mandatory imposition of life imprisonment for children for offences committed while they are under the age of 18;

(d) Establish the statutory principle that detention should be used as a measure of last resort and for the shortest possible period of time and ensure that detention is not used discriminatorily against certain groups of children;

(e) Ensure that child detainees are separated from adults in all detention settings;

(f) Immediately remove all children from solitary confinement, prohibit the use of solitary confinement in all circumstances, and regularly inspect the use of segregation and isolation in child detention facilities.

**Best interests of the child**

26. With reference to its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party, in all parts of its territory:

(a) Ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children;

(b) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.

Outcome 5: Economic and environmental well-being

Key UNCRC Articles

**Economic Well-being**

**Article 4**

‘…With regard to economic, social and cultural rights, States parties shall undertake such measures to the maximum extent of their available resources...’

**Article 26**

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

**Article 27**

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

**Environmental Well-being**

Most mentions of ‘environment’ in UNCRC refer to family environment.

**Preamble:** ‘Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding’.

It can also refer to a child’s living environment, i.e. home and community.

**Article 27**

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

3. States Parties… shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Finally, it can refer to the natural environment.

**Article 29**

The education of the child shall be directed to … the development of respect for the natural environment

Relevant General Comments

There are currently no General Comments focussing specifically on environmental or economic well-being. There is currently, however, a call out from the UN Committee on the Rights of the Child for evidence papers on Children’s Rights and the Environment, in advance of a General Day of Discussion on this issue. It is very likely that a General Comment will subsequently be drafted on this issue.

UN Committee on the Rights of the Child Concluding Observations 2016

**Environmental health**

67. The Committee is concerned at the high level of air pollution that directly affects child health in the State party and contributes to the negative impact of climate change affecting various rights of the child, both in the State party and in other countries.

68. With reference to Sustainable Development Goal 1, Target 1.5, the Committee recommends that the State party, including the devolved administrations in relation to devolved matters;

(a) Set out a clear legal commitment, with appropriate technical, human and financial resources, to scale up and expedite the implementation of plans to reduce air pollution levels, especially in areas near schools and residential areas;

(b) Place children’s rights at the centre of national and international climate change adaptation and mitigation strategies, including through its new domestic climate strategy, as well as in the framework of its international climate change programmes and financial support.

**Standard of living**

69. The Committee is seriously concerned that:

(a) The rate of child poverty remains high with a disproportionate representation of children with disabilities, children living in a family or household with person(s) with disability, households with many children, and children belonging to ethnic minority groups, and affecting children in Wales and Northern Ireland the most;

(b) The Welfare Reform and Work Act (2016), which amends the Child Poverty Act (2010), repealed the statutory target on the eradication of child poverty by 2020 and the statutory obligation of the UK Government and the governments of England, Scotland and Wales to produce child poverty strategies;

(c) Recent amendments to the Tax Credits Act (2002), the Welfare Reform Act (2012) and the Welfare Reform and Work Act (2016) have limited the entitlement to child tax credits and social benefits (the “household benefit cap” and the “bedroom tax”), regardless of the needs of the households;

(d) During the period of review, the number of homeless households with dependent children has increased in England and Northern Ireland, as well as the number of homeless families, including those with infants, staying in temporary accommodation in all four jurisdictions;

(e) In Scotland, adequate and culturally sensitive accommodation for Roma, Gypsy and Traveller children remains insufficient.

70. The Committee draws the attention of the State party to the Sustainable Development Goal 1, Target 1.2, on poverty reduction and urges the State party to:

(a) Set up clear accountability mechanisms for the eradication of child poverty, including by re-establishing concrete targets with a set timeframe and measurable indicators, and continue regular monitoring and reporting on child poverty reduction in all parts of the State party;

(b) Ensure clear focus on the child in the State party’s poverty reduction strategies and action plans, including in the new “Life Chances Strategy”, and support production and implementation of child poverty reduction strategies in devolved administrations;

(c) Conduct a comprehensive assessment of the cumulative impact of the full range of social security and tax credit reforms introduced between 2010 and 2016 on children, including children with disabilities and children belonging to ethnic minority groups;

(d) Where necessary, revise the mentioned reforms in order to fully respect the right of the child to have his or her best interests taken as a primary consideration, taking into account the different impact of the reform on different groups of children, particularly those in vulnerable situations;

(e) Strictly implement the legal prohibition of prolonged placement of children in temporary accommodation by public authorities in England, Wales and Scotland, and enact similar legislation in Northern Ireland;

(f) Take necessary measures to reduce homelessness and to progressively guarantee all children stable access to adequate housing which provides physical safety, adequate space, protection against the threats to health and structural hazards, including cold, damp, heat and pollution, and accessibility for children with disabilities;

(g) In Scotland, introduce a statutory duty for local authorities to provide safe and adequate sites for Travellers, while ensuring meaningful participation of Roma, Gypsy and Traveller communities, including children, in planning and decision-making processes.

Outcome 6: Making a positive contribution to society

Key UNCRC Articles

**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 being given due weight in accordance with the age and maturity of the child.

For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

**Article 13**

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

Relevant General Comments

**General Comment No. 12 (2009) The right of the child to be heard:** This general comment provides detailed advice on the effective implementation of Article 12. This includes strengthening understanding of the meaning of article 12 and its implications for

governments, stakeholders, NGOs and society at large, elaborating on the scope of legislation, policy and practice necessary to achieve its full implementation and proposing basic requirements for appropriate ways to give due weight to children’s views in all matters that affect them. As outlined below the Committee specifically referred to the implementation of General Comment 12 in their recent examination of the UK State Party.

UN Committee on the Rights of the Child Concluding Observations 2016

In its examination of the UK Government’s compliance with its obligations under the UNCRC in 2016 the Committee made a number of recommendations which relate to making a positive contribution.

**Respect for the views of the child**

30. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national level, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care, sexual and reproductive education, leisure and play. Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities;

(b) Assess the impact and expedite the review of the reforms on legal aid in England, Wales and Scotland, and conduct child rights impact assessment of the proposed reforms in Northern Ireland and Jersey, in order to ensure that such reforms do not negatively affect children’s access to justice, and guarantee effective participation of children in such assessment and review;

(c) Expedite the establishment of Youth Parliaments in all devolved administrations and territories as permanent fora for children’s effective engagement with national legislative processes on issues that affect them;

(d) Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children.

**Voting**

32. The Committee encourages the State party and devolved administrations to conduct consultations with children on the voting age. Should the voting age be lowered, the Committee recommends that the State party ensure that it is supported by active citizenship and human rights education in order to ensure early awareness of children that rights are to be exercised as part of citizenship, with autonomy and responsibility, and that the measure does not lend itself to undue influence.

**Freedom of association and peaceful assembly**

36. In order to fully guarantee children’s right to freedom of movement and peaceful assembly, the Committee recommends that the State party:

(a) Prohibit the use of mosquito devices (acoustic youth dispersal devices) in public spaces.

Outcome 7: Living in a society which respects their rights

Key UNCRC articles

**Article 4**

States parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention. With regard to economic, social and cultural rights, States parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

**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**

Outlines the process for State parties to report to the Committee – para 6 states that ‘States parties shall make their reports widely available to the public in their own countries.’

Relevant General Comments

**General Comment 5 on the general measures of implementation of the Convention on the Rights of the Child**

When developing policies and strategies impacting on children, children’s rights must be considered at the earliest stages in the process. The UN Committee on the Rights of the Child’s General Comment 5 provides information on the ‘General measures’ required to implement the UNCRC, and these are relevant to the development of child rights compliant strategies and policies:

* A comprehensive ‘national strategy’ or Children and young person’s strategy, which should:
* Be built on the framework of the Convention;
* Take account of the concluding observations on the periodic reports;
* Relate to the situation of all children;
* Be developed through meaningful consultation with children – requiring child sensitive materials and processes;
* Identify and give priority to marginalised and disadvantaged children and young people (the non-discrimination principle);
* Be endorsed at the highest level of government, to provide authority;
* Be linked to the Programme for Government and national budgeting;
* Not be ‘simply a list of good intentions’, but set real and achievable targets in relation to the full range of rights for children;
* Be adequately resourced;
* Be widely disseminated throughout Government and to the public, including children;
* Include arrangements for monitoring and continuous review, for regular updating and for periodic reports to parliament and to the public;
* Coordination of implementation of Children’s rights: the Committee has not provided a ‘one size fits all’ model, but has said that a high-level unit, answerable directly to the ‘Prime Minister or President’ is the preferred approach;
* Knowledge and awareness of the UNCRC, training and capacity building on children’s rights;
* Monitoring implementation – need for Child Rights Impact Assessments and evaluation;
* Data collection and analysis, and development of indicators;
* Making children visible in budgets: ‘no state can tell whether it is fulfilling children’s economic, social and cultural rights “to the maximum extent of ...available resources” as it is required to do under article 4, unless it can identify the proportion of national and other budgets allocated to the social sector and, within that, to children, both directly and indirectly.’ (forthcoming general comment on public expenditure on children);
* Cooperation with civil society (i.e. engagement with children, NICCY and NGOs)
* Independent human rights institutions for children – complementary to effective government structures for children – must be independent. (GC 2 focuses on the establishment and operation of independent HRI for children).

UN Committee on the Rights of the Child Concluding Observations 2016

**Legislation**

7. The Committee recommends that the State party:

(a) Expedite bringing its domestic legislation, at the national and devolved levels as well as in the Overseas Territories and the Crown Dependencies, in line with the Convention in order to ensure that the principles and provisions of the Convention are directly applicable and justiciable under domestic law.

(b) Expedite the enactment of a Bill of Rights for Northern Ireland, agreed under the Good Friday Agreement.

**Comprehensive policy and strategy**

8. The Committee recommends that the State party:

(a) Revise the UK-wide strategy, *Working together, achieving more* (2009) to cover all areas of the Convention and ensure its full implementation;

(b) Adopt comprehensive action plans for the implementation of the above-mentioned strategy in England and Northern Ireland;

(c) In Scotland, ensure the full implementation of the action plan *Do the Right Thing (2009)* and the National Action Plan for Human Rights (2013-2017);

(d) In Wales, ensure the full implementation of the Programme for Children and Young People (2015).

In doing so, the Committee recommends that the State party allocate sufficient human, technical and financial resources, set up clear timelines as well as a monitoring and evaluation framework for the implementation of the strategy and the action plans, and pay special attention to children belonging to the most vulnerable groups.

**Child Rights Impact Assessment**

9. The Committee recommends that the State party:

(a) Introduce a statutory obligation at national and devolved levels to systematically conduct a child rights impact assessment when developing laws and policies affecting children, including in international development cooperation;

(b) Publish the results of such assessments and demonstrate how they have been taken into consideration in the proposed laws and policies.

**Coordination**

10. The Committee reiterates its previous recommendation that the State party ensure effective coordination of the implementation of the Convention throughout the State party. To this end, the Committee recommends that the State party:

(a) In each of the devolved administrations, Overseas Territories and the Crown Dependencies, establish an appropriate statutory body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities across relevant sectors related to the implementation of the Convention;

(b) Allocate sufficient human, technical and financial resources to the said coordinating bodies for their effective operation;

(c) Strengthen coordination and evaluation of the implementation of the Convention at the national level.

**Allocation of resources**

11. The Committee is seriously concerned at the effects that recent fiscal policies and allocation of resources have had in contributing to inequality in children’s enjoyment of their rights, disproportionately affecting children in disadvantaged situations.

12. In accordance with Article 4 of the Convention and Sustainable Development Goal 10, Targets 10.2 and 10.4, the Committee urges the State party to allocate the maximum extent of available resources for the implementation of children’s rights, with a special focus on eradicating child poverty and reducing inequalities within and across all jurisdictions. In this endeavour, the Committee recommends that the State party:

(a) Utilize a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget;

(b) Ensure transparent and participatory budgeting through public dialogue, including with children;

(c) Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic recessions;

(d) Regularly conduct child rights impact assessments of budget and economic decision-making processes and outcomes, including austerity measures, in areas that are directly or indirectly related to children’s rights;

(e) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.

**Data collection**

13. The Committee recommends that the government of Northern Ireland expedite the finalization of a Child Rights Indicator Framework, covering all areas of the Convention and taking into account the conceptual and methodological framework set out in the Office of the United Nations High Commissioner for Human Rights (OHCHR) publication entitled Human Rights Indicators: A Guide to Measurement and Implementation.

**Independent monitoring**

14. The Committee welcomes the increased independence of the Children’s Commissioners in the four devolved administrations of the State party and the many initiatives that they have taken to ensure the promotion and protection of the rights of the child. Nevertheless, the Committee is concerned that the powers of the Commissioners in Northern Ireland and Wales are still limited and that the Commissioner in Scotland has not started exercising its mandate to conduct investigations on behalf of individual children.

15. With reference to the Committee’s general comment No. 2 (2003) on general measures of implementation, the Committee recommends that the State party:

(a) Further strengthen the independence of established Children’s Commissioners, in line with the Paris Principles, and enable them, inter alia, to receive and investigate complaints from or on behalf of children concerning violations of their rights;

(b) Allocate to the Commissioners in all jurisdictions the necessary human and financial resources in order to carry out their mandate in an effective and coordinated manner.

**International cooperation**

16. In the context of international development cooperation the Committee is concerned about the State party’s funding of low-fee, private and informal schools run by for-profit business enterprises in recipient States. Rapid increase in the number of such schools may contribute to sub-standard education, less investment in free and quality public schools, and deepened inequalities in the recipient countries, leaving behind children who cannot afford even low-fee schools.

17. The Committee recommends that the State party ensure that its international development cooperation supports the recipient States in guaranteeing the right to free compulsory primary education for all, by prioritizing free and quality primary education in public schools, refraining from funding for-profit private schools, and facilitating registration and regulation of private schools.

**Children’s rights and the business sector**

18. With reference to its General Comment No. 16 (2013) on State obligations regarding the impact of business on children’s rights, the Committee recommends that the State party:

(a) Integrate an explicit focus on children’s rights, including the requirement for businesses to undertake child-rights due diligence, in the revised version of its first National Action Plan on Business and Human Rights;

(b) Establish and implement regulations to ensure that the business sector, including in the context of public procurement, complies with the rights of the child.

Outcome 8: Equality of Opportunity and Good Relations

Key UNCRC Articles

With regard to Equality of Opportunity and Good Relations, the Preamble to the Convention is relevant. It states that,

*“Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity…”*

Relevant Convention Articles include:

**Article 2**

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

**Article 12**

1. 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 being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

**Article 17**

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of Article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of Articles 13 and 18.

**Article 23**

1. States Parties recognize that a mentally or physically 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.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

**Article 28**

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity

**Article 29**

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

Relevant General Comments

Given the breadth of this outcome area, parts of all of the Committee’s General Comments will be relevant and useful. However, there is no General Comment which specifically relates to equality or good relations.

UN Committee on the Rights of the Child Concluding Observations 2016

In its examination of the UK Government’s compliance with its obligations under the UNCRC in 2016 the Committee made a number of recommendations which relate to equality and good relations.

**Allocation of resources**

12. In accordance with article 4 of the Convention and Sustainable Development Goal 10, Targets 10.2 and 10.4, the Committee urges the State party to allocate the maximum extent of available resources for the implementation of children’s rights, with a special focus on eradicating child poverty and reducing inequalities within and across all jurisdictions. In this endeavour, the Committee recommends that the State party:

(a) Utilize a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget;

(b) Ensure transparent and participatory budgeting through public dialogue, including with children;

(c) Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic recessions;

(d) Regularly conduct child rights impact assessments of budget and economic decision-making processes and outcomes, including austerity measures, in areas that are directly or indirectly related to children’s rights;

(e) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.

**Non-discrimination**

21. The Committee recommends that the State party:

(a) Consider the possibility of expanding legislation to provide protection of all children under 18 years of age against discrimination on the grounds of their age;

(b) Strengthen the oversight mechanism, including regular independent reviews, to assess and ensure that the implementation of the counter-terrorism and counter-extremism measures, including the Prevent Strategy (2011), will not have a discriminatory or stigmatising impact on any group of children;

(c) Strengthen its awareness-raising and other preventive activities against discrimination and stigmatization, and, if necessary, take temporary special measures for the benefit of children in vulnerable situations.

22. The Committee recalls its previous recommendation that the State party take urgent measures to address the “intolerance of childhood” and general negative public attitude towards children, especially adolescents, within society, including in the media.

**Right to life, survival and development**

28. The Committee recommends that the State party:

(a) Address underlying determinants of infant and child mortality, including social and economic deprivation and inequality.

**Respect for the views of the child**

30. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national level, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care, sexual and reproductive education, leisure and play. Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities.

**Health and health services**

58. With reference to its general comment no. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party, the governments of devolved administrations, Overseas Territories and Crown Dependencies develop comprehensive and multi-sectoral strategies on child health:

(a) With allocation of the maximum extent of available resources and a robust monitoring mechanism;

(b) With a strong focus on eliminating inequalities in health outcome as well as in access to health services;

(c) Addressing underlying social determinants of health.

**Education, including vocational training and guidance**

72. The Committee recommends that the State party:

(a) Enhance its efforts to reduce the effects of the social background or disabilities of children on their achievement in school and to guarantee the right of all children to a truly inclusive education in all parts of the State party, including for newcomer children without experiences of formal education. In this regard, closely monitor and if necessary, regulate the establishment and management of academies and free schools in England, and abolish the practice of unregulated admission tests to post-primary education in Northern Ireland;

(b) Use the disciplinary measure of permanent or temporary exclusion as a means of last resort only, forbid and abolish the practice of “informal” exclusions, and further reduce the number of exclusions by working closely with social workers and educational psychologists in school and using mediation and restorative justice;

(c) Ensure that children have the right to appeal against their exclusion, and are provided with legal advice, assistance and, where appropriate, representation for those without means;

(d) Abolish the use of isolation rooms;

(e) In Northern Ireland, actively promote a fully integrated education system and carefully monitor the provision of shared education, with the participation of children, in order to ensure that it facilitates social integration;

(f) Taking note of Sustainable Development Goal 4, Target 4.2 on access to quality early childhood development services, allocate sufficient human, technical and financial resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, with special attention to the children in the most vulnerable situations;

(g) Make children’s rights education mandatory.

**Freedom of the child from all forms of violence**

48. The Committee recommends that the State party:

(c) Take immediate and effective measures to protect children from violence by non-State actors involved in paramilitary-style attacks as well as from recruitment by such actors into violent activities, including through measures relating to transitional and criminal justice.