



Children's Rights in 2019

Introduction

Universal Children's Day is celebrated on 20 November each year. It aims to "promote togetherness" and improve children's welfare.¹ This year will mark the 30th anniversary of the United Nations Convention on the Rights of the Child (UNCRC), which established 54 articles that set out children's rights.²

The UK ratified the UNCRC in 1991.³ According to United Nations International Children's Emergency Fund (UNICEF), four "general principles" are fundamental to realising all rights in the UNCRC convention. These are: non-discrimination; best interest of the child; right to life survival and development; and right to be heard.⁴

This House of Lords Library Briefing provides an overview of recent developments within the UK in terms of children's rights. It then explores current United Nations (UN) priorities for children's rights globally, before ending with background information on the UNCRC.

Rebecca Watson | 1 November 2019

A full list of Lords Library briefings is available on the research briefings page on the internet. The Library publishes briefings for all major items of business debated in the House of Lords. The Library also publishes briefings on the House of Lords itself and other subjects that may be of interest to Members. Library briefings are compiled for the benefit of Members of the House of Lords and their personal staff, to provide impartial, authoritative, politically balanced briefing on subjects likely to be of interest to Members of the Lords. Authors are available to discuss the contents of the briefings with the Members and their staff but cannot advise members of the general public.

Any comments on Library briefings should be sent to the Head of Research Services, House of Lords Library, London SW1A 0PW or emailed to purvism@parliament.uk.

Children's Rights in the UK

UK Implementation of the UNCRC

Every five years, the UK is obliged under the UNCRC to report on its progress in implementing the convention. The last UK report was submitted in May 2014 and published in March 2015.⁵

In 2015, the House of Lords and House of Commons Joint Committee on Human Rights held an inquiry on the UK's compliance with the UNCRC ahead of the UN's response.⁶ Amongst the recommendations in its report, it suggested:

- The UK Government ratify the 2011 optional protocol, on the right of children to individual petition to the UNCRC.
- The UNCRC is incorporated into UK law in the same way that the European Convention on Human Rights has been incorporated.⁷

In July 2016, the UNCRC responded to the UK's progress report.⁸ It welcomed progress in several areas since the previous review in 2008. In particular:

- the increased independence of the UK's children's commissioners;
- the decision to end immigration detention of children;
- the new criminal offence of coercive and controlling behaviour in the home;
- measures taken to address child sexual exploitation and abuse and Female Genital Mutilation;
- new legislation on human trafficking; and
- the decreasing use of exclusion from school.⁹

The report also identified areas for concern or serious concern.¹⁰ It stated that "recent fiscal policies and allocation of resources" had contributed to inequality in children's enjoyment of their rights. This meant children in disadvantaged situations were disproportionately affected. The committee made the following recommendations in terms of legislation:

- 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 to ensure that the principles and provisions of the convention are directly applicable and justiciable under domestic law.
- Expedite the enactment of a Bill of Rights for Northern Ireland, agreed under the Good Friday Agreement.

In October 2016, the then Minister for State for Vulnerable Children and Families, Edward Timpson, made a written statement "welcoming" the UNCRC's concluding observations.¹¹ He stated that he would be encouraging all government departments to take note of the recommendations as part of the Government's ambitions to "achieve social mobility".

On the occasion of Universal Children's Day last year, the then Parliamentary Under Secretary of State for Education, Nadhim Zahawi, stated that since the UN's report in 2016, the UK Government

had made “concrete progress in making sure that all children have the opportunity to thrive and develop”.¹² In June 2019, in response to an oral question on the steps taken by the Department for Education to comply with the UNCRC, Nadhim Zahawi said that the use of children’s rights impact assessments was “widely promoted” across government. The assessment template had been designed to help staff to give “due consideration” to the UNCRC when making new policy and legislation.¹³

Sector Reaction to UK Government Policy

A report by the charity Just for Kids Law and Children’s Rights Alliance for England, [State of Children’s Rights 2018](#), was published in March 2019.¹⁴ The evidence from 100 members (charities and academics) was used to support the assertion that the Government “had made little progress on important issues such as child homelessness, rising school exclusions and how children are treated by the police; ignoring stark warnings from the UN”. However, the report did identify positive steps the Government had taken to “better safeguard children in care” and “those with mental health issues”.

In response to the State of Children’s Rights report, Sophie Gallois, Deputy Executive Director of UNICEF UK, stated:

We are deeply concerned by the findings within the ‘State of Children’s Rights 2018’. Which suggests that while the Government continues to focus on Brexit, it is not addressing important children’s rights issues, such as the rising number of children living in poverty, school exclusions, and the rise in mental health diagnoses amongst young people. This means that children’s fundamental human rights, such as their right to a clean environment, to a home and a safe place to live, their right to play and education, and their right to be protected from abuse and harm are being side-lined.¹⁵

Children’s Commissioner for England: Priorities

In September 2019, the Office of the Children’s Commissioner for England, an executive non-departmental public body sponsored by the Department for Education, “demanded” that all political parties “take action” in their manifestos and budgets to “improve the lives of children today”.¹⁶

The commissioner’s manifesto, published the same month, identified six core demands:

- Extend and expand the troubled families programme or equivalent system of family support.
- A child and adolescent mental health services (CAMHS) counsellor in every school.
- Fully funded help for children with special needs.
- Schools open in evenings, weekends and holidays.
- Police officers and youth workers in schools.
- A cabinet committee for children.¹⁷

Leaving Education Without Qualifications

In September 2019, a research report was published by the Children’s Commissioner for England on “the children leaving education with nothing”.¹⁸ It stated that since 2015, there had been a 28% increase in the number of children leaving education without substantive qualifications. The Education

and Skills Act 2008 stipulated that the school leaving age in the UK would increase from 16 to 17 in 2013; and from 17 to 18 in 2015. This means children are staying in school for longer, but a greater percentage are leaving without qualifications. In 2018, 18% of all children left the education system without five GCSEs or equivalent technical qualifications. Furthermore, 37% of children receiving free school meals, and 45% of children with special educational needs, left education without qualifications.¹⁹

In response to this research, the Children’s Commissioner, Anne Longfield, wrote to the Government and used her statutory powers to formally request that ministers “take action” to:

- conduct an independent review into falling level 2 attainment;
- commit to halving the number of children failing to get a level 2 qualification by the age of 19 within five years; and
- set out a “clear action plan” for improving opportunities and attainment of children who do not achieve five GCSEs or equivalents by 16, including access to apprenticeships and vocational courses.²⁰

The Department for Education challenged the commissioner’s findings and stated that the report “does not provide the full picture, comparing against figures that include qualifications we have since removed from performance tables because they did not serve pupils well”.²¹ A spokesperson for the Department for Education said it was working to “dramatically improve the rigour, quality and standard of qualifications across the board”.

Instability for Children in Care

In August 2019, the Children’s Commissioner for England’s [Stability Index 2019](#) report identified changes in the profile and needs of children in care over the past five years.²² The Children’s Commissioner stated:

There are an increasing number of teenage children in the care system and too many of them are ‘pin-balling’ around the system, changing home and family, school and social worker. Often they have the most complex and expensive needs. In one local authority, 20% of the entire children’s services budget is being spent on just ten children. This is completely unsustainable.²³

The [Children’s Voices](#) report on children’s experiences of instability in the care system was published in August 2019.²⁴ In this study, children in care or care leavers were interviewed. The study reported that “children shared a common need for stability in their lives” and children wanted:

- to live in a home where they felt loved and secure;
- to go to a good school where their needs and experiences were understood and catered for; and
- to build long-lasting and stable relationships with social workers.²⁵

In response to the commissioner’s report, a Department for Education spokesperson said that the Government was “working to reduce the number of “out of area” placements for children in care and to improve our response for dealing with missing people”.²⁶ The President of the Fostering Network, Libby Thornfield, also stated that maintaining relationships between child and carer were “key” and

would “enable that child to understand how to develop relationships in the future”.²⁷

International Situation: UNICEF Statistics

This year, 2019, marks the 30th anniversary of the UNCRC. In “an open letter to the world’s children”, UNICEF’s Executive Director, Henrietta Fore, highlighted a number of achievements reached since the UNCRC was adopted:

- the number of children missing out on primary school has reduced by almost 40%;
- the number of “stunted” children under 5 years of age has dropped by over 100 million; and
- 99% of polio cases resulting in paralysis or death have been eliminated.²⁸

Ms Fore added that practical and cost-effective interventions, such as vaccinations, oral rehydration salts and better nutrition, had assisted this progress.²⁹ In addition, she observed that a rise in digital and mobile technology had made it easier and more efficient to deliver critical services in “hard-to-reach” communities.

However, Ms Fore also identified that “poverty, inequality, discrimination and distance continue to deny children their rights every year”. UNICEF’s 2018 annual report identified several current global challenges (based on data from 2017):

- **Health:** An estimated 6.3 million children died from mostly “preventable” causes.
- **Education:** An estimated 387 million primary school-aged children and 230 million lower secondary school-aged adolescents failed to achieve basic numeracy and literacy.
- **Safety:** More than 100 countries lacked fully functioning birth registration systems, which is one of the first tools for protecting children’s rights and safety.
- **Physical Environment:** More than 620 million children did not have access to basic sanitation, and 570 million children did not have basic drinking water at school.
- **Poverty:** Approximately 665 million children were living in households that experienced “multidimensional” poverty, including lack of access to services and disadvantages that are often compounded by discrimination, eg disability.³⁰

UN Priorities

The [UNICEF Strategic Plan 2018–2021](#) set out five goal areas, aimed at contributing to the 2020 agenda for sustainable development:

- every child survives and thrives;
- every child learns;
- every child is protected from violence and exploitation;
- every child lives in a safe and clean environment;
- every child has an equitable chance in life.³¹

Equal Educational Opportunities

The UN girls' education initiative was launched in 2000 to give girls equal access to all levels of education.³² In 2000, 54% of children, adolescents and youth out of school were female. By 2018, this had reduced to 50%. This was due to a continued decline in the number of boys out of school, and a small increase in the number of girls out of school. However, gender differences were still reported at the regional and national level.³³ The most recent United Nations Educational, Scientific and Cultural Organisation (UNESCO) statistics for 2018 summarised the situation by geographical region as follows:

- **Sub-Saharan Africa:** This region had the highest rate of out of school children for girls and boys, with 31% of children, adolescents and youth out of school.
- **Central Asia:** This region had the widest disparity between male and female children. At primary school age, 2.3% of girls compared to 1.7% of boys were out of school. At lower secondary school age, 6.4% of girls, compared to 4.1% of boys, were out of school.
- **Eastern and South East Asia:** This region had the highest disparity between males and females for youth at upper secondary school age. 24% of males and 16.5% of females were out of school.

In September 2019, the Global Partnership for Education and UN girls' education initiative published the [Gender-Responsive Education Sector Planning](#) report. This identified the economic and health benefits that would result from gender equality in education.³⁴ It supported a "widely recognised need" for gender-responsive education sector planning. It stated that a "whole-system" approach was needed to advance gender equality in, and through, education. This would incorporate the following areas:

- learning and learning environments;
- teacher education and practice;
- curriculum and materials development; and
- leadership and administration.

A report by Plan International, published in 2018, described the experiences of girls living in humanitarian settings who wanted to attend school.³⁵ Girls living in South Sudan, Chad and Bangladesh said the cost and physical availability of school, as well as "domestic responsibilities" were the main barriers to receiving an education.

Children in Armed Conflict

In July 2019, the UN published a [Report of the Secretary-General on Children and Armed Conflict](#). It stated that 2018 was "the worst year on record" for children caught up in armed conflict.³⁶ The UN report stated that children continued to be used in combat, particularly in Somalia, Nigeria and Syria. Children also continued to be abducted, used in hostilities or for sexual violence.³⁷ Based on global data from 2018 the following numbers were reported (cases were only included when verified by the UN):

- 24,000 "grave violations" were made against children in 20 country situations;
- 12,000 children were killed or maimed, the highest number on record;
- 13,600 children benefitted from release and reintegration worldwide;

- 1,023 attacks were made on schools and hospitals, affecting access to education and health services for thousands of children;
- 933 cases of sexual violence against children were perpetrated; and
- 2,493 child abductions took place.

The UN Secretary-General, Antonio Guterres, said a “process of proactive engagement with national, sub-regional and regional actors” had been launched to prevent violations against children affected by armed conflict.³⁸ In a statement on 8 October 2019, the Special Representative for the Secretary-General for Children and Armed Conflict, Virginia Gamba, stated:

It is our common responsibility to find durable and just solutions for all girls and boys affected by war, including by ensuring accountability and compliance with international humanitarian and human rights law, and by implementing measures to end and prevent violations.³⁹

In addition, a report by Save the Children in February 2019, [Stop the War on Children](#), stated that nearly 1 in 5 children were living in areas affected by armed conflict.⁴⁰ The report highlighted how efforts to avoid the use of certain weapons, seek accountability for crimes against children, keep schools safe, and pursue new ways to support children’s recovery from the horrors of conflict could make a “huge difference” to children’s lives.⁴¹

UK Government Policy in Support of the International Situation

In an oral statement delivered in the House of Commons on 2 October 2019, the Secretary of State for International Development, Alok Sharma, announced a “new focus” on working with the international community to end preventable deaths of mothers, new-born babies and children. He stated that progress had been made in these areas, but this was not “felt all round the world”.⁴² He added:

As International Development Secretary, I will ramp up the UK’s efforts to end preventable deaths of mothers, new-born babies and children in the developing world by 2030. Through UK aid, we will work with international partners to boost our support for developing countries to make progress towards universal health coverage, with everyone able to affordably access the quality health services that they need, and with a health system they can be proud of, as proud as we are of our lifesaving NHS.⁴³

Background: United Nations Convention on the Rights of the Child (UNCRC)

In 1946, the UN General Assembly established the United Nations International Children’s Emergency Fund (UNICEF).⁴⁴ This was set up initially to help children affected by World War II, and in 1953 became a permanent part of the UN.⁴⁵ In 1959, the UN General Assembly adopted the Declaration of the Rights of the Child.⁴⁶ This defined children’s rights to protection, education, health care, shelter and good nutrition. In 1989, the United Nations Convention on the Rights of the Child (UNCRC) established 54 articles that set out children’s rights.⁴⁷ The UK ratified the convention in 1991.⁴⁸ Under the terms of the convention, all children are entitled to these rights regardless of their ethnicity, gender, religion, language, abilities or other status.⁴⁹

According to UNICEF, four “general principles” are fundamental to realising all rights in the UNCRC convention. These are:

- non-discrimination;
- best interest of the child;
- right to life survival and development; and
- right to be heard.⁵⁰

Additional protocols have been added over time. In 2000, the UN General Assembly adopted two “optional protocols” to the UNCRC.⁵¹ These stated that countries must take key actions “to prevent children from partaking in hostilities during armed conflict and to end the sale, sexual exploitation and abuse of children”. These optional protocols have been ratified by the UK.⁵² In 2011, a further “optional protocol” was adopted to give children the right of individual petition to “file complaints of child rights violations and undertake investigations”.⁵³ This optional protocol has not yet been ratified by the UK.

In 2015, Somalia and South Sudan gave formal consent to the convention, making the UNCRC the most widely ratified international instrument. To date, only the United States has not ratified the convention.⁵⁴

Further Information

- House of Commons Library, [UN Convention on the Rights of the Child: A Brief Guide](#), 29 November 2016

¹ United Nations, ‘[Universal Children’s Day 20 November](#)’, accessed 2 October 2019.

² UNICEF, ‘[Convention on the Rights of the Child](#)’, accessed 7 October 2019.

³ Department for Education, ‘[United Nations Convention on the Rights of the Child \(UNCRC\): How Legislation Underpins Implementation in England](#)’, 15 March 2010.

⁴ UNICEF, ‘[Rights: How we Protect Children’s Rights with the UN Convention on the Rights of the Child](#)’, accessed 3 October 2019.

⁵ United Nations, ‘[Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: United Kingdom](#)’, 6 March 2015.

⁶ House of Lords and House of Commons Joint Committee on Human Rights, ‘[The UK’s Compliance with the UN Convention on the Rights of the Child](#)’, 24 March 2015, HL Paper 144/HC 1016 of session 2014–15.

⁷ *ibid*, pp 51–7.

⁸ Committee on the Rights of the Child, ‘[Committee on the Rights of the Child Reviews the Report of the United Kingdom](#)’, 24 May 2016.

⁹ Committee on the Rights of the Child, ‘[Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland](#)’, 3 June 2016.

¹⁰ *ibid*, p 2.

¹¹ House of Commons, ‘[Written Statement: Commitment to UNCRC](#)’, 17 October 2016, HCWS194.

¹² [HC Hansard, 20 November 2018, cols 21–2WS](#).

¹³ [HC Hansard, 24 June 2019, col 447](#).

¹⁴ Children’s Rights Alliance for England, ‘[State of Children’s Rights 2018](#)’, March 2019.

- ¹⁵ UNICEF, [‘New Report Finds Little Evidence of Progress on Children’s Rights Issues in England—UNICEF UK Responds’](#), 12 March 2019.
- ¹⁶ Children’s Commissioner, [‘Children’s Commissioner’](#), accessed 10 October 2019; Children’s Commissioner, [A Manifesto for Children](#), September 2019, p1.
- ¹⁷ Children’s Commissioner, [A Manifesto for Children](#), September 2019.
- ¹⁸ Children’s Commissioner, [Briefing: The Children Leaving School With Nothing](#), September 2019.
- ¹⁹ Children’s Commissioner, [‘Almost One in Five Children Left Education at 18 Last Year Without Basic Qualifications’](#), 20 September 2019.
- ²⁰ *ibid.*
- ²¹ Sally Weale, [‘Shameful Rise’: 18% of Children Now Leave School as Low Achievers’](#), *Guardian*, 20 September 2019.
- ²² Children’s Commissioner, [Stability Index 2019](#), August 2019.
- ²³ Children’s Commissioner, [‘Explosion in Number of Older Children Going into Care Over Last Five Years is Hitting Stability of the System’](#), 1 August 2019.
- ²⁴ Children’s Commissioner, [Children’s Voices](#), August 2019.
- ²⁵ Children’s Commissioner, [‘Children’s Voices: Children’s Experiences of Instability in the Care System’](#), 1 August 2019.
- ²⁶ Eleanor Busby, [‘Number of Over-16s Going into Care Increases 25% in Four Years. Report Finds’](#), *Independent*, 1 August 2019.
- ²⁷ BBC News, [‘Surge in Teens in Care ‘Puts System Under Strain’](#), 1 August 2019.
- ²⁸ UNICEF, [‘An Open Letter to the World’s Children’](#), accessed 7 October 2019.
- ²⁹ *ibid.*
- ³⁰ UNICEF, [Annual Report 2018: For Every Child, Every Right](#), 2018.
- ³¹ UNICEF, [UNICEF Strategic Plan 2018–2021: Executive Summary](#), accessed 7 October 2019; United Nations, [Transforming Our World: the 2030 Agenda for Sustainable Development](#), 21 October 2015; UNICEF, [Annual Report 2018: For Every Child, Every Right](#), 2018.
- ³² United Nations Girls’ Education Initiative, [‘United Nations Girls’ Education Initiative: About Us’](#), accessed 24 October 2019.
- ³³ UNESCO Institute for Statistics, [New Methodology Shows that 258 Million Children, Adolescents and Youth are Out of School](#), September 2019.
- ³⁴ Global Partnership for Education, [Gender-Responsive Education Sector Planning](#), September 2019.
- ³⁵ Plan International, [‘Because I Am a Girl’](#), accessed 10 October 2019; Plan International, [Adolescent Girls in Crisis: Experiences of Risk and Resilience Across Three Humanitarian Settings](#), 20 September 2018.
- ³⁶ United Nations, [Report of the Secretary-General on Children and Armed Conflict](#), 26 July 2019. The UN’s six grave violations against children include: being killed, maimed, recruited by armed groups or abducted, sexual violence, attacks on schools and denial of humanitarian aid.
- ³⁷ United Nations, [‘New UN Report Shows Record Numbers of Children Killed and Maimed in Conflict’](#), 30 July 2019.
- ³⁸ *ibid.*
- ³⁹ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, [‘Statement by Ms Virginia Gamba to the Third Committee of the General Assembly’](#), 8 October 2019.
- ⁴⁰ Save the Children, [Stop the War on Children: Protecting Children in 21st Century Conflict](#), February 2019.
- ⁴¹ Save the Children, [‘Nearly 1 in 5 Children Living in Areas Affected by Armed Conflict’](#), 14 February 2019.
- ⁴² [HC Hansard, 2 October 2019, cols 58–60WS, HCWS1844](#)
- ⁴³ *ibid.*
- ⁴⁴ UNICEF, [‘Join Us on World Children’s Day 20 November’](#), accessed 2 October 2019.
- ⁴⁵ UNICEF, [‘Learning from Experience: 1946–1979’](#), accessed 7 October 2019; United Nations [‘Children’](#), accessed 10 October 2019.
- ⁴⁶ United Nations, [‘Children’](#), accessed 10 October 2019.
- ⁴⁷ UNICEF, [The United Nations Convention on the Rights of the Child](#), May 2010. The text was adopted by the UN General Assembly on 20 November 1989.
- ⁴⁸ Department for Education, [‘United Nations Convention on the Rights of the Child \(UNCRC\): How Legislation Underpins Implementation in England’](#), 15 March 2010.
- ⁴⁹ UNICEF, [A Summary of the UN Convention on the Rights of the Child](#), May 2010.

⁵⁰ UNICEF, '[Rights: How We Protect Children's Rights with the UN Convention on the Rights of the Child](#)', accessed 3 October 2019.

⁵¹ UNICEF, '[Strengthening the Convention on the Rights of the Child: Optional Protocols](#)', accessed 16 October 2019.

⁵² House of Commons Library, '[UN Convention on the Rights of the Child: A Brief Guide](#)', 29 November 2016, p 3.

⁵³ UNICEF, '[Implementing and Monitoring the Convention on the Rights of the Child](#)', accessed 7 October 2019.

⁵⁴ UNICEF, '[History of Child Rights](#)', accessed 7 October 2019.