

# Briefing Paper

*Quaker United Nations Office - Geneva*

## UK and Committee on the Rights of the Child

Like most other States, the UK has chosen to become a party to the Convention on the Rights of the Child. In so doing, it has voluntarily accepted not only the international legal obligations in that Convention, but also the duty to report regularly to the Committee on the Rights of the Child on its implementation of these obligations, including the problems and difficulties it has encountered in doing so, to discuss the situation with the Committee and to consider the Committee's recommendations, called Concluding Observations. The Committee is a body comprising 18 independent experts in child rights from different countries, and covering a broad range of expertise – legal, educational, social work, and so on. Currently, no member comes from the UK, but if this had been the case, that person would not have participated in the consideration of the UK in order to reduce the likelihood of actual pressure by the Government or feeling a need to defend the Government. The value of having such independent expertise brought to bear cannot be overemphasised: not only does the Government benefit from the subject-matter expertise, but also from perspectives from other countries and regions, and from the comparative information and experience acquired by the Committee in the course of their examination of the information and exchanges with Governments from around the world.

### The Committee Process

The process starts with the preparation of a report by the Government (State Report). There are slight variations between the different human rights treaties and their committees but the general concept and system is the same. The Committee encourages the State not just to produce a written document as a bureaucratic exercise but to use the occasion to consult widely both across government departments – including at different levels of government – and outside in order to truly assess the situation of children in the country and the implementation of the obligations under the Convention. In this instance, it was particularly important because this was the first time the UK was reporting since devolution to Scotland, Wales and Northern Ireland of many (though not all) of the powers in relation to the rights of the child. The UK was reporting on the Convention itself and also, for the first time, on the Optional Protocol on Involvement of Children in Armed Conflict.

The Committee then draws up a List of Issues – key topics on which it would like the Government to provide additional information in writing. This List draws not only on the State Report but also on information provided by national human rights institutions, national and international non-governmental organisations (NGOs), and others. The four Children's Commissioners submitted a joint report to the Committee, and many of their concerns were taken up, including their concern about the lack of ensured independence of the positions of the Commissioners themselves. The UK report included the overseas territories and crown dependencies but little attention was given to these due to the lack of alternative information.

*Continued overleaf ►*



The late submission of the UK's responses to the List of Issues made it hard for the Committee to take on board significant additional information, for example, the Government's admission that since the submission of its original report the UK had regressed by reinstating the so-called 'six year trap', by which those who join the British armed forces below the age of 18 (32% of recruits are aged 16 or 17), sign a four year contract but the four years only begin when they reach 18 years of age.

The central part of the process is the 'constructive dialogue' between the Government delegation and the Committee – government presentation, followed by questions and answers (or not). Sometimes the responses are clear, the UK has no intention of raising the recruitment age from 16 years, even when the age of compulsory education is raised to 18 years since in their view the armed forces provide education and training. The Committee was not impressed and, in its Concluding Observations encouraged a review of this position, noting that about 32% of recruits are under 18. The Concluding Observations are the Committee's assessment and recommendations to the State. Under the Optional Protocol these included reviewing UK policy and practice to ensure that children are not exposed to the risk of taking direct part in hostilities. (The UK deployed some under-18s into the current Iraq conflict).

Under the Convention itself, the Committee had many concerns including the need to raise the very low age of criminal responsibility (10 in England, Wales and Northern Ireland; 8 in Scotland); to develop a broad range of alternative measures to detention given the number of detained children; that all corporal punishment should be prohibited; the treatment of child refugees and asylum-seekers; and the restrictions on freedom of movement and of peaceful assembly through the use of ASBOs (Anti-Social Behaviour Orders) whose use should be independently reviewed with a view to abolishing their application to children.

## Conclusion

More broadly, the Committee was 'concerned at the general climate of intolerance and negative public attitudes towards children, especially adolescents, which appears to exist in the State party'.

The reporting process under human rights treaties does have an effect: the UK announced it would withdraw two reservations as a result of the Committee's previous Concluding Observations and its current re-appearance before the Committee – most significantly to Article 22 which will extend the application of the Convention to child refugees and asylum-seekers in the UK. Other steps may be less obvious and di-

## What you can do

rect results may require domestic pressure. The UK's 4 Children's Commissioners will provide an obvious channel but others can also take a hand since, as they themselves pointed out, their powers are limited.

If you are interested in the rights of the child in the UK, you can check the Committee's Concluding Observations on the Convention and Protocol on [www2.ohchr.org/english/bodies/crc/crcs49.htm](http://www2.ohchr.org/english/bodies/crc/crcs49.htm). For more background and detail you can read the UK's report, and written responses to the List of Issues, and the submissions of NGOs and of the Commissioners. Take one or more issue of concern to you, draw the Committee's concerns and recommendations to the attention of the appropriate authority and ask for their responses. In the UK this could be, for example, through one of the Parliamentary bodies or a relevant Government Department; outside the UK it could be through the British Embassy. What is important is that the Government is not allowed to forget about the process until the next report is due in January 2014.

For further information, see the reports available on:

<http://www.crin.org/docs/resources/treaties/crc.25/annex-vi-crin.asp>