



## UNITED KINGDOM COMMITTEE FOR UNICEF (UNICEF UK)

### SUBMISSION TO THE UN HUMAN RIGHTS COUNCIL: THE UNIVERSAL PERIODIC REVIEW OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

MARCH 2022

#### ABOUT UNICEF UK

UNICEF is the world's leading organisation working for children. UNICEF works with families, local communities, partners and governments in more than 190 countries to help every child realise their full potential. The UK Committee for UNICEF (UNICEF UK) is an integral part of UNICEF and raises funds for UNICEF's emergency and development work around the world and advocates for lasting change for children worldwide, including in the UK.

This submission focuses on children, with analysis of progress against existing recommendations from the UN Human Rights Council in 2017, and on emerging issues of concern.

## 1. INTERNATIONAL NORMS

### 1.1. Recommendations 134.42, 134.49 and 134.50 have been met:

The UK has ratified the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention).

### 1.2. Recommendations 134.2, 134.3, 134.4, 134.7, 134.12, 134.17, 134.18, 134.19, 134.20, 134.21, 134.22 and 134.25, have not been met.

The UK retains reservations to the CRC, as follows:

- a. Reservation to Article 32 applies in respect of all British Overseas Territories, except Pitcairn, and Isle of Man (a Crown Dependency)
- b. Reservation to Article 37c applies to all British Overseas Territories and Isle of Man
- c. Reservation to Article 22 applies only to Cayman

In addition, the UK retains its interpretive declaration on the UN Convention on the Rights of the Child's (CRC) Optional Protocol on Involving Children in Armed Conflict (OPAC), which states that the UK may not exclude children from taking part in hostilities where there is a genuine military need to deploy their unit or ship, and where it may be "not practicable" to withdraw children before deployment, or where such withdrawal would undermine "operational effectiveness".

The UK has not signed or ratified the CRC Optional Protocol on a communications procedure; it has committed to keeping the decision *not* to ratify under active review. Ratification would provide children with the same protections as other groups (see, for example, UK ratification of similar procedures under the Convention on the Elimination of Discrimination Against Women, and the Convention on the Rights of Persons with Disabilities), reaffirming children's status as rights holders and providing an important route for justice where children are unable to seek redress for rights violations in domestic courts.

The ratification of the CRC has still not been extended to all British Overseas Territories, i.e., Gibraltar.

### **Recommendations:**

#### **The UK should**

- **withdraw its reservations to the CRC,**
- **withdraw the declaration on OPAC, and**
- **ratify the Optional Protocol on a communications procedure, and extend the ratification of the CRC without delay.**

## 2. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

2.1. Recommendations 134.55, 134.66, 134.67, 134.68, 134.69, 134.70, 134.71, 134.72, 134.73, 134.74, 134.75, 134.76, 134.77 and 134.78 are at risk.

The UK Government has confirmed plans to reform the Human Rights Act (HRA) and replace it with a British Bill of Rights. The HRA has been central to the development of children's human rights in the UK, allowing children to directly enforce rights including the right to protection from torture, inhumane or degrading treatment; to freedom of expression; and to private and family life. It is crucial for children who access public services, as it places a positive duty on the public sector to comply with the rights in the European Convention on Human Rights (ECHR).

**Recommendation:**

**The UK must maintain the same level of human rights protection provided by the HRA in a British Bill of Rights; additional child-specific rights should also be included.**

2.2. Recommendation 134.58, 134.60 has not been met.

In the UK, provisions of an international treaty can only have effect in domestic law if they are written into or incorporated by domestic legislation. This has not been done with the CRC so it is not part of UK law and is not recognised in the court of law (except for interpretative purposes). Public authorities are also not under obligation to apply it.

**Recommendation:**

**The UK Government should commit to incorporating the principles and provisions of the CRC into domestic law and as that would give the treaty a direct effect throughout the UK.**

2.3. Recommendations 134.57, 134.162, 134.65 are being implemented.

There has been a good progress since 2017, nevertheless Child rights impact assessments (CRIA) are not mandatory yet and are not routinely undertaken on all policy and legislation affecting children across all UK jurisdictions.

There are few indications that any local authority in the UK is using an explicit and comprehensive CRIA to assess local policy affecting children. In a period which has seen almost unprecedented cuts to public services, a rapidly changing service provision landscape and a growing trend of private and voluntary outsourcing, it is essential that CRIA is used to inform all local authority policy decisions and place children's best interests above fiscal efficiency considerations.

**Recommendation:**

**The UK and devolved governments should introduce a statutory obligation to undertake comprehensive and high quality CRIA in developing policy and legislation. Similar obligations should be extended to public authorities to ensure children's rights are taken into account in all local decision-making**

### 3. CLIMATE CHANGE

Recommendation 134.189 has not been met

The UK Government adopted a Carbon Plan but neither rights nor children are included. Furthermore children receive just one mention in the UK's most recent National Adaptation Programme. While the UK is taking important steps towards tackling climate change through a child rights lens, including through the development of a Sustainability and Climate Change Strategy by the Department for Education, much more work is needed.

**Recommendation:**

**The UK Government should ground its forthcoming National Adaptation Programme in child rights; strengthen the rights-based approach to climate education set out in the Department for Education's strategy; sign the Intergovernmental Declaration on Children, Youth, and Climate Action; and accelerate efforts to achieve net zero no later than 2050.**

## 4. PROHIBITION OF SLAVERY AND TRAFFICKING

Recommendations 134.138, 134.139, 134.140, 134.142, 134.142, 134.143, 134.144, 134.145, 134.146 and 134.147 have been mostly met but some of their aspects are at risk.

The UK Government has an effective strategy to tackle human trafficking and contemporary forms of slavery and strengthened the system to identify and protect child victims.

However, the Draft Nationality and Borders Bill fails to fully acknowledge the positive obligation on the State to identify victims of trafficking and contemporary forms of slavery. Provisions of information relating to being a victim of slavery or human trafficking and compliance with information notices, do not take account of special needs of child victims. Furthermore, The Bill would make it a criminal offence for an asylum seeker to arrive in the United Kingdom without an entry clearance. This provision would also apply to victims of trafficking seeking asylum. As such, it would fail to ensure respect for the principle of non-punishment,

**Recommendation:**

**Ensure that the pending legislation and its provisions comply with United Kingdom's obligations under the international legal framework of human rights. Victims of trafficking should be given full opportunity to make a claim for asylum and not penalized for their mode of entry.**

## 5. POVERTY

Recommendations: 134.168, 134.191, 134.192 are still being implemented.

In 2019/20, the number of children living in relative poverty before housing costs was 3.2 million, with 4.3 million in relative poverty after housing costs. Relative child poverty before housing costs increased by 400,000 from the previous year, remaining at a similar level after housing costs. In terms of absolute poverty, the number before housing costs was 2.4 million; after housing costs, the number increased to 3.5 million.<sup>[1]</sup> Regardless of the measurement used, one child in poverty is one child too many.

The Covid-19 pandemic has had a serious impact both on the number of people living in poverty, and on the situation of those already living in some form of poverty. Rising living

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<sup>[1]</sup> House of Commons Library. (2021). *Poverty in the UK: statistics*.

<https://researchbriefings.files.parliament.uk/documents/SN07096/SN07096.pdf> P. 14

costs, loss of jobs, and additional caring responsibilities have all impacted low-income families, with around three quarters of low-income families surveyed reporting they were finding it “difficult” or “very difficult” to manage financially.<sup>[2]</sup>

In March 2020, the UK Government responded by increasing payments through the UK’s Universal Credit welfare system by £20 per recipient per week to provide additional support for families struggling through the pandemic. In October 2021, this uplift was removed.<sup>[3]</sup> One civil society organisation estimates that this decision will push another 200,000 children into poverty.<sup>[4]</sup>

According to the latest official figures for 2019/2020, relative child poverty increased by 400,000 from the previous year before housing costs (it is now 3.2 million children or 23%) and stayed at a similar level after housing costs (4.3 million children - at 31%).<sup>5</sup>

The UK Government has no plan to take forward recommendation 134.192.

### **Recommendations:**

**Ending child poverty should be the utmost priority for all domestic-facing Government departments. The UK Government should establish a time-measured, whole-of-Government strategy for the eradication of child poverty, to be published by the end of 2022.**

**The UK Government should outline immediate measures (e.g. introducing universal free school meals) taken or planned to ensure that recent and future reductions within the Universal Credit welfare system and the rising cost of living do not cause more children to fall into poverty, or hinder efforts to reduce the number of children already living in poverty.**

## 6. VIOLENCE AGAINST WOMEN AND GIRLS

Recommendations 134.182, 134.183, 134.184, 134.186, 134.188, 134.201, 134.202 have been followed:

Domestic Abuse Act and Tackling Child Sexual Abuse Strategy were adopted in 2021

Abuse and neglect of children is still on the rise, with the number of children subject to a child protection plan increasing from 50,310 children in 2016 to 52,330 children in 2019. Child Sexual Exploitation, including online, is also increasing. Even prior to the pandemic there were concerns that the safeguarding system was ‘overstretched and overwhelmed’ and unable to meet the growing safeguarding pressures.

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<sup>[2]</sup> House of Lords Library. (2021). *Covid-19: impact on child poverty and on young people’s education, health and wellbeing*. <https://lordslibrary.parliament.uk/covid-19-impact-on-child-poverty-and-on-young-peoples-education-health-and-wellbeing/>

<sup>[3]</sup> Joseph Rowntree Foundation. (2021). *What the £20 Universal Credit cut means for you, and what you can do*. <https://www.jrf.org.uk/universal-credit-cut-what-you-can-do>

<sup>[4]</sup> Joseph Rowntree Foundation. (2021). *Biggest ever overnight cut to social security makes a mockery of levelling up*. <https://www.jrf.org.uk/press/biggest-ever-overnight-cut-social-security-makes-mockery-levelling>

<sup>(5)</sup> House of Commons Library (2021), *Poverty in the UK: Statistics* <https://researchbriefings.files.parliament.uk/documents/SN07096/SN07096.pdf>

The latest figures for the whole of the UK show that in 2018/19, there were approximately 102,000 looked after children in the UK. The total number of looked after children in the UK has increased every year since 2010. In the last five years the population of looked after children in the UK has increased by 10%. However, it is important to note that this UK-wide trend is not reflected in all four nations (in Scotland, the number of looked after children peaked at 16,248 in 2012 and was down to 14,015 by 2019). The number of looked after children is growing faster than that of the UK child population.<sup>6</sup>

**Recommendation:**

**UK should ensure that the child protection system is given long-term sustainable investment in order to meet the needs of the children and families during the covid-19 pandemic and beyond.**

## 7. PHYSICAL PUNISHMENT

Recommendations 134.193 – 134.199 have been met partially met:  
physical punishment has been banned in Jersey, Scotland and Wales.

Children still do not have equal protection from assault. The UK Government continues to retain the defence of “reasonable punishment” for parents/guardians in England and Northern Ireland. Furthermore, corporation punishment is legal in most of British Overseas Territories, in some of them even in schools and other institutional settings.

**Recommendation:**

**The UK and British Overseas Territories governments should commit to banning the physical punishment of children.**

## 8. YOUTH JUSTICE

Recommendations 134.203, 134.204, 134.205, 134.206, 134.207, 134.208 have not been met.

The UK nations have some of the lowest ages of criminal responsibility in the world, where children as young as 10 in England, Wales and Northern Ireland can be charged with a criminal offence and processed within the criminal justice system. Scotland recently voted to increase their age of criminal responsibility from eight years to 12 years old – but this is still below the UN recommendation of at least 14 years old.

**Recommendation:**

**Raise the minimum age of criminal responsibility to at least 14 years of age**

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<sup>6</sup> NSPCC (2021), “Looked after children: statistics briefing”, <https://learning.nspcc.org.uk/research-resources/statistics-briefings/looked-after-children>

## 9. MIGRATION AND ASYLUM

Recommendations 134.190, 134.213, 134.219, 134.221, 134.222, 134.223 are at serious risk.

The Nationality & Borders Bill aims to create a two tiers of refugee status, in which only those refugees who meet specific requirements will be considered “Group 1” refugees and benefit from the rights guaranteed to all refugees by the Refugee Convention. The Bill would also create a series of civil and criminal penalties that would target the majority of the refugees who will seek asylum in the UK. These penalties target those who had entered the UK irregularly; those who have not come directly to the UK – regularly or irregularly - from a country or territory where their life or freedom was threatened; those who have delayed claiming asylum or overstayed; and those who arrive in the UK without entry clearance and claim asylum immediately.

Indefinite immigration detention continues in policy and practice.

### **Recommendations:**

**Irregular or clandestine entries should not be treated as criminal offences. The act of seeking asylum should be legal and recognised as per Article 14 of the Universal Declaration of Human Rights of 1948.**

**Introduce time limit to immigration detention.**

### **New issues:**

## 10. INTERNATIONAL DEVELOPMENT

The UK has long been a leader in international development but the reduction from 0.7 to 0.5% GNI for spending on Overseas Development Aid has meant that in 2021, for the first time since 2013 the UK did not meet the UN target.

### **Recommendation:**

**The UK Government should adopt a rights based International Development Strategy along with a clear plan to return to 0.7 as well as a prioritisation of programmes which support children within the UK’s aid budget.**

## 11. EDUCATION – DIGITAL DIVIDE

The digital divide continues to permeate the UK, affecting children and young people’s rights. This was particularly pertinent during the COVID-19 pandemic and subsequent school closures, when children’s realisation of their right to education was dependent on their adequate access to the online world. Eight per cent of children aged 5-15 do not have access to an internet enabled desktop computer, laptop, or netbook at home.<sup>7</sup> As the Fourth Industrial Revolution unfolds, children’s rights will be realised through online provision in more and more profound and meaningful ways – at the risk of leaving digitally excluded children behind.

### **Recommendation:**

**The UK should develop and deliver a comprehensive, long-term, and fully funded digital inclusion strategy for children and young people, one that addresses devices, connectivity, digital literacy, online safety, teacher training, and ongoing, sustainable inclusion of all children.**

<sup>7</sup> Ofcom (2021), Media Literacy Tracker 2020 [Parents of children aged 5-15 and children aged 8-15 – 26th October 2020 to 15th January 2021, PDF Data Tables, Table 14]  
[https://www.ofcom.org.uk/data/assets/pdf\\_file/0018/214470/ofcom-media-literacy-tracker-2020-survey-1-aged-5-15-data-tables.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0018/214470/ofcom-media-literacy-tracker-2020-survey-1-aged-5-15-data-tables.pdf).