



**Briefing for Education Committee:
UN Convention on the Rights of the Child Reporting Procedure**

**Children's Law Centre
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Summary

1. The United Nations Convention on the Rights of the Child (UNCRC) is a legally-binding international agreement setting out the rights of every child under the age of 18.
2. All countries that sign up to the UNCRC are bound by international law to ensure it is implemented. This is monitored by the Committee on the Rights of the Child (the Committee).
3. The UK government will be examined by the UN Committee on the Rights of the Child in relation to their progress to implement the UN Convention on the Rights of the Child in January 2023.
4. There have been some delays in relation to the timeline for reporting due to Covid-19, however, the indicative dates have been put forward in respect of the Committee's examination of the UK government. Please note that these dates are subject to change.



5. A reporting procedure takes place before the full examination to provide information to the UN Committee by both the State party and relevant stakeholders.
6. Stakeholders, including the NGO sector in NI have provided the Committee with a report. A summary of the issues highlighted in the Stakeholders Report is outlined below.
7. The Committee on the Rights of the Child subsequently issued a List of Issues Prior to Reporting to the UK government. This consists of 30 questions for the UK and devolved governments to respond to on or before 15th February 2022. The Department of Education in NI are leading on the reporting for this jurisdiction. A summary of some of the information sought by the Committee is provided below.

8. Stakeholders, including young people themselves, will provide further information after the State party report is submitted.
9. A Taskforce visit to the State Party, where members of the Committee will visit the UK, including the devolved nations will be arranged.
10. A pre-sessional will then take place between stakeholders and the Committee, before the Committee and the State Party meet for "Constructive Dialogue".
11. After the Constructive Dialogue, the Committee will issue Concluding Observations and Recommendations.
12. The Concluding Observations and Recommendations outline progress achieved, main areas of concern and recommendations to the State party on how to fulfil its obligations and advance child rights.

The United Nations Convention on the Rights of the Child

13. The United Nations Convention on the Rights of the Child (UNCRC) is a legally-binding international agreement setting out the rights of every child under the age of 18.
14. The UNCRC consists of 54 articles that set out children's rights and how governments should work together to make them available to all children.
15. These rights include *inter alia* the right to life, survival and development; the right to protection from violence, abuse or neglect; the right not to be discriminated against; the right to have their best interests as primary consideration; the right to an education that enables children to fulfil their potential; and the right to have their voices heard and be listened to by those that make decisions. The full text of the UNCRC can be accessed [here](#).
16. Since the UNCRC was adopted by the United Nations in November 1989, 196 countries have signed up to the UNCRC, including the UK. All countries that sign up to the UNCRC are bound by international law to ensure it is implemented. This is monitored by the Committee on the Rights of the Child (the Committee). Membership of the UN Committee on the Rights of the Child can be viewed [here](#).

UN Committee on the Rights of the Child Reporting and Monitoring

17. Monitoring of each State party by the Committee takes place on a cyclical basis, approximately every 5 years. This is undertaken via a reporting procedure where State Parties and relevant stakeholders provide the Committee with information on how well the State party is implementing the UNCRC and where there are areas that need improvement.
18. The aim of reporting procedure is to provide information to the UN Committee on the Rights of the Child to enable it to assess the degree to which the UK and devolved governments are progressively implementing children's rights as articulated in the UN Convention on the Rights of the Child and to provide recommendations on actions to the State Party.
19. After each State party examination by the UN Committee on the Rights of the Child, the Committee publish their Concluding Observations and Recommendations. The Concluding Observations and Recommendations outline key areas of progress achieved by the State Party, main areas of concern for the committee and recommendations to the State Party to improve the implementation of the UNCRC. A copy of the previous Concluding

Observations and Recommendations for the UK government from the UN Committee on the Rights of the Child can be viewed [here](#).

20. The Concluding Observations and Recommendations should then be used by the State party as the blueprint on how to improve children's rights in their country.

Overview of the Simplified Reporting Procedure



21. In 2014, the United Nations General Assembly adopted resolution A/RES/68/268 entitled "*Strengthening and enhancing the effective functioning of the human rights treaty body system*" in which it encourages the human rights treaty bodies and States parties to use a simplified reporting procedure to facilitate the preparation of States parties' reports and the constructive dialogue on the implementation of their treaty obligations.
22. The Committee on the Rights of the Child has made the simplified reporting procedure available to States parties whose periodic reports are due from 1st September 2019 onwards through quarterly invitations. The UK government has chosen to follow the simplified reporting procedure when reporting to the Committee on the Rights of the Child.
23. Under the simplified reporting procedure, the UN Committee on the Rights of the Child sends the State party (in this case, the UK government) a request for specific information, known as the List of Issues Prior to Reporting (LOIPR) containing up to 30 questions.
24. Before the List of Issues Prior to Reporting are issued to the State party, the Committee cooperates with a range of non-State party stakeholders who submit written reports on the situation of children's rights in a State party. These can be NGOs, national human rights institutions, children's own organisations, UN agencies, and others such as academics, researchers and civil society organisations. From a NI perspective, CLC co-ordinated the response from the NI NGO sector, while the NI Children's Commissioner (NICCY) fed into a UK wide report from all the Children's Commissioners in the UK (including a young person's report). Other organisations and academics will have also provided input, including the NI Human Rights Commission.
25. The reports identified emerging trends and highlighted key issues to be included in the List of Issues. These themes will be highlighted later in the briefing.
26. In February of this year, the UN Committee on the Rights of the Child issued the List of Issues Prior to Reporting (LOIPR) to the UK government. The LOIPR for the UK government can be accessed [here](#).
27. The State Party has 12 months from the publication of the List of Issues Prior to Reporting to reply to the UN Committee on the Rights of the Child – therefore the UK government must reply to the List of Issues on or before 15th February 2022. The word limit for the State party's report is 21,200 words.

28. When the State party's report is received, stakeholders may submit reports or comments on the State Party's report, as well as questions for the constructive dialogue and proposed recommendations for the State Party. The reports can be comprehensive (maximum 20,000 words) or thematic (6000 words). Submissions from children and young people can use multiple formats and do not have a word limit. It is CLC's intention to submit further reports at this stage, one as a follow up from the NI NGO report submitted in December 2020 (linked below) and one young person's report.
29. The next step will be the CRC pre-session where the Committee will invite children's organisations and selected stakeholder to participate in the pre-sessional working group and hold an in-depth discussion of their submissions. Members of the Committee are also likely to visit the State party before the full CRC session (Covid-19 and diary permitting).

Stakeholder Reports

30. The [UK Commissioners' 2020 Report to the UN Committee on the Rights of the Child](#), the associated children and young people's report and the [NI NGO Stakeholder Report](#) and [Supporting Evidence Report](#) co-ordinated by CLC follow broadly the same format, using the headline themes outlined below. This is the same format used by the UN Committee on the Rights on the Child during the examination of the UK government and in the Concluding Observations and Recommendations.
31. The following issues were highlighted in both the Children's Commissioners' Report and the NI NGO Report as issues in which there has been a failure to deliver on the UNCRC in this jurisdiction. This is intended to be a snapshot of the full reports, rather than an exhaustive list.

A. General Measures of Implementation

32. There is a significant threat to protection of children's rights following UK withdrawal from the EU. Furthermore, following the UK withdrawal from the EU, the Conservative government has indicated the likely repeal of the Human Rights Act 1998 and its replacement with a British Bill of Rights. There are also significant concerns about the adverse impacts of withdrawal from the EU human rights framework.
33. There is concern about the potential risk to the peace process and that Brexit could lead to a hard border between NI and the Republic of Ireland. There is further concern in relation to identity and citizenship rights following Brexit, particularly in relation to those identifying as Irish retaining EU citizen rights and those identifying as British losing access to EU citizenship.

34. The lack of progress in relation to the UK government legislating for a Bill of Rights for NI is highlighted.
35. Emergency legislation in response to the Covid-19 pandemic was significant in relation to health and social care; temporary closure of educational institutions and childcare premises; amendment of education legislation, including duties in relation to Special Educational Needs.
36. There is currently no NI Minister with overall responsibility for children, weakening oversight and accountability for delivery of children's rights.
37. There is an absence of children's budgetary analysis. The NI Executive has not produced a children's budget.
38. A UNCRC child rights indicator framework has not been developed or implemented in NI.
39. There is no comprehensive awareness raising or training about the UNCRC, children's and human rights for professionals working with children. The UNCRC is not a statutory element of the NI curriculum, nor are UNCRC principles and provisions integrated into the structures and practices of all schools.

B. Definition of the Child

40. The legal framework in NI enables marriage involving children between the ages of 16 and 17 with parental or judicial consent.

C. General Principles

41. Proposed Age Discrimination legislation did not progress due to the suspension of the Assembly and has not been re-introduced.
42. Children continue to experience discrimination and stigmatisation. Children living in poverty, children with a disability, Looked After Children, young Irish language speakers, Traveller children, migrant children and children from ethnic minority communities, asylum seeking children, refugee children and LGBT+ children are all identified within the reports as children experiencing discrimination and poorer education, housing and health outcomes.
43. The 'best interests' principle is still not reflected in all NI legislation.

- 44. Legislation to establish an independent Panel to review child deaths has not been implemented.
- 45. Lack of child participation in legislation and policy development, service planning and delivery continues.

D. Civil Rights and Freedoms

- 46. The NI Executive has failed to ensure protection for the self-identity and citizenship of immigrant children who have been taken into care and there has been a failure to provide culturally appropriate alternative care.
- 47. Compulsory worship continues in NI schools and no action has been taken to permit pupils to withdraw from these sessions.
- 48. The use of 'mosquito devices' to disperse gatherings of children in public spaces where they gather has not been prohibited.
- 49. The use of non-terrorist 'stop and search' powers by the PSNI mainly include stop and search based on the legal test of reasonable suspicion. Statistics and young people's accounts indicate the legal test of reasonable suspicion is not being applied, records are not being properly kept, and the stop and search power is being used as a form of coercive control.
- 50. There is no statutory protection of anonymity for children in NI who have been arrested, but not charged, some of whom may never be charged.

E. Violence Against Children

- 51. Tasers have been drawn and fired at children. The PSNI continues to use AEPs in public order situations when children are present. The PSNI have also used CS Spray against children including in a children's home. The PSNI have also introduced the use of Spit and Bite Guards to "protect" officers from Covid-19, despite the absence of evidence that they afford protection and indication that they may exacerbate transmission risk. These have been used on children.
- 52. Corporal punishment in the family remains lawful, with no plans to repeal the legal defence of 'reasonable chastisement'.
- 53. NI rates of children on the child protection register are increasing and remain higher than in other UK jurisdictions.

54. Concerns remain about current arrangements and practices for prevention and detection of, and responses to, child sexual abuse. Implementation of the 2014 Marshall Inquiry: Child Sexual Exploitation in NI remains outstanding.
55. As a society transitioning from conflict, specific circumstances pertain in NI which have a detrimental impact on children including threats, intimidation, exiling and physical attacks against children accessed of 'anti-social behavior' by paramilitary organisations.

F. Family Environment and Alternative Care

56. Lack of a Childcare Strategy and government funding for childcare remains a concern.
57. NI legislation and regulations concerning adoption and foster care remain outdated.
58. Concerns remain about potential impact on the quality of care services, including residential children's homes, if these are outsourced to private, for-profit companies.
59. Concerns persist over the need to resource appropriate alternative care, with a variety of placement options to meet children's needs.
60. Many young people placed in secure accommodation in NI which deprives children of their liberty have experienced time in custody, or the regional mental health hospital, or both. They are usually vulnerable children with complex needs and adequate plans are not always in place to support children when they leave secure care and return to the community.
61. Children of incarcerated parents are often not promptly assigned a social worker to complete an assessment regarding suitability of contact when a parent enters custody, leading to a significant gap in contact which detrimentally impacts on the child/ parent relationship. Significant numbers of children with an incarcerated parent are unknown to services and receive no support or advocacy.

G. Disability, Basic Health and Welfare

62. No baseline data is being collected on children with disabilities, making it impossible to consider the impact of policies on their right to equality of opportunity.

63. Children with learning difficulties and/ or mental health needs experience limited options when transitioning from children's services to adult services.
64. Many children with a disability are denied their right to play due to a lack of suitable play opportunities and/ or attitudinal barriers.
65. The scale of poor child mental health in NI is unclear due to no regularly available prevalence data. Urgent concerns include suicide rates much higher than other UK jurisdictions; increasing incidence of self-harm; increasing anti-depressant prescription rates; poor emotional well-being; eating disorders; low levels of self-esteem; bullying; increased anxiety; limited policy and practice in the areas of perinatal and infant mental health; high levels of self-harm and suicidal thoughts among LGBT young people.
66. The rate of admissions to Child and Adolescent Mental Health Services is the second highest in the UK.
67. The Covid-19 pandemic and resultant 'lockdowns' have had a detrimental impact on children's mental health as children experience disruption to many aspects of their lives.
68. In NI, living in a divided society and the legacy of the conflict impact negatively on children's mental health, including inter-generational trauma.
69. The Mental Capacity Act (NI) excludes under 16s from its scope. There are also concerns regarding 16 and 17 year olds who fall within the scope of the Mental Capacity Act, as the Act allows parents to consent for them to be deprived of their liberty despite a UK Supreme Court ruling that no parent can consent to their child's deprivation of liberty.
70. Some children with learning disabilities and co-occurring mental health needs are delayed discharge patients - medically fit to leave, they remain in a children's in-patient facility, sometimes for years.
71. NI is the only jurisdiction in the UK that does not provide a specialist psychiatric in-patient Mother and Baby Unit.
72. There is limited data about children's alcohol and drug use in NI and there is no dedicated in-patient facility for children with drug and alcohol issues in NI.
73. In NI, beyond the statutory content for Relationships and Sexuality Education (RSE), schools have flexibility in what they cover, giving each school the scope to decide how best to meet pupils' needs. Important RSE content may be

excluded because it does not fit with the school's ethos. Current RSE provision is inadequate, often failing to connect with the 'lived reality' of children's lives or experiences including sexting, family diversity, and LGBT+ relationships.

- 74. Food insecurity and holiday hunger amongst families living in poverty is concerning.
- 75. The numbers of children living in poverty in NI remain unacceptably high. Regressive welfare reforms have led to unprecedented levels of Universal Credit declarations, the proliferation of food banks, and a 122% rise in food parcels given to children. Job losses and income instability caused by the Covid-19 pandemic have placed households in acute financial stress.
- 76. Legislation prohibiting prolonged placement of children in temporary accommodation by public authorities has not been enacted.
- 77. Concerns exist about significant adverse impacts of lack of internet access and digital poverty.

H. Education, Leisure and Cultural Activities

- 78. Inequalities in access to education and education attainment pertain for specific groups, including:
 - a. Traveller children
 - b. Roma children
 - c. Care experienced children
 - d. Children who may not receive education at school for a period due to illness, mental health issues, suspension or expulsion
 - e. Children with Special Educational Needs and disabilities
 - f. Refugee and asylum seeking children.
- 79. Concern remains in relation to the use of unregulated 'transfer tests' i.e. academic selection.
- 80. School segregation by religion continues.
- 81. There is no requirement to teach evolution and there is no prohibition on the teaching of pseudoscientific theories such as creation or intelligent design.
- 82. Religious Education (RE) is not inclusive. All NI grant-aided schools are legally required to provide RE explicitly "based on the holy scriptures". The syllabus has been developed and is overseen by nominees representing the four main Christian churches, with no representation of minority faiths or humanism.

83. The Covid-19 pandemic response increased educational inequalities. Distance learning differentially adversely impacted on disadvantaged children.
84. The Coronavirus Act 2020 enabled the diminution of legal obligations to children with SEN in NI, conferring powers on the Department of Education to dis-apply or modify educational statutory duties relating to assessment of, and provision for, SEN by replacing the 'absolute duty' with a 'best endeavours' duty.
85. There have also been extensive delays in health assessments for children with SEN/ disabilities which are blocking access to early intervention measures.
86. There has been significant impact of Covid-19 lockdowns on children's opportunities to engage in essential play and leisure.

I. Special Protection Measures

87. The UK has no provisions for allowing unaccompanied and separated refugee children to sponsor family members to join them in the UK.
88. The age of criminal responsibility in NI remains at 10 years.
89. The impact of delay in the administration of youth justice remains concerning.
90. Specific groups remain over-represented in custody, including children in care, Catholic children, children with mental health issues or learning disabilities.

List of Issues Prior to Reporting (LOIPR)

91. The Committee on the Rights of the Child issued their List of Issues Prior to Reporting to the UK government in February 2021, which contains 30 questions, many of which with supplementary parts.
92. The Committee has asked the UK government (including devolved legislatures) to provide information on a wide-range of issues, some of which are highlighted below. The full LOIPR is provided via link above.
93. The Committee has requested the State party to provide information on the adoption or reform of laws, policies and programmes that are significant for the implementation of the UN Convention on the Rights of the Child.

94. Further information is sought vis-à-vis the measures taken to ensure the protection of rights of children in the context of the Covid-19 pandemic and to mitigate the adverse impacts of the pandemic.
95. Information is also required in relation to measures taken to ensure that the State party's withdrawal from the EU, and the loss of related funding, do not have an adverse impact on children's rights.
96. The UK government are also being asked to explain the measures taken to bring its domestic legislation into line with the UNCRC; establish a child's rights impact assessment procedure for all legislation and policies affecting children, including in response to the Covid-19 pandemic; assess proposals to revise the Human Rights Act from a child rights perspective; and enact a Bill of Rights for NI.
97. Further information is sought in relation to the measures taken to incorporate a child rights-based approach into the State budgeting process; and the measures taken to ensure that children are not affected by austerity measures or regressive measures taken in response to the Covid-10 pandemic.
98. The Committee has requested an update in respect of efforts to improve the collection of disaggregated data for children.
99. Further information is also sought on awareness-raising programmes for children, and training of relevant professional groups, on the Convention.
100. The UK government are also being asked to described measures taken to protect children from discrimination; and measures taken to eliminate discrimination with regard to health, education, alternative care and child justice against children living in poverty, Roma children, gypsy and Traveller children, children belonging to ethnic minority groups, children with disabilities, children in alternative care, asylum-seeking, refugee and migrant children, and lesbian, gay, bisexual, transgender and intersex children;
101. The Committee have asked for the UK government to describe the measures taken to ensure the right of the child to be heard and that children's views and opinions are given due consideration in decisions impacting their lives.
102. Information is also sought in relation to measures taken to repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious observance at school.

103. The UK government is also asked to describe measures taken to guarantee children's right to freedom of movement and peaceful assembly, including by prohibiting the use of acoustic devices to disperse public gatherings of young people ("mosquito devices").
104. The Committee have sought information in relation to the measures taken to prohibit the use of non-statutory stop-and-search checks against children and ensure that their statutory use is proportionate and non-discriminatory, including by implementing the best use of the stop-and-search scheme and providing safeguards on "no suspicion" stop-and-search checks.
105. Information is also required vis-à-vis the measures taken to promote the equitable access of children to online services and connectivity.
106. The UK government is asked to described the measures taken to:
- Prohibit the use of electrical discharge weapons, such as Tasers, attenuating energy projectiles, spit hoods and other harmful devices on children, in particular on children belonging to ethnic minority groups;
 - Ban all pain-inducing techniques and methods of seclusion used against children for disciplinary purposes in schools and in institutional settings;
 - Address the disproportionate use of restraint against children with disabilities in schools and institutional settings.
107. They are also being asked to describe the measures taken or envisaged to prohibit corporal punishment and repeal legal defences of 'reasonable punishment' in England and Northern Ireland.
108. The Committee have asked for information in relation to measures taken to protect children from different forms of violence, including domestic violence, gender-based violence and sexual exploitation and abuse against children.
109. Additional information is asked for in relation to resources for childcare and family support.
110. The UK government have also been asked to explain measures taken to protect children deprived of a family environment.
111. In relation to health and health services, information is required in relation to measures taken *inter alia* to:
- Eliminate inequalities in health outcomes and in access to high-quality health services for children in disadvantaged situations;

- Address malnutrition, overweight and obesity among children, and to assess the effectiveness of policies and programmes on child food security and nutrition;
- Address the high incidence of mental illness and self-harm, and the causes thereof, in particular among girls, children with disabilities and lesbian, gay, bisexual, transgender and intersex children;
- Ensure that children with mental health conditions have prompt access to mental health services;
- Develop therapeutic community-based services for children with mental health conditions; and
- Review the current legislation to prevent its disproportionate placement of children with mental health needs in psychiatric wards for adults or police stations and ensure that the best interests and views of the child are taken into account in their mental health treatment.

112. Information is also sought vis-à-vis the measures taken to address the increasing child poverty rate; the impact of welfare reform; reduce homelessness and guarantee children's access to adequate housing; and prohibit the prolonged placement of children in temporary accommodation in NI.

113. Further information is required in relation to measures taken to ensure equal access to education, including by mitigating the disproportionate impact of Covid-19, and improve attainment rates and educational outcomes for children in disadvantaged situations.

114. The UK government are also asked for information in relation to measures taken to:

- monitor and address the persistent use of school exclusions; and guarantee children the right to appeal against their exclusion and to legal aid and legal representation;
- improve well-being and address bullying in schools, including against children with disabilities, minority children and lesbian, gay, bisexual and transgender children;
- ensure the allocation of sufficient human, technical and financial resources for the development and expansion of early childhood care and education;
- ensure that mandatory sexual and reproductive health education includes material on sexual orientation and gender identity;
- integrate human rights education into mandatory school curricula and teacher training programmes;

- ensure that children with disabilities have access to and benefit from inclusive education, including by making mainstream schools fully accessible.
115. The UK government are asked to describe the measures taken to protect the rights of asylum-seeking, refugee and migrant children.
116. Further information is sought in relation to what measures are being taken in relation to a number of child justice issues, including to raise the age of criminal responsibility to at least 14 years.
117. Additional information is also sought vis-à-vis Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict.
118. The Committee have also asked for a range of statistical information and disaggregated data in relation to a number of areas of children's lives.

Timeline and Next steps

119. There have been some delays in relation to the timeline for reporting due to Covid-19, however, the indicative dates have been put forward in respect of the Committee's examination of the UK government. Please note that these dates are subject to change.



120. After the 'Constructive Dialogue' between the UK government and the Committee takes place in January 2023, the Committee will issue their Concluding Observations and Recommendations.
121. The Department of Education in NI are leading on the reporting procedure within this jurisdiction. Given the Department of Education's responsibility in relation to reporting, CLC would respectfully submit that there is a role for the Education Committee in overseeing the reporting procedure for NI, ensuring engagement of all Departments during the reporting procedure and beyond; and that all recommendations of the UN Committee on the Rights of

the Child from the previous examination are actioned and implemented prior to the examination in January 2023.

122. Acknowledging that NI Departments will feed into a UK wide report, CLC would suggest that there is merit in developing a Northern Ireland specific report as part of the preparatory reporting work, which can be used “internally” within NI.
123. A NI specific report will assist and support the legislative function within the NI Assembly, policy makers, children’s rights advocates as a way to identify key priority areas for children and as an instrument to track progress of the implementation of the UNCRC in NI through to the next reporting cycle. CLC would ask Committee members to liaise with the Education Minister and other Assembly colleagues to make the case for a NI specific report.
124. CLC would also call on Committee members to liaise with the Education Minister and Assembly colleagues to ensure that Ministers from the NI Executive attend the CRC Session/ Constructive Dialogue in Geneva in January 2023.