



Children's
Rights Alliance
for England

The International Covenant on Economic, Social and Cultural Rights Consultation on the 6th Periodic Report of the United Kingdom

Submission by the Children's Rights Alliance for England

October 2013

1. About The Children's Rights Alliance for England

The Children's Rights Alliance for England (CRAE) is a membership body for organisations and individuals committed to our overarching aim: the full implementation of the Convention on the Rights of the Child (UNCRC). CRAE is the leading organisation working to promote children's rights in England. We do so by lobbying government and others who hold power, by bringing or supporting test cases and by using national and international human rights mechanisms. We provide free legal information, raise awareness of children's human rights, and undertake research about children's access to their rights. We mobilise others, including children and young people, to take action to promote and protect children's human rights. Each year we publish a review of the state of children's rights in England.

2. Introduction

This submission is a response to the Ministry of Justice's call for views on the issues that the UK Government should focus on in its 6th periodic report to the UN Committee on Economic, Social and Cultural Rights. We welcome the opportunity to make this submission to the Government in advance of its report to the Committee.

All human rights, including those in the International Covenant on Economic, Social and Cultural Rights (ICESCR), must be respected, protected and fulfilled for all children. The extent to which children enjoy the rights in the ICESCR impacts upon every aspect of a child's life. Children are especially vulnerable to breaches of their rights under the ICESCR as they are largely dependent on others to fulfil their economic, social and cultural rights. Further, the physical, emotional and developmental vulnerability of children increases the severity of the impact of any breach of their ICESCR rights. For these reasons, as a general point, the Government's report should pay particular and specific regard to the extent to which children enjoy their ICESCR rights.

The legislative, policy and economic climate surrounding children's rights in England have changed dramatically since the Committee's Concluding Observations issued in June 2009. The Government's report must reflect this and should not, therefore, address only the specific issues raised in the Committee's last set of Concluding Observations. We set out below some of the key issues which should be addressed in the Government's report below.

3. Specific Issues

3.1 General Measures

- **Bill of Rights** - The Government's present thinking in relation to a Bill of Rights, the incorporation of ICESCR rights, and how such a Bill would help in the delivery of children's rights under the ICESCR.
- **Plan of Action** - The Government's present thinking in relation to adoption of a national human rights plan of action, any progress made (including consultations undertaken), intended goals, targets, indicators and timetables regarding the realisation of ICESCR rights under the plan, and timescales for adoption of the plan and implementation of future measures.
- **Training for professionals** - Whether a comprehensive strategy has been adopted for ICESCR training of all professionals working with and for children, current and future training measures (including integration into all professional training codes and educational curricula), and any evaluation of the efficacy of such training/measures.
- **Access to Justice** – information in relation to the extent to which children are able to access justice in respect of breaches of their economic, social and cultural rights, including changes to legal aid and judicial review.

3.2 Education

- **Access to good quality education** - Information regarding the quality of education provided to children disaggregated by protected characteristic and socio-economic group; law, policy and other measures (implemented and proposed) to promote equal access to a high quality education and reduce any disparities, including financial assistance; and any evaluation of the efficacy of such measures.
- **Outcomes** - Current data regarding attainment of children by key stage, disaggregated by protected characteristic and socio-economic group; law, policy and other measures (implemented and proposed) to promote/improve attainment or reduce any disparities; and any evaluation of the efficacy of such measures.
- **Curriculum** - Details regarding the content (current and proposed) of the statutory and non-statutory curriculum for different key stages, with particular focus on subjects about which the UN Committee on the Rights of the Child has expressed concern, including sex and relationships, drugs and alcohol, citizenship and human rights; law, policy and other measures (implemented and

proposed) to include children's rights within the curriculum, including issues relating to equality, fairness, inclusions and non-discrimination; and any evaluation of children's awareness of such issues and the value of such subjects within the curriculum.

- **Exclusions** - Current data regarding number of exclusions by age, disaggregated by protected characteristic and socio-economic group; measures (implemented and proposed) to enhance England's legal and institutional mechanisms for combating illegal exclusions, over use of exclusions and any disparities in the rate of exclusions; measures (implemented and proposed) to enhance children's and parents' understanding of their rights on the issue; and any evaluation of the efficacy of all such measures.
- **Regulation** - Details of the mechanisms in place (and any proposed) for the monitoring and enforcement of ICESCR rights within the newly diverse range of educational establishments; and any evaluation of the efficacy of such mechanisms.
- **Non-mainstream school settings** - Current data regarding the quantity and quality of education for children in non-school or non-mainstream school settings, including those within the secure estate, disabled children in special schools, and children excluded from school; law, policy and other measures (implemented and proposed) to enhance the quantity and quality of their education; and any evaluation of the efficacy of such measures.
- **Experiences** - Current data regarding the quality of children's experiences within education by age, disaggregated by protected characteristic and socio-economic group; law, policy and other measures (implemented and proposed) to enhance England's legal and institutional mechanisms for combating negative experiences (e.g. discrimination, bullying); and any evaluation of the efficacy of such measures.

3.3 Adequate Standard of Living/Social Security

- **Welfare reform** - Current data regarding the impact of welfare reform measures on children, disaggregated by protected characteristic and socio-economic group - with particular focus on the issues highlighted by the Children's Commissioner for England in her report *Child Rights Impact Assessment of Budget Decisions: including the 2013 Budget, and the cumulative impact of tax-benefit reforms and reductions in spending on public services 2010 - 2015*; measures (implemented and proposed) for combating any disproportionate impact on families with children, or particular groups of children; and any evaluation of the efficacy of such measures.
- **Child Poverty** – Information in relation to absolute and relative child poverty rates, Government's current plans in relation to the measurement of child poverty, and measures (implemented and proposed) to reduce child poverty; and any evaluation of the efficacy of such measures.

- **Affordable Housing** - Current data regarding child homelessness, the nature and standard of accommodation of children in England and the availability of, and access to, affordable suitable housing for families with children; data regarding the effects of affordable housing on children's rights; law, policy and other measures (implemented and proposed) to reduce child homelessness and increase access to suitable affordable housing; and any evaluation of the efficacy of such measures.
- **Traveller Sites** – Current data regarding number, location and quality of authorised and unauthorised traveller sites (including on-site facilities); data regarding number and outcome of planning applications/appeals; law, policy and other measures (implemented and proposed) to protect existing sites, address under-provision and otherwise meet travellers' needs; and any evaluation of the efficacy of such measures and their impact upon children.

3.4 Health

- **Access** - Current data regarding access of children to health services, disaggregated by protected characteristic and socio-economic group; law, policy and other measures (implemented and proposed) to promote, or reduce any disparities in, access to specific health services; and any evaluation (past or projected) of the efficacy of the same.
- **Access to mental health services** - Current data regarding access of children to mental health services, disaggregated by protected characteristic and socio-economic group; law, policy and other measures (implemented and proposed) to promote, or reduce any disparities in, access to mental health services; and any evaluation (past or projected) of the same.
- **Health Outcomes** - Current data regarding health outcomes experienced by children, disaggregated by protected characteristic and socio-economic group; law, policy and other measures (implemented and proposed) to promote, or reduce any disparities in, health outcomes; and any evaluation (past or projected) of the efficacy of the same.

3.5 Equality

Particular groups of children are more vulnerable and at greater risk of disadvantage in terms of enjoyment of their economic, social and cultural rights. These include: children in care, asylum seeking, trafficked and migrant children, children in the secure estate, children from particular socio-economic groups and children with particular protected characteristics, including disabled children and BME children. In relation to such groups, the Government should provide current disaggregated data relating to each of the issues identified above; law, policy and other measures (implemented and proposed) to promote equality and reduce any disparities in, their enjoyment of ICESCR rights; and any evaluation of the efficacy of such measures.