

## Universal Periodic Review: United Kingdom

### *Incorporation of the UNCRC into Domestic Law*

**Question:** *Can the UK government set out the steps that will be taken at both UK and devolved government levels to ensure the Convention on the Rights of the Child is reflected in domestic law?*

**Recommendation:** *We recommend that the UK and devolved governments should fully incorporate the principles and provisions of the UNCRC into domestic law at the earliest opportunity.*

*We recommend that any proposals for a UK Bill of Rights build upon the provisions of the Human Rights Act and incorporates the CRC into UK domestic law and do not undermine the process for a Northern Ireland Bill of Rights.*

**Background:** The UNCRC was drafted over many years and represents near universal consensus about the rights protection that children need. However, there is much evidence that children in the UK are not able to fully realise their rights; children's best interests are not routinely taken into account across policy and legislation; children's views and voices are not routinely respected and listened to in legislative and administrative procedures; equal protection from physical punishment is not guaranteed.

Incorporating the UNCRC would go a long way to increasing government's accountability for its obligations to children under the UNCRC. At a time of uncertainty about the future of human rights in the UK, incorporation would prompt the cultural change needed across the UK to ensure children's rights are meaningful, understood by children, families and professionals, and respected, protected and implemented. By placing clear duties on government and by providing access to justice for children whose convention rights have been breached, it would help to ensure that human rights are accessible to all children regardless of their circumstances or setting.

Incorporation would build on recent positive developments at a devolved level:

- In Wales, the Rights of Children and Young Persons Measure (2011) places a duty on Ministers to have due regard to the UNCRC in exercising its functions;
- In Scotland, the Scottish Government recently consulted on a Rights of Children and Young People bill which proposes to place a similar duty on Scottish Ministers.

Despite these developments being seen as a welcome step, they do not amount to full incorporation and opportunities for redress for children living in Scotland and Wales remain limited. In Northern Ireland, lack of progress in the Bill of Rights process has meant a clear opportunity to incorporate the CRC is in danger of being lost. The picture of children's rights across the UK's four nations is becoming increasingly fragmented.

We recognise the crucial role the Human Rights Act has played in protecting the rights of children. It is imperative that any proposals for a UK Bill of Rights build upon this important legal instrument: affording greater protection for the rights of all as well as particular rights for children – thus taking forward CRC incorporation.

Support for the incorporation of the UNCRC into domestic law is widespread and includes the UN Committee on the Rights of the Child, the UK Parliamentary Joint Committee on Human Rights, the Rights of the Child UK coalition (made up of 47 member organisations from across the UK) and all four Children's Commissioners across the UK.