

Briefing 3: The Concluding Observations of the UN Committee on the Rights of the Child 2023: Key issues raised

In May 2023, the UK was examined on its compliance with the UN Convention on the Rights of the Child (CRC). Following this, the UN Committee on the Rights of the Child (the UN Committee) published its Concluding Observations¹ in June 2023. The UN Committee recognised that progress had been made on implementing the CRC in the UK, but there were many areas where improvements were needed. This briefing gives an overview of the concerns and recommendations set out in the UN Committee's Concluding Observations, with a focus on the six priority areas it identified. It should be read alongside briefing 2 on the UN Committee's recommendations on the General Measures of Implementation.

Priority areas of concern identified by the UN Committee

1. Non-discrimination (paragraphs 19 and 20)

The UN Committee was 'deeply concerned about persistent discrimination' including 'the overrepresentation of children of Asian and African descent and Muslim, Roma, Gypsy and Traveller children in the criminal justice system and the large proportion of certain groups living in poverty'. It recommended that the UK implement targeted policies and programmes to combat racism, xenophobia and discrimination against children from ethnic minorities and other groups and implement the UK Government's *Inclusive Britain strategy*.²

Where discrimination does occur, the UK must establish 'clear avenues for children to seek justice', and must encourage the reporting, investigation and prosecution of hate crimes against children.

The UN Committee also urged the UK to take legislative and other measures to ensure the protection of all children from discrimination on the grounds of their age and address discriminatory stereotypes of children and promote a positive image of children as rights holders.

2. Abuse, neglect and sexual exploitation (paragraphs 32 and 33)

The UN Committee welcomed some measures in this area but expressed concern about the 'high prevalence of domestic abuse, sexual exploitation, gender-based violence and other forms of violence against children.' It recommended strengthening measures to tackle this issue, including by implementing recommendations from the Independent Inquiry into Child Sexual Abuse.³ In particular, the UN Committee urged the UK to develop measures that aim to prevent violence against particular groups, including disabled children and those in alternative care. It also called for the prompt and effective investigation of all cases of violence, abuse and exploitation against children in all settings including in the digital environment.

The UN Committee recommended that child protection systems take a child rights-based approach to better support child victims of violence. This includes providing child-sensitive support services, including for child witnesses of violence, and ensuring that 'child victims are fully recognised as victims'. It called for the UK to introduce a clear definition of the criminal exploitation of children in legislation.

The UN Committee also urged the UK to ensure ‘the systematic collection and analysis of data on child protection issues and violence against children’ to inform the implementation of strategies to tackle this issue. This should include creating a national database for missing children, collecting data on cases that have been reported, investigated, and prosecuted, and ensuring that data relating to 16-and-17-year-olds is included in statistics relating to violence against children.

3. Children deprived of a family environment (paragraphs 37 and 38)

The UN Committee praised various measures taken to support children deprived of a family environment, including the UK Government’s Independent Review of Children’s Social Care (IRCSC). However, it expressed concern about the large number of children in care, including in unregulated accommodation, and the unnecessary or frequent transfers and changes of social workers.

The UN Committee called on the UK to invest in measures to prevent and reduce the number of children placed in alternative care, including by ‘allocating sufficient resources for early intervention and preventative services’ including for infants and toddlers. To support this, it urged the UK to implement the recommendations made in the IRCSC, including ensuring that children in care can maintain contact with their families and communities. It also recommended the allocation of sufficient funds for family and community-based care options for children who cannot stay with their families and, where possible, support the reintegration of children into their families.

When children are taken into care, the UN Committee called on the UK to limit frequent or unnecessary transfers, and to ensure that children are consistently supported by individualised care plans and a social worker. It also recommended the provision of child-friendly ‘opt-out rather than opt-in’ advocacy services for children in care and urged the UK to ensure that ‘children are heard in decisions

affecting them in alternative care placement and throughout their stay’. The UN Committee also called on the UK to ‘prohibit and prevent’ the placement of children in unregulated alternative care.

Finally, the UN Committee recommended strengthening measures to provide ‘education, skills, housing and opportunities for independent living’ to support young people leaving care.

4. Mental health (paragraphs 42 and 43)

The UN Committee was deeply concerned about ‘the long waiting lists for children seeking mental health services’. It called on the UK to urgently address the long waiting times and ensure that services ‘meet the mental health needs of children in a timely manner and close to where they live’. In addition, the UN Committee urged the UK to ensure the availability of community-based therapeutic mental health services for children of all ages and develop adequately funded services tailored to the needs of children from specific groups.

The UN Committee had serious concerns regarding children in inpatient mental health care. It recommended urgent reforms to the Mental Health Act to prohibit the detention or placement of children in adult psychiatric units and prevent unnecessary and prolonged stays in inpatient care. In particular, the UN Committee urged the UK to address the overrepresentation of children from minority groups and children with autism or learning disabilities in inpatient mental health care. It also urged the UK to reform the Act to guarantee children’s right to be heard in decisions regarding their care.

The UN Committee called for investment in preventive measures to address the ‘underlying causes of poor mental health, eating disorders and other self-harming behaviours’ and the prioritisation of the mental health of infants, children, and young people in the UK Government’s Major Conditions Strategy.⁴

5. Asylum-seeking, refugee and migrant children (paragraphs 49 and 50)

The UN Committee was deeply concerned about the impact of the Illegal Migration Act 2023 and urged the UK to repeal all provisions that would violate children's rights under the CRC. It also called on the UK to amend the Nationality and Borders Act 2022 to abolish the designation of 'Group 2' status for all children, which only gives them temporary protection with limited rights to welfare benefits and family reunion.⁵

The UN Committee urged the UK to end the use of 'unreliable and invasive procedures for determining a child's age' and ensure that children and age-disputed children are not removed to a third country. It also recommended a statutory system of independent guardianship for all unaccompanied children and called on the UK to ensure that children have an 'unqualified right to apply for family reunification'.

The UN Committee also recommended that all asylum-seeking, refugee and migrant children have 'equal and prompt' access to public services, including benefit entitlements. In addition, children should receive age-appropriate information and legal advice, have their best interests given primary consideration in all asylum processes, and have access to child-friendly justice mechanisms and remedies.

6. Children in the criminal justice system (paragraphs 53-54)

The UN Committee expressed deep concern about the 'draconian and punitive nature' of the UK's youth justice system. It urged the UK to bring the youth justice system fully in line with the CRC, to develop early intervention and promote non-judicial measures such as diversion, mediation, and counselling and the use of non-custodial measures such as community services.

It also recommended that children have access to 'qualified and independent' legal aid and that all professionals working in the youth justice system should be trained on child-friendly justice procedures, children's rights, and the CRC.

The UN Committee reiterated previous recommendations to raise the minimum age of criminal responsibility to at least 14 years of age and to ensure that the youth justice system is applied to all children who were below the age of 18 when the offence was committed. In addition, the UN Committee called for life imprisonment to be abolished for children.

The UN Committee urged the UK to only deprive children of their liberty 'as a measure of last resort', to ensure that children are not held in police custody overnight, and to reduce the maximum duration of pre-trial remand. It also called on the UK to address the overrepresentation of children from ethnic minority groups in detention. For the few situations where detention should be used as a last resort, the UN Committee urged the UK to ensure that detention conditions are compliant with international standards including in relation to access to education and healthcare services. The UN Committee called for an end to the use of solitary confinement and for all cases of violence against children in detention to be promptly investigated and for reparation to be provided to victims as appropriate.

Other areas of concern

In addition to the priority areas set out above, the UN Committee also highlighted a large number of other children's rights concerns that need to be addressed. These include, but are not limited to, the following issues:

Child poverty (paragraph 46)

The UN Committee expressed its 'deep concern' about the 'large number of children living in poverty, food insecurity and homelessness'. It recommended developing and strengthening policies to end child poverty through 'clear targets, measurable indicators and robust monitoring and accountability mechanisms' and 'increasing social benefits to reflect the rising cost of living and abolishing the two-child limit and benefit cap'. The UN Committee also recommended that measures to combat poverty should take a rights-based approach and have

a particular focus on children in disadvantaged situations especially children in single parent families or in large families, disabled children, Gypsy, Roma and Traveller children, children belonging to other minority groups, asylum-seeking and refugee children, children in large families and children leaving care.

The UN Committee called on the UK to 'address the root causes of homelessness among children', phase out the use of temporary and contingency accommodation, and 'significantly increase the availability of adequate and long-term social housing for families in need'. It also urged the UK to ensure that the best interests of the child are 'given primary consideration' in all eviction matters.

Violence against children (paragraphs 30-35)

Torture and other cruel, inhuman or degrading treatment or punishment

The UN Committee remained 'deeply concerned' at the large number of children who continue to experience the use of Taser, pain-inducing restraint techniques, and seclusions. It reiterated previous recommendations to 'Take legislative measures to explicitly prohibit, without exception, the use of: harmful devices, including spit hoods, plastic bullets and taser guns, attenuating energy projectiles and other electrical discharge weapons, against children; strip searches on children; and solitary confinement, isolation, seclusion and restraint as disciplinary measures in schools and alternative care and health-care settings'. It also recommended that statutory guidance be developed to ensure that restraint is only used on children as a matter of last resort and only to prevent harm to the child or others.

The UN Committee also recommended that all cases of abuse and ill-treatment of children, particularly disabled children, in alternative care and healthcare settings are fully investigated and that action is taken against perpetrators.

Corporal punishment

Recalling its previous recommendations, the UN Committee recommended that governments 'explicitly prohibit, as a matter of priority, corporal punishment in all settings, including in the home' across the UK. It also called for the strengthening of 'awareness-raising campaigns for parents, teachers and other professionals working with and for children, to promote positive, non-violent, and participatory forms of child-rearing'.

Education, leisure, and play (paragraphs 47-48)

The UN Committee noted with concern 'inequalities in educational attainment and outcomes for children in disadvantaged situations'. It recommended strengthening measures to improve this, including by developing guidelines for responding to cases of school absences and collecting and analysing disaggregated data on educational outcomes to inform policies and programmes.

The UN Committee also urged the UK to ensure that there is 'inclusive education in mainstream schools' for all disabled children including by adapting the curricula and assigning specialist support to children with Special Educational Needs and Disabilities (SEND).

The UN Committee called on the UK to monitor the use of exclusions and to 'ensure that they are prohibited in primary schools and used in secondary schools only as a measure of last resort'. It recommended developing measures to address the disproportionate use of informal exclusions and so-called off-rolling for disabled children and ethnic minority children. It also urged the UK to 'explicitly prohibit the use of restraint and seclusion in educational settings' and adopt a child rights-based approach to addressing violence, including by prohibiting the presence of police in schools.

The UN Committee called on the UK to ‘decolonise and remove discriminatory language from textbooks and curricula’ and ensure that children’s rights and the principles of the CRC are taught within the mandatory school curriculum.

Finally, the UN Committee recommended developing a strategy ‘aimed at ensuring children’s right to rest, leisure and recreation, including free outdoor play’ and strengthening measures to ensure that all children, including those from disadvantaged socioeconomic backgrounds and disabled children, have access to safe public outdoor play spaces.

Endnotes

1. UN Committee on the Rights of the Child (2023) [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#).
2. HM Government (2022) [Inclusive Britain: the government’s response to the Commission on Race and Ethnic Disparities](#)
3. Independent Inquiry into Child Sexual Abuse (2022) [The Report of the Independent Inquiry into Child Sexual Abuse](#)
4. Department of Health and Social Care (2023) [Major conditions strategy: case for change and our strategic framework](#)
5. Refugee Council, [Differential treatment \(Clause 11 of the Nationality and Borders Act\)](#)

Find out more

[UN Committee on the Rights of the Child’s Concluding Observations on the UK](#)

[Civil society alternative report 2022 to the UN Committee – England](#)

[Equality and Human Rights Commission report to the UN Committee – 2022](#)

About CRAE

The Children’s Rights Alliance for England (CRAE), part of Just for Kids Law, works with around 100 members to promote children’s rights and monitor government implementation of the UN Convention on the Rights of the Child.

About UNICEF UK

The UK Committee for UNICEF is a UK registered charity that raises funds for UNICEF’s emergency and development work around the world and advocates for lasting change for children worldwide. We have also been delivering programmes in the UK for more than 25 years, in line with our universal mandate to be there for every child. We work in all four nations of the UK reaching around 2.5 million children each year through our Baby Friendly Initiative, Rights Respecting Schools and Child Friendly Cities programmes.

About the Equality and Human Rights Commission

The Equality and Human Rights Commission (EHRC) is an independent statutory body and A-status National Human Rights Institution with a mandate covering equality and human rights. The EHRC promotes understanding, protects human rights and encourages good practice.

Other briefings in this series:

Briefing 1: The UN Convention on the Rights of the Child and how parliamentarians and civil servants can use it

Briefing 2: Children at the Centre: The Concluding Observations of the UN Committee on the Rights of the Child 2023 on the General Measures of Implementation



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