

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

In June 2023, the UK was examined on its compliance with the UN Convention on the Rights of the Child (CRC). While the United Nations Committee on the Rights of the Child (UN Committee) recognised that some progress has been made, it also identified many areas where the UK needs to take steps so that it better protects and promotes children's rights. This briefing gives an overview of the UN Committee's concerns and recommendations (set out in its Concluding Observations)¹ in relation to the 'General Measures of Implementation'. It should be read alongside the two other briefings in this series on how parliamentarians can use the CRC and the UN Committee's recommendations in relation to thematic areas of children's rights.

What are the General Measures of Implementation (GMI)s?

Articles 4, 42 and 44.6 of the CRC are known as the General Measures of Implementation (GMI)s.

The GMI)s are crucial as they set out what is required of governments to ensure that the CRC can be realised in full. For instance:

- Article 4 obliges countries to 'undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention.'
- Article 42 states that children, parents and relevant professionals should know about the CRC
- Article 44.6 requires governments to ensure their reports to the UN Committee are widely available.

General Comment No.5 on the GMI)s sets out in more detail the cross-cutting measures required to ensure that all the rights in the CRC are implemented (see below). General Comment No.2 details the standards required for independent national human rights institutions in relation to children's rights. These bodies, which should be independent of government, monitor and promote the implementation of the rights of children.

The UN Committee has made clear in its General Comment No.5 that the 'development of a children's rights perspective throughout government, parliament and the judiciary is required for effective implementation of the whole Convention'.² It sets out that in order to implement Articles 4, 42 and 44.6 of the CRC governments are required to:

1. Review reservations to the CRC and its optional protocols
2. Ratify other international human rights instruments
3. Review legislation to ensure compliance with the CRC
4. Incorporate the CRC into domestic law guaranteeing that redress for breaches of CRC rights can be pursued in the courts. Ensure domestic law reflects the general principles of the CRC and all relevant "sectoral" laws (on education, health, etc.) comply with the principles and standards of the CRC
5. Develop national child rights strategies and action plans

6. Ensure effective co-ordination of implementation and monitoring of the CRC across government
7. Collect data and develop indicators on all aspects of children's rights implementation
8. Make children visible in budgets so it's clear how much money is allocated to implementing the CRC
9. Co-operate with civil society in the implementation of children's rights
10. Co-operate internationally to support implementation abroad
11. Establish independent national human rights institutions for children
12. Raise awareness of and share information on the CRC

When examining countries on how well they are respecting children's rights, the UN Committee pays particular attention to the GMIs and gives specific recommendations on them in its Concluding Observations.

What did the UN Committee say about the UK's implementation of the GMIs in 2023?

1. Fully ratifying the CRC and its Optional Protocols

An Optional Protocol is a legal instrument that adds to an international treaty. The CRC has three Optional Protocols:

- Optional Protocol 1: on the involvement of children in armed conflict, which the UK ratified in 2003
- Optional Protocol 2: on the sale of children, child prostitution and child pornography, which the UK ratified in 2009
- Optional Protocol 3: on a communication procedure, which the UK has not yet ratified.

Optional Protocol 3 provides two ways for children to challenge violations of their rights committed by countries: a communication procedure, which enables children to bring complaints about violations of their rights to the UN Committee if they have not been fully resolved in national courts; and an inquiry procedure for grave and systematic violations of children's rights. Children in the UK are unable to make use of these procedures because the UK has not yet ratified Optional Protocol 3. The UN Committee called on the UK Government to ratify Optional Protocol 3 'in order to further strengthen the fulfilment of children's rights.'

In relation to full ratification of Optional Protocol 1, the UN Committee recalled its previous recommendations³ for the UK to withdraw its interpretative declaration on Article 1.⁴ A declaration sets out how countries interpret an aspect of a Treaty.

2. Bringing the CRC into domestic law

The UN Committee has consistently advised that the most powerful driver for CRC implementation comes through giving direct force to the CRC in domestic law. Repeating previous recommendations, it urged the UK to 'strengthen its efforts to fully incorporate the Convention into national legislation.'

3. Child rights impact assessment (CRIA)

The UN Committee called for the development of 'mandatory child-rights impact assessment procedures for legislation and policies relevant to children.' Such assessments must be publicly available and demonstrate how children's rights have been taken into account when deciding on laws and policies. While Equality Impact Assessments are welcome, they are not a replacement for CRIA as they do not have a specific focus on children, do not take into account the full range of children's rights in the CRC, and are limited to considerations of equality and non-discrimination.

4. A comprehensive child rights strategy

In its General Comment No.5, the UN Committee made clear that if ‘government as a whole and at all levels is to promote and respect the rights of the child, it needs to work on the basis of a unifying, comprehensive and rights-based national strategy, rooted in the Convention’. Such a strategy must go beyond statements of policy and principle, to set real and achievable targets in relation to the rights of children.

In the absence of a child rights action plan, the UN Committee called for the adoption of ‘comprehensive policies and action plans on the implementation of the Convention’ across the whole of the UK. These should include ‘specific, time-bound and measurable goals’, should be supported by the allocation of ‘sufficient human, technical and financial resources’ and should pay particular attention to children in disadvantaged situations.

5. Co-ordinating CRC implementation

The UN Committee reiterated its previous recommendation from 2016 and called for the UK to establish structures ‘such as a ministerial lead at the national level’ who would be responsible for ensuring the effective monitoring and coordination of all activities relating to the implementation of the CRC across all sectors and at all levels.

6. Allocation of resources

The UN Committee recommended that a child rights-based approach is applied to all budgeting processes across the UK. It urged the UK to ‘implement a tracking system for the allocation, use and monitoring of resources for children’ with the aim of ‘eliminating disparities and ensuring equitability’. It also recommended that the UK should introduce ‘budgetary allocations for children in disadvantaged situations’, ensure that children are ‘not affected by austerity measures’, and use transparent participatory budgeting where civil society and children can participate effectively.

7. Data collection

The collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination and/or disparities in the realisation of the CRC, is an essential part of implementation. The UN Committee recognised the UK’s large body of data on children’s rights and recommended the following:

- Strengthen its data-collection system to encompass all areas of the CRC and ensure that the data is disaggregated by age, sex, disability, geographical location, ethnicity, nationality and socioeconomic background;
- Improve data collection and analysis on violence against children, mental health, food insecurity, malnutrition, education and the situation of children in disadvantaged situations, including children in care, disabled children, asylum-seeking and migrant children and children with parents in prison;
- Regularly collect, analyse and publish disaggregated data on the use of stop-and-search, harmful devices, such as Taser and spit-hoods, seclusion, restraint, solitary confinement and isolation of children;
- Ensure that data is shared among devolved governments, relevant ministries, professional groups and civil society organisations and is used to evaluate policies and projects on children’s rights.

8. Independent monitoring

The UN Committee’s General Comment No.2 says that ‘the role of national human rights institutions is to monitor independently the State’s compliance and progress towards implementation [of the CRC] and to do all it can to ensure full respect for children’s rights.’ It emphasises that ‘the essential element is independence’. The UN Committee urged the full compliance of national human rights institutions and Children’s Commissioners with the Paris Principles,⁵ including regarding their funding, personnel selection and appointment processes.

In addition, it highlighted that national human rights institutions and Children’s Commissioners should ‘have the mandate and sufficient human, financial and technical resources to monitor children’s rights and to receive, investigate and address complaints by children in a child-friendly manner.’

9. Dissemination, awareness-raising and training

The UN Committee noted its concern about the ‘relatively low level of knowledge regarding the Convention among children and adults’ and recommended the adoption of a ‘national strategy for awareness-raising on children’s rights’ as well as promoting the involvement of children in public outreach activities. It also recommended the systematic training on children’s rights and the CRC for all professionals working for and with children, in particular for those working in education, social work, law enforcement, immigration and justice.

10. Children’s rights and the business sector

The UN Committee recommended that all businesses operating in or managed in the UK are made legally accountable in relation to ‘international and national human rights, labour, environmental and other standards.’ It also called for a requirement that companies undertake assessments of the ‘environmental, health-related and children’s rights impacts of their business activities’. Such assessments should be made public alongside plans to address their impact.

11. Access to justice and remedies

The UN Committee urged the UK to ensure that all children have access to ‘confidential, child-friendly and independent complaint mechanisms’ in schools, care settings, foster care systems, mental health settings and detention for reporting all forms of violence, abuse, discrimination and other violations of their rights. This should include ensuring that children are made aware of their right to file a complaint under existing mechanisms.

The UN Committee also called for all children to have access to legal support and representation, including by ‘expanding the types of support provided under the legal aid budget’ and for all children in the justice system to have access to professionals who have been trained on children’s rights and child-friendly proceedings.

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. UN Committee on the Rights of the Child (2003) [General Comment No. 5 on the General Measures of Implementation of the Convention on the Rights of the Child](#) (arts. 4, 42 and 44, para. 6)
3. Recommendations included in: UN Committee on the Rights of the Child (2008) [Consideration of reports submitted by state parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#); and UN Committee on the Rights of the Child (2016) [Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland](#)
4. The UK's interpretative declaration on article 1 of OPAC allows the deployment of children under the age of 18 to areas of hostilities and their involvement in hostilities under certain circumstances.
5. The Paris Principles are a set of internationally recognised standards to assess the credibility, independence and effectiveness of National Human Rights Institutions.

Find out more

[UN Committee on the Rights of the Child \(2023\) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland](#)

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

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

[UN Committee on the Rights of the Child \(2003\) General Comment No. 5 on the General Measures of Implementation of the Convention on the Rights of the Child](#) (arts. 4, 42 and 44, para. 6)

[UN Committee on the Rights of the Child \(2002\) General Comment No.2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child](#)

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



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