



A child's right to an adequate standard of living

NATALIE WILLIAMS

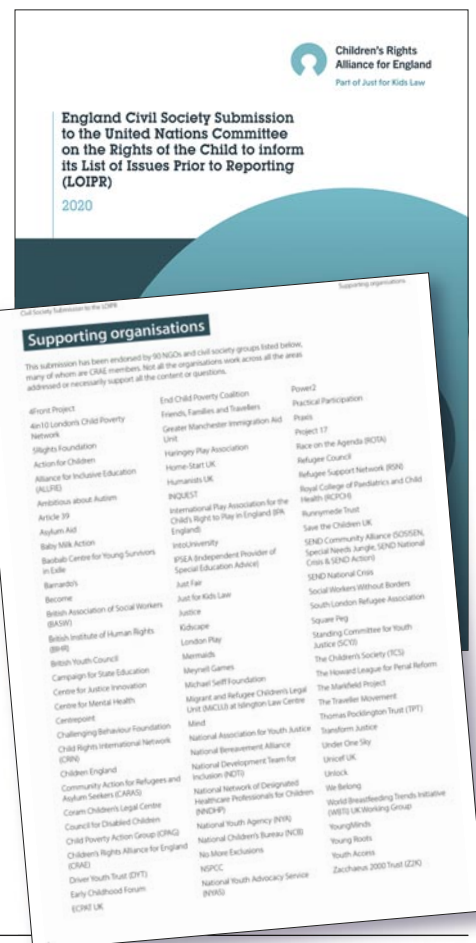
A single room in a homeless hostel in London shared by husband, wife and their two children. They all lived in this room for more than two years.

In 2022, the UK will be examined under the UN Convention of the Rights of the Child. As part of this process, the Children's Rights Alliance for England (CRAE) has coordinated the civil society submission to the UN Committee on the Rights of the Child. Outlining the key issues for children's rights in the UK, CRAE's report warns that a child's right to an adequate standard of living has regressed since 2016. What progress has been made in protecting and promoting children's rights, and how is the UK government falling short?

The UK was last examined on how well it is respecting children's rights in 2016, and our report to the UN Committee on the Rights of the Child (UN Committee) looks at what has happened since then to assess how much progress the government has made. Based on oral and written evidence from Children's Rights Alliance for England (CRAE) members and endorsed by 90 civil society organisations,¹ the report sadly concludes that children's rights have regressed in many areas, with their right to an adequate standard of living (article 27) worsening further. The report starkly outlines how inequalities for the poorest children have widened and are having a far-reaching impact on the realisation of many of their most fundamental human rights. These rights are set out in the UN Convention on the Rights of the Child

(CRC),² which was adopted by the UN on 20 November 1989 and ratified by the UK government in 1991. The convention applies to all children aged 17 years and younger and sets out the minimum standards for their treatment, including in relation to health, education, play and housing. Every state that has ratified the CRC is required to report to the UN Committee on how it is fulfilling its obligations under the CRC every four to six years.

The full report can be accessed at crae.org.uk/media/129724/CRAE_LOIPR_09-DEC20.pdf





The report highlights that 4.2 million children are now living in poverty in the UK and that families are living in deeper poverty than five years ago, despite rising employment before the pandemic.

When a country is assessed in this way, the UN Committee first draws up a List of Issues Prior to Reporting (LOIPR) – and it is these criteria we are seeking to inform with our report. This list will be published this month (February 2021), and will request information from the UK government on 30 priority issues. The government will respond with its own report. Civil society will then be able to comment on the government’s submission in its ‘shadow report’ in May 2022 before the final examination at a plenary session in autumn 2022.³

Child poverty has increased since 2016

Our report covered many issues facing children, but here I will outline particular concerns about children’s right to an adequate standard of living, and how that intersects with some of their other rights.

The report highlights that 4.2 million children are now living in poverty in the UK⁴ and that families are living in deeper poverty than five years ago, despite rising employment before the pandemic.⁵

The submission outlines how years of austerity and cuts to the social security system have contributed to the rise in child poverty and highlights the two-child limit and the benefit cap as particularly damaging and not in children’s best interests as required by article 3 of the CRC. These policies disproportionately affect households that rely more on the social security system (eg, single-parent families) and those with more children. The two-child limit affects around 860,000 children, expected to rise to two million children by the end of 2024.⁶ As of May 2020, 154,000 families were affected by the benefit cap, a 93 per cent increase since February 2020 due to the pandemic.⁷

Since the Child Poverty Act was abolished in 2016, there has been no strategy to address child poverty nor associated targets, monitoring, and reporting despite repeated calls from the UN Committee, which means the government is not being held to account on these rising numbers.

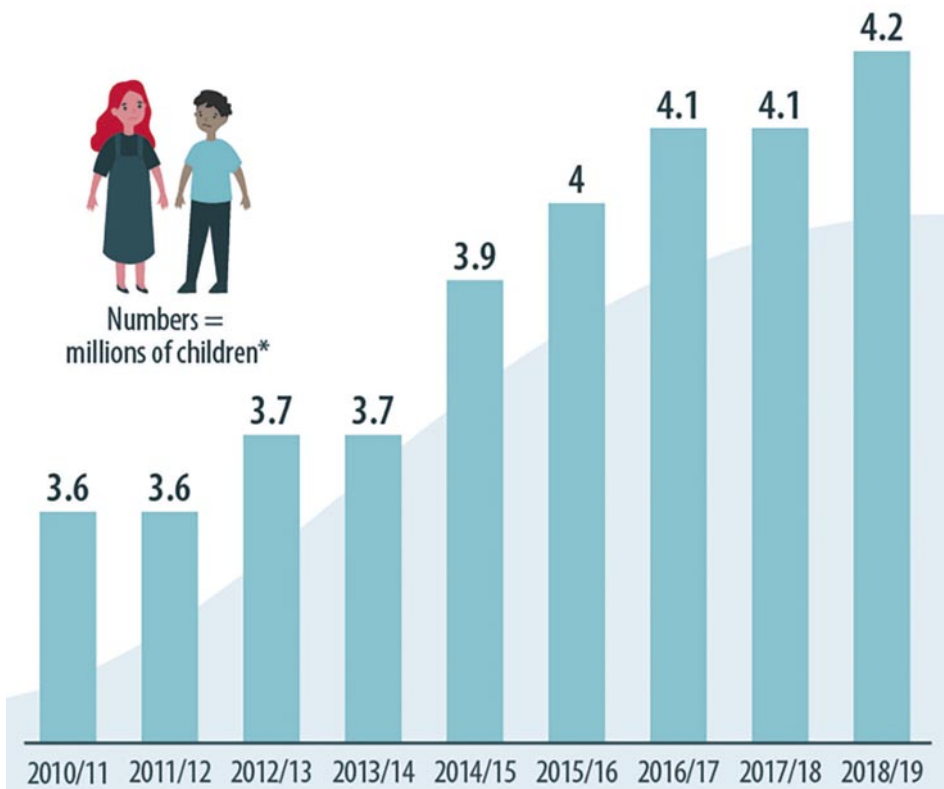
The negative impact that COVID-19 (now set to continue long into 2021) and Brexit are predicted to have on the economy will further increase child poverty.⁸ The report highlights how there has been no targeted financial support for families with children in poverty during the pandemic,⁹ except free school meal vouchers during lockdown and the summer holidays, and some temporary funding to local authorities to help families in crisis. Families eligible for free school meals were provided with vouchers during lockdown and over the summer holidays, and that was extended to families with no recourse to public funds on a temporary basis. After a high-profile campaign, the government announced £170 million of funding for local authorities to help families in crisis. This funding is designed to help families over the Christmas period (December 2020 to March 2021).^{10,11} The government announced a £20 increase in universal credit (UC) and working tax credit for a temporary period to support low-income households affected by the pandemic, but this payment takes no account of family size, so a family with children receive the same as a single claimant.

Despite additional investment, childcare is still unaffordable for many families.¹² This leaves women, in particular, at greater risk of not being able to work and falling deeper into poverty.

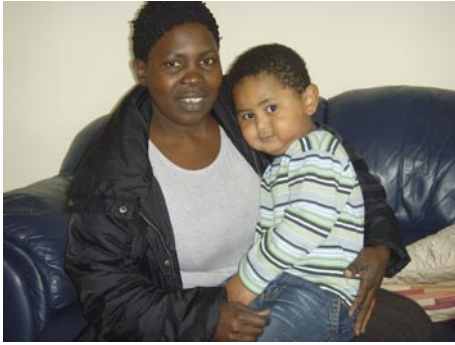
Groups of children more likely to be living in poverty

Groups of children whose rights are disproportionality violated are also more likely to be in poverty – Black, Asian and Minority Ethnic (BAME) children,¹³ disabled children,¹⁴ children in single-parent families (of children living in lone-parent families, 44 per cent are in poverty),¹⁵ and children in migrant families.¹⁶ This is despite article 2 of the CRC being clear that all children are entitled to all rights in the convention without discrimination.

**Estimated number of children in relative poverty (ie, percentage below 60 per cent of contemporary median income), after housing costs, in millions.*



46 per cent of children in BAME families are now in poverty, compared to 26 per cent of children in white British families.



Vicky is a citizen journalist for the BBC Your Story project on poverty in the UK. With her son, she lived in so-called 'temporary' accommodation in a hostel in London for nine months.

46 per cent of children in BAME families are now in poverty, compared to 26 per cent of children in white British families.¹⁷ The report also highlights systematic discrimination and racism against BAME children in many aspects of their lives – from housing to school exclusions and the criminal justice system.¹⁸ Despite this evidence, there is no cross-government strategy for preventing and addressing systematic racism and race discrimination as called for by the UN Special Rapporteur on racism in 2019.¹⁹ Although the government has announced a new Commission on Race and Ethnic Disparities, this tactic has been criticised for not recognising the many unimplemented recommendations from previous reviews on race discrimination,²⁰ and the need for yet another commission has been questioned.²¹

The report also highlights the fact that Gypsy Roma Traveller (GRT) children face persistent discrimination across many areas of their lives and are also more likely to be living in poverty.²² This poverty is perpetuated by the fact that approximately 3,000 GRT families do not have a permitted place to stop,²³ so children living in caravans face constant evictions and live without basic amenities such as water and sanitation.²⁴

Vicky interviews a former neighbour, Hamad, at a homeless hostel in London. Hamad and his wife and two children lived in a single room in so-called temporary accommodation for more than two years. Mould was growing on the walls in Hamad's accommodation, which was sub-standard.



Immigration system and poverty

Families in the immigration system suffer some of the most severe levels of poverty due to current government policies. Since 2016, growing numbers of families have no recourse to public funds (NRPF) meaning they face high levels of destitution, hunger and homelessness. The NRPF condition excludes migrant families from accessing most essential social security support, such as UC, child benefit and housing benefit.²⁵ In 2019, 175,643 non-EEA children younger than 18 had a temporary form of leave to remain in the UK,²⁶ and most would have been restricted from accessing public funds. This figure does not include British children who are affected by NRPF conditions on their parents. In addition, an estimated 215,000 undocumented children are prevented from accessing social security.²⁷ While not all those with leave to remain face hardship, the blanket ban on access to social security means those more likely to be low income or in need of support are disproportionately affected.

The report documents that children affected by NRPF also struggle to get the statutory support owed to them under Section 17 of the Children Act 1989, leaving families and children destitute and homeless.²⁸ This hardship has been exacerbated by the COVID-19 pandemic.²⁹ While the government has extended free school meals to some families with NRPF, this extension is only temporary and under review, and NRPF families are not eligible for some vital benefits. Children's organisations have pressed the government to extend free school meals permanently to all families with NRPF, following a campaign by footballer Marcus Rashford to persuade the government to provide free school meals during the summer holidays.³⁰ Families subject to NRPF are also ineligible for some childcare provision, making it more difficult to work and meaning that these children miss out on crucial early years education and social development.

Asylum-seeking families also experience high levels of destitution as the financial support provided to them is insufficient. In June 2020, the Home Office announced an increase of £1.85 a week, bringing the weekly financial support for asylum seekers to £39.60 per person per week.³¹ Because asylum seekers cannot work or take up apprenticeships, and given the additional needs resulting from COVID-19, this amount is particularly insufficient.



Increasing temporary accommodation

A key proponent of helping children achieve an adequate standard of living is the right to adequate housing. The report details that since 2016 there has been an increase in the number of homeless households with dependent children. There has also been an increase in the number of homeless families staying in temporary accommodation as a result of rising poverty, austerity and benefit cuts, including having to live in B&Bs for longer than the six-week legal limit. In 2019, 135,000 children in Britain were homeless and living in temporary accommodation,³² and the number of homeless children has risen by 51 per cent in the last five years.³³ Official figures are considered underestimates because local authorities do not record cases of hidden homelessness such as 'sofa surfing'.



People sleeping on the streets are often migrants unable to access social security support.



Since 2016, growing numbers of families have no recourse to public funds (NRPF) meaning they face high levels of destitution, hunger and homelessness.

Due to the negative economic impacts of COVID-19, 420,000 children could be at risk of eviction.³⁴ Concerns that families with children continue to be placed in unsafe and unhealthy accommodation, often sharing facilities with strangers in overcrowded units with no access to green space, play areas or amenities is an issue also flagged.³⁵ So-called 'temporary housing' includes hostels, B&Bs, converted office blocks, industrial estates and ex-shipping containers in which families are housed for far longer than temporarily. Homeless families also continue to be housed away from their local area, affecting children's education and social networks.

The report also highlights that deregulation of the planning system and the proposed expansion of permitted development rights³⁶ are particularly concerning. This deregulation has led to children being housed in '21st-century slums', with significant risks to their health, safety and wellbeing.³⁷

Widening health inequalities

The fact that inequalities in some children's health outcomes have widened since 2016,³⁸ with disproportionate ill-health in poorer households and among children with protected characteristics (eg, BAME children) is another issue raised. Research has shown this inequality is driven by underlying factors, with poverty and food insecurity (exacerbated by austerity and now COVID-19) being the most significant ones, as well as systemic racism, disability, poor housing and homelessness.

Children from deprived backgrounds also have higher rates of mortality,³⁹ tooth decay and childhood obesity.⁴⁰ The UK has one of the lowest rates of breastfeeding in Europe, especially among young mothers and disadvantaged socioeconomic groups.⁴¹ UNICEF has ranked the UK 27th out of 41 high-income countries for child wellbeing.⁴² Despite recent initiatives,⁴³ misleading food marketing of ultra-processed products targeting infants and children persists, in violation of the International Code 221 and subsequent relevant resolutions. Meanwhile, economic barriers to accessing healthy, biodiverse and minimally processed foods contribute to all forms of malnutrition. Despite that, there is no strategy or targets to address child health inequality.

The report details that children in poverty living in inadequate, overcrowded housing with poor indoor air quality⁴⁴ and cold and damp conditions also face greater risks of respiratory and other illnesses. Children in deprived neighbourhoods face increased health risks due to air pollution,⁴⁵ traffic hazards and a lack of safe play places.

GRT children continue to face barriers and discrimination when trying to access primary healthcare, resulting in reduced preventative and early intervention care, including immunisations and screening.⁴⁶ The NHS charging regulations are also a discriminatory barrier to accessing healthcare for undocumented migrants, and there are concerns this will affect more children because Brexit increases the risk of becoming undocumented.⁴⁷

Growing educational inequalities

The effects of poverty on children's educational attainment is another issue starkly highlighted. The attainment gap between children living in poverty and their peers grew in 2019 for the first time in 12 years. Disadvantaged children, defined by the Department for Education as any student who has been in receipt of free school meals at any time in the preceding six years,⁴⁸ are nine months behind their peers by Key Stage 2 in primary school, and an average of 18 months behind their peers at GCSE age.⁴⁹ Initial Ofsted analysis has highlighted concerns that this has worsened after school and nursery closures of six months during the first lockdown, with long-term consequences.⁵⁰

There continues to be a gap between children of different ethnic backgrounds who are also more likely to be living in poverty. Gypsy and Roma pupils are nearly three years behind their peers by the end of secondary school while Travellers of Irish Heritage are two years behind.⁵¹ A lack of access to IT resources for remote learning during COVID-19 has exacerbated this disadvantage further.⁵² Migrant and asylum-seeking children have also struggled to access online learning during the pandemic due to a lack of IT equipment and internet access.⁵³ Black Caribbean students are 11 months behind white British students at the end of their GCSEs,⁵⁴ with Black Caribbean students 16 per cent behind white British students on attainment 8 scores.⁵⁵ (Attainment 8 scores measure a student's average grade across eight subjects.)

Below: Gypsy/ Roma pupils are nearly three years behind their peers by the end of secondary school. Travellers of Irish heritage are two years behind. Black Caribbean students are 11 months behind white British students at the end of their GCSEs.

Holding the government to account

The report's bleak findings for children in poverty are the result of children's rights not being prioritised by successive governments since well before 2016, and this lack of priority is now worsening due to the impact of COVID-19. There is no cabinet minister with responsibility for children's rights and, in 2018, the role of children and families minister was demoted to parliamentary under-secretary of state. There has never been a children's rights action plan or strategy to address the 2016 Concluding Observations, nor a centrally based, adequately resourced child rights team, for example, within the Cabinet Office. There is only limited cross-departmental monitoring processes to embed children's rights across government, take forward the UN Committee's Concluding Observations and ensure the full breadth of the CRC is implemented.

One key way we could ensure the CRC is better adhered to by the government is by fully incorporating the CRC into our domestic legislation, as Scotland is doing. England is lagging behind the rest of the UK in its implementation of the CRC. Although the civil service training on children's rights and the Child Rights Impact Assessment (CRIA) template launched in 2018 are welcome steps, there is no statutory obligation to conduct CRIAs in all policy areas affecting children, unlike similar requirements in Wales and Scotland.⁵⁶ Despite the UK government's commitment to 'give due consideration to the UNCRC articles when making new policy and legislation',⁵⁷ in practice this is largely absent. Few CRIAs have been carried out since the template was published and most CRIAs are not published.⁵⁸ CRIAs would help the government consider whether its policies are compliant with the CRC and children's best interests and take steps to rectify if not.



Above: In England, there is no statutory obligation for Child Rights Impact Assessments (CRIAs) despite such requirements in Wales and Scotland.



Due to the negative economic impacts of COVID-19, 420,000 children could be at risk of eviction.



As the UK starts its next cycle of the reporting process under the CRC, we hope that the UN Committee will use our submission to inform its List of Issues and hold the UK government to account under its CRC obligations, in particular its poor record on addressing worsening child poverty and inequality. Previous examinations have provided a key opportunity for the government to take urgent action on vital child rights issues and we hope it will do so again to ensure every child, including those living in poverty, has all their rights under the CRC realised.

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Footnotes

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