

# **Just Fair’s Written Submission to the Children’s Rights Alliance for England ‘Call for Written Evidence: Civil Society Submission to the UN’s List of Issues’ on Children’s Rights**

- This submission is written by Just Fair.
- Just Fair is a charity working to realise a fairer and more just society by monitoring and advocating economic and social rights in the UK. We ensure that law, policy and practice comply with the UK’s international human rights obligations. We are committed to increasing public awareness of international human rights law and the capability to use it.
- In this submission Just Fair outlines key children’s economic and social rights breaches under the UN Convention on the Rights of the Child (CRC) since the UK was last examined by the UN Committee on the Rights of the Child (the Committee) in 2016.

## **1. UK Government’s NRPF policy is increasing child poverty**

### **Area: poverty**

#### **Issue: No Recourse to Public Funds (NRPF)**

A person with no Recourse to Public Funds (NRPF)<sup>1</sup> cannot access most welfare benefits<sup>2</sup> or statutory housing support. NRPF prevents access to local authority support such as homelessness assistance, housing allocation, free school meals and some extended childcare services. People with NRPF can access publicly funded services that are not listed as ‘public funds’ for immigration purposes.<sup>3</sup>

There are no official statistics in the public domain which show the number of people with NRPF in the UK. However, a recent report estimates that there are 142,496 children under 18

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<sup>1</sup> NRPF is a condition in the Immigration Rules, and Section 115 of the Immigration and Asylum Act 1999.

<sup>2</sup> The rule excludes people ‘subject to immigration control’ from a range of state benefits, including: income-based jobseeker’s allowance; income support; child tax credit; universal credit; working tax credit; a social fund payment; child benefit; housing benefit; council tax reduction; domestic rate relief (Northern Ireland); state pension credit; attendance allowance; severe disablement allowance; personal independence payment; carer’s allowance; and disability living allowance.

<sup>3</sup> UK Visas and Immigration, ‘Guidance: Public Funds’ (2014)

[https://www.gov.uk/government/publications/public-funds-- 2/public-funds](https://www.gov.uk/government/publications/public-funds--2/public-funds)

likely to be living with NRPF.<sup>4</sup> Other reports suggest that around 215,000<sup>5</sup> undocumented children in the UK, and over 175,000<sup>6</sup> children have NRPF on their visa.<sup>7</sup>

Research has found that pregnant women and Black and Minority Ethnic (BME) children are disproportionately impacted by NRPF.<sup>8</sup>

Many families with NRPF are living, or end up living, in destitution. Research shows that these families are at high risk of homelessness, exploitation and abuse due to their exclusion from the welfare system.<sup>9</sup> A new report evidences that people with NRPF have struggled to access food, shelter and subsistence support during the COVID-19 pandemic.<sup>10</sup>

The following rights under the CRC are violated: Arts. 2, 3(1), 4, 5, 18, 22, 24(1) and (2), 26, 27, 29(1)(a) and (b), and 36.

In 2016, the Committee observed that the right of the child to have its best interests taken as a primary consideration is still not reflected in all legislative and policy matters especially in the area of child welfare, immigration, asylum and refugee status.<sup>11</sup>

The Committee expressed its concern that children in certain groups, such as migrant, asylum-seeking and refugee children continue to experience discrimination.<sup>12</sup> The Committee

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<sup>4</sup> Eve Dickson, Andy Jolly, Benjamin Morgan, and Fizza Qureshi, Research report: Local Authority Responses to people with NRPF during the pandemic (August 2020)  
[https://www.researchgate.net/publication/343774922\\_Research\\_report\\_Local\\_Authority\\_Responses\\_to\\_people\\_with\\_NRPF\\_during\\_the\\_pandemic](https://www.researchgate.net/publication/343774922_Research_report_Local_Authority_Responses_to_people_with_NRPF_during_the_pandemic)

<sup>5</sup> Mayor of London, 'London's children and young people who are not British citizens: A profile' (January 2020)  
[https://www.london.gov.uk/sites/default/files/final\\_summary\\_londons\\_children\\_and\\_young\\_people\\_who\\_are\\_not\\_british\\_citizens.pdf](https://www.london.gov.uk/sites/default/files/final_summary_londons_children_and_young_people_who_are_not_british_citizens.pdf)

<sup>6</sup> The Migration Observatory, 'Children of migrants in the UK' (14 August 2020)  
<https://migrationobservatory.ox.ac.uk/resources/briefings/children-of-migrants-in-the-uk/>

<sup>7</sup> Nadia Chalabi, 'The free-school meals loophole: Government policy leaves low-income children stranded' (19 August 2020) <https://www.politics.co.uk/comment-analysis/2020/08/19/the-free-school-meals-loophole-government-policy-leaves-low>

<sup>8</sup> Agnes Woolley 'Access Denied: The cost of the "no recourse to public funds" policy' (June 2019)  
<https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d0bb6100099f70001faad9c/1561048725178/Access+Denied+-+the+cost+of+the+No+Recourse+to+Public+Funds+policy.+The+Unity+Project.+June+2019.pdf>

<sup>9</sup> Sustain, Project 17, CAWR "Sometimes my belly will just hurt": No Recourse to Public Funds and the Right to Food (2019)

[https://www.sustainweb.org/publications/right\\_to\\_food\\_no\\_recourse\\_to\\_public\\_funds/?section=](https://www.sustainweb.org/publications/right_to_food_no_recourse_to_public_funds/?section=)  
<sup>10</sup> Eve Dickson, Andy Jolly, Benjamin Morgan, and Fizza Qureshi, Research report: Local Authority Responses to people with NRPF during the pandemic (August 2020)  
[https://www.researchgate.net/publication/343774922\\_Research\\_report\\_Local\\_Authority\\_Responses\\_to\\_people\\_with\\_NRPF\\_during\\_the\\_pandemic](https://www.researchgate.net/publication/343774922_Research_report_Local_Authority_Responses_to_people_with_NRPF_during_the_pandemic)

<sup>11</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 26.

<sup>12</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 21 (C)

recommended that the UK strengthened preventative activities, including temporary special measures for the benefit of children in vulnerable situations.<sup>13</sup>

The Committee drew attention to the difficulties faced by asylum-seeking, refugee and migrant children and their families in gaining access to basic services and recognised that this group of children are at high risk of destitution.<sup>14</sup> The Committee recommended that the UK provide sufficient support to migrant, refugee and asylum-seeking children to access basic services.<sup>15</sup>

The NRPF policy evidences the UK Government's regression on the Committee's most recent observations and recommendations concerning the rights of the child.

### **Specific questions that the Committee should include in its LOIPR**

- Does the UK Government plan to put in the public domain up-to-date disaggregated data on children and their families with NRPF?
- What are the measures adopted to reduce poverty among children and their families with NRPF?
- Has the UK Government monitored the correlation between children impacted by NRPF and food insecurity?
- Does the UK Government have a monitoring and evaluation mechanism in place to assess how the social and economic rights of the child are impacted by NRPF?
- Will local authorities receive sufficient funding so as to ensure that they can support people with NRPF in their area? Will the UK Government remove ring fencing on support provided to local authorities to ensure that people with NRPF can access it?

## **2. UK Government's Child Tax Credit and Universal Credit system is increasing child poverty**

**Area: poverty**

**Issue: social security system (Universal Credit, 2 Child Limit)**

Significant changes to the UK's social security system, which were introduced through the Tax Credits Act (2002), the Welfare Reform Act (2012) and the Welfare Reform and Work Act (2016), provide limited social and economic protection for children. The changes have had a retrogressive impact on the enjoyment of many of the rights in the CRC and cannot be justified by reasons of economic necessity.

### **2.1 Universal Credit**

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<sup>13</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 22 (c)

<sup>14</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 76 (f)

<sup>15</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 77 (f)

JRF and Save the Children recently polled 3,000 families and found that approximately “7 in 10 families with children claiming Universal Credit or Child Tax Credit are having to cut back on essentials including food, utilities, nappies and activities for children such as books and toys, with around 50% cutting back on food”.<sup>16</sup>

Evidence shows that Universal Credit covers 85% of childcare costs but is capped at £175 a week while the average full-time nursery fees are £240 a week.<sup>17</sup> Parents are unable to work, worsening existing problems that low-income families face.<sup>18</sup>

## **2.2 Limitation of the Child Tax Credit and Universal Credit to Two Children**

The two child limit restricts welfare support provided to families to a maximum of two children and was introduced as part of a series of changes to the welfare system brought through the 2015 Summer Budget and came into force in April of 2017.<sup>19</sup>

As of April 2020, there were 846,000 households that had three or more children who claimed either Child Tax Credit or Universal Credit. Out of this total there were 243,000 households who had children who were born after 2017 and were therefore impacted by the two child limit.<sup>20</sup> Child Poverty Action Group and the Church of England have estimated that an additional 60,000 families will likely be affected due to COVID-19.<sup>21</sup>

The House of Commons Work and Pensions Committee reported after their inquiry into the policy that they “have seen no evidence that the two child limit is working in the way the Government hoped for [...] it is having serious unintended consequences”.<sup>22</sup>

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<sup>16</sup> JRF and Save the Children, ‘A lifeline for our children: Strengthening the social security system for families with children during this pandemic’ (June 2020)

<https://www.savethechildren.org.uk/content/dam/coronahub/stc-jrf-joint-briefing-lifeline-for-children.pdf>

<sup>17</sup> Tracey Warren, ‘The problems faced by low income women in the labour market: Briefing Paper for the Women’s Budget Group’s ‘Commission on a Gender-Equal Economy’’ (22 July 2019)

<https://wbg.org.uk/wp-content/uploads/2019/08/Problems-faced-by-low-income-women-in-the-labour-market.pdf>; Donald Hirsh, ‘A Minimum Income Standard for the United Kingdom in 2019’ (2019) <https://www.jrf.org.uk/report/minimum-income-standard-uk-2019>

<sup>18</sup> TUC, ‘Forced out: The cost of getting childcare wrong’ (4 June 2020)

<https://www.tuc.org.uk/research-analysis/reports/forced-out-cost-getting-childcare-wrong>

<sup>19</sup> Once the two-child limit policy came into force families who had a child born after April of 2017 who already had two siblings were not able to receive welfare support for this child or any subsequent children. There are some limited exceptions to this policy, notably children who are adopted from local authority care and multiple births. Parents of children who are disabled are able to claim the disability element however they are not eligible for the additional child element.

<sup>20</sup> Just Fair, ‘Why is the two-child limit contrary to the UK's human rights obligations?’ (July 2020)

[http://justfair.org.uk/wp-content/uploads/2020/07/Two\\_Child\\_Limit\\_Human\\_Rights-copy.pdf](http://justfair.org.uk/wp-content/uploads/2020/07/Two_Child_Limit_Human_Rights-copy.pdf) [Two\\_children\\_and\\_exceptions\\_in\\_tax\\_credits\\_and\\_Universal\\_Credit\\_April\\_2020.pdf](https://www.justfair.org.uk/wp-content/uploads/2020/07/Two_Child_Limit_Human_Rights-copy.pdf)

<sup>21</sup> Child Poverty Action Group and The Church of England, ‘No One Knows What The Future 4 Can Hold The impact of the two-child limit after three years’ (2020) <https://cpag.org.uk/sites/default/files/files/policypost/No-one-knows-what-the-future-can-hold-FINAL.pdf>

<sup>22</sup> House of Commons Work and Pensions Committee, ‘The two-child limit’ (2019) <https://publications.parliament.uk/pa/cm201919/cmselect/cmworpen/51/51.pdf>

Research has found that children who were in families affected by the two child limit were missing out on basic essentials such as food or clothes, and that many families have been pushed into financial hardship and debt due to this policy.<sup>23</sup> This financial strain impacts families' mental health and wellbeing.<sup>24</sup>

Our research has found that the two child limit is also an anomaly amongst Council of Europe Countries.

The following rights under the CRC are violated: Arts. 2, 3(1), 4, 5, 16, 18, 24(1) and (2), 26, 27, and 29(1)(a) and (b).

The Committee raised concerns about the negative effect of the high cost of childcare on children and their family environment.<sup>25</sup> In particular, the Committee recommended that the UK Government conducts a rigorous child rights impact assessment of the reduction of funding for family support and adjust the family support policy in order to make childcare services available to all those who need it.<sup>26</sup> The UK Government has failed to increase the rates of child benefit and remove the two child limit under Universal Credit or Child Tax Credit.

### **Specific questions that the UN Committee should include in its LOIPR**

- Does the UK Government's two child limit policy comply with the general principles of the CRC, such as the best interests of the child?
- What measures has the UK Government taken to reduce the negative effect of the high cost of childcare on children and their family environment?
- Does the UK Government have a monitoring and evaluation mechanism in place to assess how the social and economic rights of the child (such as access to food and basic essentials) are impacted as a result of the two child limit policy?
- Does the UK Government's two child limit policy make the UK an outlier when the policy compares with similar policies in other State Parties to the CRC?
- Will the UK Government uplift Child Benefit Payments so as to ensure they are in line with the cost of living?

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<sup>23</sup> Child Poverty Action Group and The Church of England, 'No One Knows What The Future 4 Can Hold The impact of the two-child limit after three years' (2020) <https://cpag.org.uk/sites/default/files/files/policypost/No-one-knows-what-the-future-can-hold-FINAL.pdf>

<sup>24</sup> Child Poverty Action Group and The Church of England, 'No One Knows What The Future 4 Can Hold The impact of the two-child limit after three years' (2020) <https://cpag.org.uk/sites/default/files/files/policypost/No-one-knows-what-the-future-can-hold-FINAL.pdf>

<sup>25</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 50

<sup>26</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 51

### 3. UK Government's Benefit Cap rule is increasing child poverty

#### Area: poverty

#### Issue: social security system (Benefit Cap)

The benefit cap is disproportionately impacting the rights of certain groups, such as single parent families.

As of May 2020, 150,000 households had their benefits capped in the UK; 30,000 had Housing Benefit capped and 120,000 had Universal Credit capped.<sup>27</sup> Data provided by the DWP suggested that 60% of adults on Housing Benefit are female, and 95% of single parents receiving Housing Benefit are female.<sup>28</sup>

Child Benefit and Child Tax Credits are both in scope for the Housing Benefit cap. This means that households in receipt of these benefits are more likely to exceed the cap limit and be capped. As of May 2020, of Housing Benefit capped households 90% (27,000) were claiming Child Tax Credits and 57% (17,000) were claiming Income Support, “a benefit mainly for single parents with young children”.<sup>29</sup> 86% (130,000) of currently capped households include children. Overall 62% (96,000) of households that had their benefits capped are single-parent families; 54% (52,000) of single-parent capped households have at least one child aged under 5 years.<sup>30</sup>

The Work and Pensions Committee reported that two thirds (65%) of claimants reported facing major barriers to moving into work or increasing their hours, including the availability and/or cost of childcare (43%).<sup>31</sup>

The following rights under the CRC are violated: Arts. 2, 3(1), 4, 5, 16, 18, 24(1) and (2), 26, 27, and 29(1)(a) and (b).

The Committee observed that the rate of child poverty remains high, and disproportionately affects disabled people, children living in a family or household with a disabled person or

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<sup>27</sup> DWP, Benefit cap: number of households capped to May 2020 (6 August 2020) <https://www.gov.uk/government/publications/benefit-cap-number-of-households-capped-to-may-2020/benefit-cap-number-of-households-capped-to-may-2020>

<sup>28</sup> DWP, Official Statistics: Housing Benefit caseload statistics - Statistics on numbers of Housing Benefit claimants (May 2018) <https://www.gov.uk/government/statistics/housing-benefit-caseload-statistics#history>

<sup>29</sup> DWP, Benefit cap: number of households capped to May 2020 (6 August 2020) <https://www.gov.uk/government/publications/benefit-cap-number-of-households-capped-to-may-2020/benefit-cap-number-of-households-capped-to-may-2020>; Work and Pensions Committee, The benefit cap (12 March 2019) <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/1477/full-report.html>

<sup>30</sup> DWP, Benefit cap: number of households capped to May 2020 (6 August 2020) <https://www.gov.uk/government/publications/benefit-cap-number-of-households-capped-to-may-2020/benefit-cap-number-of-households-capped-to-may-2020>

<sup>31</sup> file:///C:/Users/misha/Downloads/jrf\_-\_uk\_poverty\_2019-20\_report\_4.pdf

disabled people, households with many children and children belonging to ethnic minority groups.<sup>32</sup>

The Committee drew attention of the UK to target 1.2 of the Sustainable Development Goals, on poverty reduction. In light of the above evidence, the UK Government has failed meet the Committee's recommendations to:

- set up clear accountability mechanisms for the eradication of child poverty<sup>33</sup>
- ensure clear focus on the child in the UK's poverty reduction strategies and action plans<sup>34</sup>
- conduct a comprehensive assessment of the cumulative impact of the full range of social security and tax credit reforms introduced between 2010 and 2016 on children on children, including children with disabilities and children belonging to ethnic minority groups<sup>35</sup>
- revise the mentioned reforms in order to respect the best interests of the child taken as a primary consideration, taking into account the different impacts of the reform on different groups of children, particularly those in vulnerable situations<sup>36</sup>

### **Specific questions that the UN Committee should include in its LOIPR**

- Does the Benefit Cap discriminate against single-parent families?
- What is the relationship between the Benefit Cap and child poverty?
- How is the UK Government's Benefit Cap rule in line with the implementation and general principles of the CRC?
- How is the poverty line determined in all jurisdictions of the State party, including in the overseas territories and the Crown dependencies, and where does this stand in relation to the cost of living?
- Provide an updated disaggregated data on the poverty rate in the State party and information on measures adopted to reduce poverty, particularly among children.

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<sup>32</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 70 (a)

<sup>33</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 71 (a)

<sup>34</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 71 (b)

<sup>35</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 71 (c)

<sup>36</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 71 (d)

## 4. Increase in child food insecurity and hunger

### Area: health

#### Issue: access to adequate nutritious food and education

In April 2020, a survey by the Food Foundation found that five million people in the UK living in households with children under 18 were experiencing food insecurity<sup>37</sup> and that families with children are some of those particularly vulnerable to experiencing household food insecurity due to COVID-19.<sup>38</sup>

Food insecurity is a result of poverty.<sup>39</sup> As the Chairman of the Select Committee on Food, Poverty, Health and the Environment, Lord Krebs, states, “Many of Britain’s poorest families have little or no choice. They either go without food or buy unhealthy food because that’s what they can afford and get hold of.”<sup>40</sup>

Research shows that around 3 million children are affected by ‘holiday hunger’ every year.<sup>41</sup> Following pressure by campaigners, the UK Government set up the Summer Food Fund which ensures free school meals are provided over the summer holiday period for eligible children.

Data suggest that the UK Government’s free school food voucher system is not meeting the needs of children from low-income families or upholding their right to food and nutrition. Hunger can impact education. Reports discuss the “debilitating physical feelings of hunger to social isolation, and a decreased ability to concentrate or make decisions.”<sup>42</sup> Human Rights

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<sup>37</sup> The Food Foundation, ‘New food foundation survey: five million people living in households with children have experienced food insecurity since lockdown started’ (May 2020) <https://foodfoundation.org.uk/new-food-foundation-survey-five-million-people-living-in-households-with-children-have-experienced-food-insecurity-since-lockdown-started/>

<sup>38</sup> ENUF, Kings College London, Food Foundation, ‘Vulnerability to Food Insecurity Since COVID-19 lockdown. Preliminary report’ (2020) [https://foodfoundation.org.uk/wpcontent/uploads/2020/04/Report\\_COVID19FoodInsecurity-final.pdf](https://foodfoundation.org.uk/wpcontent/uploads/2020/04/Report_COVID19FoodInsecurity-final.pdf)

<sup>39</sup> Select Committee on Food, Poverty, Health and the Environment; Uncorrected oral evidence: Food, Poverty, Health and the Environment (Tuesday 28 October 2020 10.50 am) Child Poverty Action Group and Joseph Rowntree Foundation <https://committees.parliament.uk/oralevidence/138/html/>

<sup>40</sup> Chairman of the Select Committee on Food, Poverty, Health and the Environment, Lord Krebs (2020) <https://www.parliament.uk/business/committees/committees-a-z/lords-select/food-pov-health-enviro-comm/news-parliament-2019/report-publication/>; House of Lords Select Committee on Food, Poverty, Health and the Environment (Report of Session 2019–20 HL Paper 85) ‘Hungry for change: fixing the failures in food’ (23 June 2020) <https://publications.parliament.uk/pa/ld5801/ldselect/ldfphe/85/85.pdf>

<sup>41</sup> Select Committee on Food, Poverty, Health and the Environment; Uncorrected oral evidence: Food, Poverty, Health and the Environment (Tuesday 28 January 2020 11.45 am) (Q 42) (Alysa Remtulla), written evidence from the Food Foundation, London School of Hygiene and Tropical Medicine, and Sustainable and Healthy Food Systems (SHEFS) (ZFP0073) and written evidence from Church Action on Poverty, The Food Foundation, The Independent Food Aid Network, Nourish Scotland, Oxfam GB and Sustain (ZFP0031)

<sup>42</sup> <https://committees.parliament.uk/writtenevidence/291/html/>

Watch reports that in the early stages of the COVID-19 pandemic teachers in poor or disadvantaged areas had expressed fears about children's access to adequate nutritious food.<sup>43</sup>

Issues with the free school national voucher scheme in England are well documented; some schools and families experienced delays in England, and some were unable to access the electronic voucher system. Vicki Ford MP, the Minister responsible for the voucher scheme, admitted that there have been a number of challenges in the roll out. The National Audit Office, a public spending watchdog, launched an investigation into the UK Government's voucher scheme following wide-ranging problems that left parents and children to go hungry.<sup>44</sup>

Before COVID-19, children from families with NRPF were not able to access free school meals after the end of the universal entitlement period.<sup>45</sup> Still, free school meals have been temporarily extended to *some* low-income families with NRPF. Campaigners are calling for an immediate and permanent extension of free school meals to *all* low-income families with NRPF.<sup>46</sup>

The following rights under the CRC are violated: Arts. 2, 3(1), 4, 5, 16, 18, 24(1) and (2), 26, 27, 28(1), and 29(1)(a) and (b).

With regards to nutrition, the Committee expressed concerns about the high prevalence of overweight and obesity among children,<sup>47</sup> and the lack of comprehensive data on child food security.<sup>48</sup> The Committee recommended that the UK systematically collect data on food security and nutrition for children, in order to identify the root causes of child food insecurity and malnutrition.<sup>49</sup> Given the level of food insecurity, the current data gathering by the DWP appears to be ineffective. Moreover, the Committee recommended that the UK Government regularly monitors and assesses the effectiveness of policies and programmes on child food security and nutrition, including school meal programmes and programmes addressing infants

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<sup>43</sup> Human Rights Watch, UK: Children in England Going Hungry with Schools Shut (May 27 2020) <https://www.hrw.org/news/2020/05/27/uk-children-england-going-hungry-schools-shut>

<sup>44</sup> <https://schoolsweek.co.uk/spending-watchdog-opens-inquiry-into-national-free-school-meal-voucher-fiasco/>

<sup>45</sup> <http://www.nrpfnetwork.org.uk/information/Pages/who-has-NRPF.aspx>; <https://www.gov.uk/apply-free-school-meals>; Sustain, 'Sustain Briefing: Right to Food and Universal Free School Meals' (10 February 2020)

[https://www.sustainweb.org/publications/universal\\_free\\_school\\_meals\\_right\\_to\\_food/](https://www.sustainweb.org/publications/universal_free_school_meals_right_to_food/)

<sup>46</sup> Just Fair, 'Urgent changes needed to the temporary extension of free school meals eligibility to some "No Recourse to Public Funds" groups' (2020) <http://justfair.org.uk/urgent-changes-needed-to-the-temporary-extension-of-free-school-meals-eligibility-to-some-no-recourse-to-public-funds-groups/>

<sup>47</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 66 (a)

<sup>48</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 66 (b)

<sup>49</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 67 (a)

and young children.<sup>50</sup> The Government is failing to meet this recommendation, and legal challenges and campaigning has been required to bring about policy u-turns.<sup>51</sup>

In 2016, the Committee expressed its concern that children in certain groups, such as migrant, asylum-seeking and refugee children continue to experience discrimination.<sup>52</sup>

The Committee recommended that the UK strengthened preventative activities, including temporary special measures for the benefit of children in vulnerable situations.<sup>53</sup>

The Committee referenced its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, and recommended that the UK ensures the best interests of the child is appropriately integrated and consistently interpreted and applied in all policies that are relevant to and have an impact on children.<sup>54</sup>

The Committee recommended that the UK develops procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.<sup>55</sup>

### **Specific questions that the UN Committee should include in its LOIPR**

- Does the UK Government plan to extend universal free school meals beyond year 2 so that no child goes hungry during the school day?
- Does the UK Government plan to extend free school meals to all children permanently, irrespective of their immigration status?
- Does the UK Government plan to improve accessibility to adequate and nutritious food in school meal programmes?
- Does the UK Government have a plan to monitor and assess the effectiveness of policies and programmes on child food security and nutrition, including school meal programmes, junk food advertising restrictions, and the social security system?
- Will the UK Government incorporate the right to food into domestic law?

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<sup>50</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 67 (b)

<sup>51</sup> Matthew Gold & Co, 'Government extends free school meals to thousands of children in response to MG&Co' (7 April 2020) letter-before-claim; Government extends free school meals to thousands of children in response to MG&Co letter-before-claim; Sustain, 'Sustain and Good Law Project threaten legal action to secure free school meals over the summer' (5 June 2020)

[https://www.sustainweb.org/news/jun20\\_holidayfood/#:~:text=Right%20to%20Food-,Sustain%20and%20Good%20Law%20Project%20threaten%20legal%20action%20to%20secure,Sustain%20and%20Good%20Law%20Project](https://www.sustainweb.org/news/jun20_holidayfood/#:~:text=Right%20to%20Food-,Sustain%20and%20Good%20Law%20Project%20threaten%20legal%20action%20to%20secure,Sustain%20and%20Good%20Law%20Project)

<sup>52</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 21 (C)

<sup>53</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 22 (c)

<sup>54</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 27 and Para 27(a)

<sup>55</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 27 (b)

## **5. UK Government’s failure to improve security of tenure in the private rental sector is increasing risks to the health and safety of the child**

### **Area: homelessness**

#### **Issue: access to adequate housing and risks to health**

During the period of the Committee’s most recent review of the UK, the number of homeless households with dependent children increased in England and Northern Ireland, as did the number of homeless families, including those with infants, staying in temporary accommodation, in all four jurisdictions.<sup>56</sup>

As of December 2019, Shelter estimated that 135,000 children across England, Scotland, and Wales, were homeless and living in temporary accommodation. This means that the number of children that are homeless and living in temporary accommodation has risen by 51% over the last five years.

In 2019, the UK Government led by the Conservative Party gave a manifesto commitment to “abolish ‘no fault’ evictions” and protect tenants “from revenge evictions and rogue landlords”. However, the UK Government has as of now failed to take steps to permanently improve security of tenure and regulations surrounding s21 evictions, s8 evictions, and s83 evictions have not been amended. Reports show that many insecure tenancies in the private rental sector have high housing costs, and poor and unsafe living conditions.<sup>57</sup>

According to Shelter, over 450,000 parents who rent in the private sector fear ‘Covid-homelessness’.<sup>58</sup> This figure equates to one in five private renting parents. The charity’s recent figures report that 429,000 (15%) of “private renting parents are cutting back on food to help pay their rent since lockdown”.<sup>59</sup> Moreover, 550,000 (20%) are “taking on debt (such as overdrafts, credit cards, payday loans or borrowing money from the bank / family & friends) to help pay their rent since lockdown”.<sup>60</sup>

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<sup>56</sup> Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (July 2016, CRC/C/GBR/CO/5), para 70 (d)

<sup>57</sup> ‘Private-rented housing: what are conditions like?’ (17 January 2018)

<https://commonslibrary.parliament.uk/social-policy/housing/private-rented-housing-what-are-conditions-like/>; Just Fair and Generation Rent, ‘No-fault evictions violate human rights: Section 21 must end’ (September 2018) <http://justfair.org.uk/wp-content/uploads/2018/09/JF-Generation-Rent-End-Section21-Sept2018-FINAL.pdf>

<sup>58</sup> Shelter, ‘Over 450,000 private renting parents fear ‘Covid-homelessness’ (30 July 2020)

[https://england.shelter.org.uk/media/press\\_releases/articles/over\\_450,000\\_private\\_renting\\_parents\\_fear\\_covid-homelessness](https://england.shelter.org.uk/media/press_releases/articles/over_450,000_private_renting_parents_fear_covid-homelessness)

<sup>59</sup> Shelter, ‘Over 450,000 private renting parents fear ‘Covid-homelessness’ (30 July 2020)

[https://england.shelter.org.uk/media/press\\_releases/articles/over\\_450,000\\_private\\_renting\\_parents\\_fear\\_covid-homelessness](https://england.shelter.org.uk/media/press_releases/articles/over_450,000_private_renting_parents_fear_covid-homelessness)

<sup>60</sup> Shelter, ‘Over 450,000 private renting parents fear ‘Covid-homelessness’ (30 July 2020)

[https://england.shelter.org.uk/media/press\\_releases/articles/over\\_450,000\\_private\\_renting\\_parents\\_fear\\_covid-homelessness](https://england.shelter.org.uk/media/press_releases/articles/over_450,000_private_renting_parents_fear_covid-homelessness)

The UK Government's decision to extend<sup>61</sup> the temporary COVID-19-related eviction ban in place (since 18 March 2020)<sup>62</sup> until September 2020 in England is welcome, however, lifting the ban in September will increase homelessness and pose a risk to the health and life of children and their families.<sup>63</sup>

The following rights under the CRC are violated: Arts. 3(1), 5, 16, 18, 24(1) and (2)(c), and 27.

In 2016, the Committee recommended that the UK Government takes necessary measures to reduce homelessness and to progressively guarantee all children stable access to adequate housing that provides physical safety and protection against the threats to health and structural hazard. Levels of increased homelessness evidence the UK Government's failure to meet this recommendation.

### **Specific questions that the UN Committee should include in its LOIPR**

- Does the UK Government plan to incorporate the right to housing into domestic law to protect, respect, and fulfil, the rights of the child?
- Will the UK Government ban evictions completely for the whole period during which the COVID-19 pandemic poses a risk to health and life?
- Will the UK Government ban no fault evictions, in addition to its general temporary ban in place during the COVID-19 pandemic?
- How does the UK Government plan to monitor and evaluate the impact of the private rental market, including security of tenure, on its ability to meet its obligations under the CRC?

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For more information contact:

Misha Nayak-Oliver

Campaigns and Advocacy Lead

[misha.nayak-oliver@justfair.org.uk](mailto:misha.nayak-oliver@justfair.org.uk)

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<sup>61</sup> <https://www.gov.uk/government/news/jenrick-extends-ban-on-evictions-and-notice-periods>

<sup>62</sup> <https://www.gov.uk/government/news/complete-ban-on-evictions-and-additional-protection-for-renters>

<sup>63</sup> Just Fair, 'UK Government's Decision to Lift Eviction Ban Breaches Our Economic and Social Rights' (19 August 2020) <http://justfair.org.uk/uk-government-lifting-eviction-ban-breaches-our-economic-and-social-rights/>