

ROCK meeting 17 October 2012
Update from Children's Rights Alliance for England

1. Reform of the Children's Commissioner for England

CRAE is coordinating The Children's Commissioner Review NGO Co-ordinating Group. The group made a joint submission to the JCHR in relation to its consideration of draft legislation for reform of the OCCE. Key provisions in draft clauses:

- "Primary Function" is "promoting and protecting the rights of children"
- Commissioner must have regard to CRC
- Power to conduct children's rights impact assessment of legislation
- Can require a response to recommendations

The NGO submission called for the draft legislation to be improved to:

- Strengthen the Commissioner's powers and functions
- Enhance the independence and accountability of the OCCE
- Strengthen children's involvement in the work of the OCCE and
- Provide assurance that the OCCE will have adequate resources to allow it to effectively promote and protect children's rights.

The group also called for a public sector children's rights duty requiring public authorities in the exercise of their functions, to have due regard to the need to (a) respect, protect and fulfil children's rights; (b) actively seek and give due weight to the views of children in all matters affecting them; (c) take such steps as are appropriate to promote knowledge and understanding amongst children and adults of the Convention on the Rights of the Child and its Protocols; (d) ensure mechanisms are in place to investigate and rectify any violations of children's rights without undue delay; (e) ensure children are provided with information and assistance about making representations and protecting their rights; and (f) inform children of the role and function of the Children's Rights Commissioner.

2. Second Bill of Rights Commission Consultation

CRAE submitted a response to the recent Bill of Rights Consultation. The response said that any Bill of Rights must not weaken the Human Rights Act but build upon it and called for incorporation of the UNCRC.

3. Cabinet Office guidance

The Cabinet Office has published a guide for officials to making legislation, covering the procedures to be followed in preparing primary legislation and taking a Bill through Parliament. Chapter 11 deals with the European Convention on Human Rights and sets out the process to be followed to ensure compatibility with Convention rights. The chapter makes specific reference to the UNCRC in relation to drafting explanatory notes to accompany a Bill:

The Government has also made a commitment to give due consideration to the articles of the UN Convention on the Rights of the Child (UNCRC) when making new policy and legislation... the Government has stated that it will always consider the UN Committee on the Rights of the Child's recommendations but recognise that, like other state signatories, the Government and the UN committee may at times disagree on what compliance with certain articles entails. It would be helpful... if explanatory notes included a summary of the anticipated effects of legislation on children and on the compatibility of draft legislation with the UNCRC.

Cabinet Office, Guide to Making Legislation (June 2012), para 11.29

http://www.cabinetoffice.gov.uk/sites/default/files/resources/Guide-to-Making-Legislation_0.pdf