

About us

The Equality and Human Rights Commission (the EHRC) is one of the United Kingdom's "A" status accredited National Human Rights Institutions (NHRI) and a statutory body set up under the Equality Act 2006. The EHRC has a statutory mandate to protect and promote human rights and equality across the nine "protected" grounds; age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment. The EHRC is also the National Equality Body for the purposes of the European Union Equal Treatment Directives.

The purpose of this document

This document is a response to the call for submissions made by the Office of the High Commissioner for Human Rights (OHCHR) for its planned 2015 report to the Human Rights Council on the theme, "Towards a better investment in the rights of the child".

The EHRC welcomes the opportunity to contribute to this important study. We believe that our role as an equality body and an NHRI places us in a unique position to comment on equality and human rights issues impacting on the rights of children.

We have focussed our submission on data collection and the establishment and monitoring of human rights indicators. This focus provides a useful context for analysing where further investment is necessary which is critical for supporting policy decisions on children's rights. The framework outlined here could be a useful tool for the OHCHR, both in terms of the UN's country-focussed human rights work and its technical assistance programmes.

The EHRC Measurement Framework

The Measurement Framework (MF) was developed by the EHRC to monitor and evaluate progress towards achieving equality and human rights in Britain.¹ The framework is organised into 10 domains: life;

¹ See, Alkire, S., Bastagli, F., Burchardt, T., Clark, D., Holder, H., Ibrahim, S., Munoz, M., Terrazas, P., Tsang, T. and Vizard, P. (2009) Developing the Equality Measurement Framework: selecting the indicators, Research Report 31, Manchester: Equality and Human Rights Commission, available at: <http://www.equalityhumanrights.com/about-us/our-work/key-projects/equality-measurement-framework>

health; physical security; legal security; education and learning; standard of living; productive and valued activities; individual, family and social life; identity, expression and self-respect; and participation, influence and voice. Each domain contains a number of indicators and a series of measures for examining each indicator.²

The MF provides a baseline of evidence on the equality and human rights position of groups and individuals and can demonstrate changes in this position over time. It:

- enables the EHRC to fulfil its duties under section 12 of the Equality Act, to identify changes in society, outcomes to aim for, and indicators against which progress can be measured;
- provides evidence for our responsibilities as a NHRI, including treaty monitoring, consultation responses and the Universal Periodic Review submission; and
- Supports the EHRC's decision-making and other requests for evidence gathering.

The Children's Measurement Framework

The Children's Measurement Framework (CMF) was developed in order to provide a baseline of evidence on the equality and human rights positions of children in the UK, and forms part of the overall measurement framework.³ The EHRC commissioned the research to establish this baseline and continues to monitor the indicators in order to demonstrate areas in which children's rights are being progressively realised, and areas in which there is retrogression in the implementation of children's rights. The application of the CMF provides crucial data for assessing where there may be gaps in investment in the fulfilment of children's rights, and where investment is not as effective as it could be. The CMF is presented here as a good practice example of a necessary first step for governments, NHRIs and civil society organisations that wish to work towards a better investment in the rights of the child.

Also see, Candler, J., Holder, H., Hosali, S., Payne, A.M., Tsang, T. and Vizard, P. (2011) The Human Rights Measurement Framework: Prototype panels, indicator set and evidence base, Research Report 81, Manchester: Equality and Human Rights Commission, available at: <http://www.equalityhumanrights.com/publication/research-report-81-human-rights-measurement-framework-prototype-panels-indicator-set-and-evidence>

² Useful examples of the application of the framework can be found here:

<http://www.equalityhumanrights.com/about-us/our-work/key-projects/our-measurement-framework/briefing-papers-and-data>

³ Holder, H., Tsang, T. and Vizard, P. (2011), Developing the Children's Measurement Framework: Selecting the indicators, Research Report 76, Manchester: Equality and Human Rights Commission.

The need for children-specific indicators

The need to develop indicators specifically for children and young people within the 10 domains was identified for a number of reasons. These included:

- the recognition of child-specific and young-people specific issues;
- the availability and collection of data at a household rather than individual level;
- the need to focus and re-specify existing adult indicators for children and young people, even when they appear to be directly applicable;
- the need for different approaches depending on the age of a child;
- the resolution of a number of complex and sensitive issues around the relationship between children and young people with their family and the state.

Research methodology

This research was carried out on behalf of the EHRC by a team from the London School of Economics. The research methodology was extremely participatory and included deliberative consultation events with children and parents, in order to compile and subject to scrutiny long and short lists of indicators which reflected the things that children and young people felt were necessary and important in life.

A parallel specialist consultation process enabled possible data sources to be identified, and led to agreement on indicators for each domain that highlighted particularly salient aspects of inequality for children. This process also specified the associated measures under each indicator that are used for monitoring purposes in England, Scotland and Wales.

Each measure is designed to be disaggregated by as many of the equality characteristics as possible: age, disability, ethnicity, gender, religion or belief, sexual orientation, transgender, and social class. The CMF recommends that most of these characteristics should be systematically added to major social surveys covering children and young people, and that monitoring of sexual orientation should be taken forward on a good practice led, indicator by indicator basis.

A focus on vulnerable groups of children

In addition, a list of vulnerable groups of children and young people has been developed to be used in conjunction with the CMF, reflecting the emphasis of the UN Human Rights Committee on official recognition of the groups that need to be monitored.

The Commission has used the list of vulnerable groups of children in its internal scoping for other projects to identify groups of children on which the work should focus. In addition, it was utilised in the 'Identity, expression and self-respect' briefing paper published in 2013, which also drew attention to data gaps resulting from survey cancellations.⁴ The list is currently being used to inform the work of the Commission in connection with its 2015 statutory review of progress towards equality and human rights.

This list includes:

- Asylum seeker and refugee children (including unaccompanied asylum-seeking children)
- Children whose families have no recourse to benefits (covers immigrants, asylum seekers and refugees)
- Children looked after by social services
- Children in the Criminal Justice System (CJS)
- Children with parents who are in contact with the CJS or who suffer from substance or alcohol abuse
- Children resident or detained in public or private institutions
- Children at risk of abuse and neglect
- Gypsy and Traveller children
- Trafficked children
- Homeless children
- Disabled children (with separate reporting for physical and mental health difficulties, Special Education Needs, Additional Education Needs and Additional Support for Learning)
- Children living in income poverty
- Children who are carers
- Children living in unsuitable accommodation
- Care leavers and young adults in relation to transitional issues
- Teenage parents
- Any other child or young person on the Children In Need register

Gaps in data collection

The CMF identified 50 indicators for children and young people across the 10 domains, comprising 200 measures overall. The research also revealed that data does not exist for all the indicators identified. In some cases, a suitable data source was never identified while in others, data

⁴ Equality and Human Rights Commission (2013), Identity, expression and self-respect, Measurement Framework Briefing Paper No. 9 Manchester: Equality and Human Rights Commission, available at: http://www.equalityhumanrights.com/sites/default/files/uploads/documents/Measurement_Framework/Briefing_Paper_Data/H%20Identity/domain_i_briefing.pdf

that were available at the time of the CMF's development no longer exist, due to changes in survey availability and design.⁵

Calling for improvements on the UK's data collection and analysis: EHRC and the Convention on the Rights of the Child

The gaps in data collection revealed by the CMF contributed to the EHRC's prioritisation of advocacy to improve data collection and analysis in the UK. One example of this is the EHRC's April 2014 submission to the UN Committee on the Rights of the Child (the UN CRC) in relation to the examination of the UK's compliance with the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC)⁶.

The EHRC provided a detailed assessment of the UK's data collection systems in relation to implementation of OPSC. The EHRC noted that the data collected on human trafficking through the National Referral Mechanism has been criticised for not disaggregating information by nation or region in the UK. It also reiterated concerns that data collected through the National Referral Mechanism and by the National Crime Agency may underestimate the prevalence of child trafficking in the UK, given the covert nature of trafficking, the consent necessary for adult victims to be referred, and the limited number of agencies that can refer potential victims. Given this situation, we welcomed a provision in the draft Modern Slavery Bill (applicable in England and Wales) that would introduce a statutory duty to capture a wider range of intelligence about trafficking, including child trafficking.

The EHRC recommended that any review of the NRM provide recommendations to improve;

- the early identification of child victims;
- the collection of data to ensure figures accurately reflect the full nature of child trafficking in the UK; and
- the disaggregation of data, by nation and region of the UK

⁵ For further information about the CMF including its conceptual and methodological background in relation to the broader literature on child indicators, see Clery, E., Tsang, T. and Vizard, P. (2013) 'The Children's Measurement Framework: A new Indicator-Based Tool for Monitoring Children's Equality and Human Rights'. Child Indicators Research, Volume 7 (2): 321-349, available at: <http://link.springer.com/article/10.1007/s12187-013-9224-4#page-1>

⁶ Submission to the UN Committee on the Rights of the Child on the United Kingdom's compliance with the Optional Protocol on the sale of children, child prostitution and child pornography, Equality and Human Rights Commission, April 2014, available at: http://www.equalityhumanrights.com/sites/default/files/uploads/Pdfs/uncrc-op_submission_28-04-14.pdf

Without ensuring that the NRM collects this data, it will be impossible to ascertain the scale and nature of child-trafficking in the UK, or what kind of investment is needed to address it.

The EHRC raised these issues at the UN Human Rights Council in June 2014, in a joint statement with the Northern Ireland Human Rights Commission on the report of the UN Special Rapporteur on trafficking, especially women and children⁷.

Ensuring there is a robust evidence base for understanding whether and how children's rights are implemented in the UK will be a priority for the EHRC's submission to the Committee when it reviews the UK's compliance with the UNCRC

Other useful information:

For further information on challenges related to the mobilization, allocation and spending of resources for children, we would like to draw your attention to the Office of the Children's Commissioner report, 'A Child Rights Impact Assessment of Budget Decisions'.⁸ This report considers the impact of tax, tax credit and welfare benefit changes and of changes to spending on public services implemented (or scheduled to be implemented) between May 2010 and April 2015. The purpose of the assessment is to identify the likely impact of budgetary decisions on the realisation of the rights of children in England, and to assess how far the UK Government has met its obligations to make the best interest of children a primary consideration in decisions – including budgetary decisions – affecting children.

⁷ Joint Statement to the UN Human Rights Council on the report of the UN Special Rapporteur on Trafficking, especially women and children, Equality and Human Rights Commission and Northern Irish Human Rights Commission, March 2014, available at:

<http://www.equalityhumanrights.com/about-us/our-work/human-rights/international-framework/international-news-updates/joint-statement-human-rights-council-trafficking>

⁸ Office of the Children's Commissioner, A Child Rights Impact Assessment of Budget Decisions: including the 2013 Budget, and the cumulative impact of tax-benefit reforms and reductions in spending on public services 2010 – 2015, available at:

http://www.childrenscommissioner.gov.uk/content/publications/content_676

Appendix: short-list of indicators for children and young people used in the CMF

A. Life

1. Infant mortality rate
2. Homicide
3. Other specific-cause mortality rates for children and young people
4. Preventable deaths
5. The number of deaths from non-natural causes for children and young people resident and/or detained in public or private institutions

B. Health

1. Limiting illness, disability, mental and emotional health
2. Reproductive and sexual health for young people
3. Experiences of discrimination and dignity and respect in healthcare
4. Healthy living
5. Health status of vulnerable children and young people

C. Physical security

1. Violent crime against children and young people
2. Maltreatment, abuse and neglect
3. Hate crime
4. Physical security for children and young people resident or detained in public and private institutions
5. Fear of crime
6. Bullying

D. Legal security

1. Equal treatment by the police and criminal justice system for children and young people
2. Detention as a last resort
3. Children in detention: conditions and treatment with dignity and respect
4. Complaints and redress for children and young people in detention
5. Offences reported and brought to justice

E. Education and learning

1. Education outcomes at key stages
2. Education outcomes and experiences of vulnerable and detained children and young people
3. Safety, security and emotional health at school
4. Use of internet

5. Common measures of education achievement for England, Scotland and Wales

F. Standard of living

1. Housing quality and appropriate accommodation for children and young people that is also secure
2. Income poverty
3. Deprivation
4. Quality of the local area
5. The standard of living of vulnerable children and young people

G. Productive and valued activities

1. Play and valuable activities
2. Rest and leisure
3. Education, training and employment activities for 16-17 year olds
4. Treatment and protection for working children and young adults

H. Individual, family and social life

1. Emotional support, avoiding loneliness and hope for the future
2. Freedom from domestic abuse (emotional or financial) for 16-17 year olds
3. Being able to form attachments and bonds with others
4. Being able to participate in key social and cultural occasions which matter to you
5. Respect for individual and family life

I. Identity, expression and self-respect

1. Experiences of identity-based harassment and interference
2. Perceptions of treatment with dignity and respect
3. Being able to engage in cultural practices
4. Self-respect
5. Freedom from stigma and stereotyping

J. Participation, influence and voice

1. Participation in decision-making processes in critical areas of the lives of children and young people
2. Political activities
3. Involvement in clubs, organisations and the local community
4. Being treated with dignity and respect while accessing and participating in decision-making processes and forums
5. Inclusion in participation in mainstream activities