

HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: CRC/72nd/AF

20 April 2016

Dear Ms. Thewliss,

I have the honour to respond to your letter to the United Nations Secretary-General dated 1 February 2016, in which you raise concerns regarding implementation in the United Kingdom of a two-child policy for tax credits which would limit payment of benefits to families for the first two children only.

In this context, I would like to bring to your attention that the United Nations Committee on the Rights of the Child will review the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland under the Convention during its 72nd session, scheduled for the 24 and 25 May 2016. The meeting can be followed live on webcast through the following link: <http://www.treatybodywebcast.org>.

In preparation for the review, the Committee on the Rights of the Child sent to the Government of the United Kingdom in October 2015, a List of Issues requesting the Government to provide information on "whether a child rights impact assessment has been conducted of the recent welfare reform, including the cap on household benefits and other reductions in benefits". It also requested information on "the measures being taken to mitigate negative impact of this reform on the enjoyment of the rights of children, particularly those in vulnerable situations" (CRC/C/GBR/Q/5, para.16). Replies from the United Kingdom were received on 2 March 2016.

The concerns you raise in your letter have therefore been brought to the attention of the Committee on the Rights of the Child, which is the authoritative body of the United Nations to monitor and assess implementation of the Convention on the Rights of the Child by States parties. The final recommendations by the Committee to the United Kingdom are expected to be issued on 9 June 2016.

Ms. Alison Thewliss MP
SNP Member of Parliament for Glasgow Central
Glasgow Central Constituency Office
33 London Road
Glasgow, G1 5NW
United Kingdom



The protection of the rights of the child is of central importance in the United Nations and has been a main human rights concern and priority during the UN Secretary-General's term in office. Should you have any further questions, please contact Ms. Allegra Franchetti, Secretary of the Committee on the Rights of the Child at: afranchetti@ohchr.org.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Ibrahim Salama'.

Ibrahim Salama
Director
Human Rights Treaties Division



HOUSE OF COMMONS

LONDON SW1A 0AA

Ban Ki-moon
Secretary General
The United Nations
405 42nd Street
New York
NY, 10017
United States of America

Monday, 1st February 2016

Dear Secretary General,

I seek your advice and action on ensuring that the UK Government fulfils its obligations under the UN Convention on the Rights of the Child.

In the UK Budget last July, the Conservative Government proposed to work towards the implementation of a two-child policy for tax credits which would, in effect, limit payment of benefits to families only for the first two children.

Even more worryingly, the Government is also looking to implement a specific clause which would require a woman, whose third child was born of rape, to prove this to a Government official in order to receive tax credit payments. I believe this is absolutely abhorrent and has no place in the twenty-first century.

Section 6.3 of the UK Government Budget of July 2015 stipulates:

"The Child Element of tax credits and Universal Credit will no longer be awarded for third and subsequent children born after 6 April 2017. This will also apply to families claiming Universal Credit for the first time after April 2017. Households who have been in receipt of tax credits or Universal Credit, with an interruption of less than 6 months, will be protected. Furthermore, children with disabilities will continue to receive the Disabled Child Element or Severely Disabled Child Element in tax credits and the equivalent in Universal Credit. Multiple births will be protected in both systems. The Department for Work and Pensions and HMRC will develop protections for women who have a third child as the result of rape, or other exceptional circumstances. Consequential changes will be made in Housing Benefit from April 2017."

My firm belief is that to pursue such a policy stigmatises mother and child, and risks discriminating against those who may for religious or traditional reasons have larger families. My colleagues and I have asked the UK Government on numerous occasions about how this policy would work, but have not yet received a satisfactory explanation. Over 10,000 people have now signed a petition calling upon the Government to scrap the rape clause, which I hope will finally elicit a response from the Prime Minister.

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Alison Thewliss MP

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Having looked at all fifty-four articles of the UN Convention on the Rights of the Child, I believe that the UK Government's proposal to limit tax credit payments to just two children breaches a number of articles in the convention which, as you know, the UK signed in 1990 and later enacted into legislation in 1992. I would be greatly appreciate it if the United Nations could investigate whether the proposal to restrict tax credits to the first two children breaches the UNCRC.

I believe that there are clear grounds that this policy directly contravenes the following articles of UN Convention on the Rights of the Child:

Article 2: "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction **without discrimination of any kind**, irrespective of his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, **birth** or other status".

Article 4: "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. **With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.**"

Article 5: "States Parties shall **respect the responsibilities, rights and duties of parents**".

Article 18, Subsection 3: "States Parties shall take **all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible**".

Article 26, Subsection 1: "States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right... **The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.**

I believe that the UK Government's move to restrict tax credits to the first two children is totally at odds with each of these important articles and respectfully request that these points be taken into consideration at the UN. I would be grateful if appropriate representations could be made to the UK Government who, I believe, are embarking upon behaviour that is tantamount to social engineering.

Yours sincerely,



Alison Thewliss MP

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