

**Dyddiad:** Dydd Mercher 26 Mawrth 2003  
**Lleoliad:** Ystafelloedd Pwyllgora 3 a 4  
**Teitl:** Pwyllgor y Cenhedloedd Unedig ar Hawliau'r Plentyn

### **Diben**

1. Rhoi gwybod i'r Pwyllgor am Gasgliadau Pwyllgor y Cenhedloedd Unedig ar Hawliau'r Plentyn.

### **Crynodeb/Argymhellion**

2. Bu Pwyllgor y Cenhedloedd Unedig ar Hawliau'r Plentyn yn holi'r swyddogion sy'n rhan o ddirprwyaeth y DU ar 19 Medi 2002. Chris Burdett, Pennaeth yr Is-adran Plant a Theuluoedd, a oedd yn cynrychioli Llywodraeth y Cynulliad. Cyhoeddodd y Pwyllgor ei Gasgliadau ddydd Gwener 4 Hydref.

3. Gwneir tri chyfeiriad penodol at Gymru, ac mae pob un ohonynt yn rhai cadarnhaol:

- ◆ Mae'r Pwyllgor yn croesawu'r ffaith bod y Confensiwn wedi'i ddefnyddio fel fframwaith yn y Strategaeth ar gyfer Plant a Phobl Ifanc a ddatblygwyd gan Gynulliad Cenedlaethol Cymru'. (Paragraff 14).
- ◆ Mae'r Pwyllgor yn croesawu'r ffaith bod Comisiynydd Plant annibynnol i Gymru wedi'i benodi (ond yn mynegi pryder bod ei bwerau wedi'u cyfyngu o ran materion sydd heb eu datganoli). (Paragraff 16).
- ◆ Mae'r Pwyllgor yn croesawu'r ffaith bod y Cynulliad wedi mabwysiadu Rheoliadau sy'n gwahardd cosbi'n gorfforol mewn pob math o ofal dydd, gan gynnwys gwarchod plant. (Paragraff 35).

4. Mae Pwyllgor y Cenhedloedd Unedig yn dirwyn y broses archwilio i ben yn sgil cyhoeddi'r Casgliadau. Nid oes gan y Casgliadau unrhyw statws ffurfiol ac nid oes unrhyw reidrwydd ar y DU i ymateb iddynt ar ôl eu cyhoeddi, ac yn wir, nid yw'r Pwyllgor ychwaith yn disgwyl iddynt wneud hynny.

### **Y Cefndir**

5. Amgaeir copi o Gasgliadau'r Pwyllgor yn yr atodiad. Roedd y rhai a oedd yn bresennol yn ystod ymddangosiad blaenorol y DU yn 1995 yn disgrifio'r gwrandawriad ei hun fel un a oedd yn llawer mwy cadarnhaol. Roedd hyn i'w briodoli'n rhannol, o leiaf, i agwedd wahanol y ddirprwyaeth, ac ym mharagraff

2, mae'r Pwyllgor yn nodi ei fod yn gwerthfawrogi bod uwch ddirprwyaeth o'r Uned Plant a Phobl Ifanc a'r gweinyddiaethau datganoledig yn bresennol yno.

6. Roedd y materion eraill yr ymdriniwyd â hwy yn amrywio o'r rheini a oedd wedi'u datganoli'n llawn, megis beichiogrwydd ymysg merched yn eu harddegau, y rheini sydd o ddiddordeb cyffredin i Lywodraeth y Cynulliad ac i Lywodraeth y DU, megis Cyfiawnder Ieuencid a thlodi ymysg plant, ac i faterion sydd heb eu datganoli, megis plant sy'n filwyr.

7. Cyhoeddir yr adroddiad nesaf yn 2008 a bydd Pwyllgor y Cenhedloedd Unedig yn chwilio am dystiolaeth bod y DU wedi ystyried Casgliadau 2002 wrth ddatblygu'i agenda ar gyfer plant.

### **Themâu trawsbynciol**

8. Bydd argymhellion Pwyllgor y Cenhedloedd Unedig yn rhan annatod o agenda Llywodraeth y Cynulliad wrth iddi lunio polisiâu ar gyfer plant a phobl ifanc, gan gynnwys rhoi mwy o sylw i'r Confensiwn ei hun. Mae Comisiynydd Plant Cymru wedi dweud ei fod yn bwriadu adolygu sefyllfa plant yng Nghymru yng ngoleuni Confensiwn y Cenhedloedd Unedig.

### **Camau i'w Cymryd gan y Pwyllgor**

9. Gofynnir i Bwyllgor Iechyd a Gwasanaethau Cymdeithasol nodi cynnwys y papur hwn.

**Jane Hutt**

**Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol**

Swyddog Cyswllt: Chris Burdett, Yr Is-adran Plant a Theuluoedd, ffôn. 029 2082 3936

CRC/C/15/Add.188  
4 October 2002

**UNEDITED VERSION**

COMMITTEE ON THE RIGHTS OF THE CHILD  
Thirty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION

**Concluding Observations of the Committee on the Rights of the Child:  
United Kingdom of  
Great Britain & Northern Ireland**

1. The Committee considered the second periodic report of the United Kingdom of Great Britain & Northern Ireland (CRC/C/83/Add.3), submitted on 14 September 1999, at its 811<sup>th</sup> and 812<sup>th</sup> meetings (see CRC/C/SR.811 and 812) held on 19 September 2002, and adopted ( At the 833<sup>rd</sup> meeting, held on 4 October 2002) the following concluding observations.

**A. Introduction**

2. The Committee notes with appreciation the timely submission of the State party's second periodic report. However, it regrets that the report does not follow the Committee's reporting guidelines. The Committee welcomes the written replies to its list of issues (CRC/C/RESP/UK/2) as well as the additional information provided in annexes. The Committee also notes with appreciation the presence of a delegation of senior officials from the Children and Young People's Unit and from various departments, including representatives from the devolved administrations, which contributed to an open dialogue and a better understanding of the implementation of the Convention in the State party.

**B. Follow-up measures undertaken and progress achieved by the  
State party**

3. The Committee welcomes:

The withdrawal of two reservations made to article 32 and 37 of the Convention;

The ratification of ILO Conventions No. 138 on minimum age and No. 182 on the Worst Forms of Child Labour;

The entry into force of the Human Rights Act 1998;

The peace process in Northern Ireland, pursuant to the Good Friday Agreement, the enactment of the Northern Ireland Act 1998, establishing the

Northern Ireland Human Rights Commission,

The establishment of the police ombudsman for Northern Ireland, and the Race Relations (NI) Order 1997;

The establishment of the Children and Young People's Unit and the development of new child-focused structures in the Government throughout the State party;  
The promotion of children's rights within the State party's international aid;  
The adoption of Children (Leaving Care) Act 2000, and Homelessness Act 2000;  
The adoption of the Protection from Harassment Act 1997; the Sex Offenders Act 1997;  
The Family Home and Domestic Violence (NI) Order 1998;  
The completion of abolition of school corporal punishment in England, Wales and Scotland; and  
The adoption of the Standards in Scotland's Schools etc. Act 2000.

## **C. Principal subjects of concern and recommendations**

### **1. General measures of implementation**

Previous recommendations of the Committee

4. The Committee regrets that notwithstanding the legal obligation inherent to the ratification of the Convention, many of the concerns and recommendations (CRC/C/15/Add.34) it made upon consideration of the State party's initial report (CRC/C/11/Add.1) have been insufficiently addressed, particularly those contained in paragraphs 22 to 27, 29 to 36, and 39, 40 and 42. Those concerns and recommendations are reiterated in the present document.

5. The Committee urges the State party to make every effort to address its recommendations contained in the concluding observations on the initial report that have not yet been implemented or insufficiently and to address them and the list of concerns contained in the present concluding observations on the second periodic report.

### **Reservations and declarations**

6. While welcoming the State party's withdrawal of its reservations made to article 37(d) and to article 32, the Committee remains concerned that the State party does not intend to withdraw its wide-ranging reservation on immigration and citizenship, which is against the object and purpose of the Convention. In addition the Committee is concerned that the State party is not in a position to withdraw its reservation to article 37 (c) due to the fact that children are still detained with adults in the State party. In that regard, the Committee is concerned that, while the State party has made efforts to reduce the numbers of children detained with adults, it appears that only resource considerations now prevent the withdrawal of the reservation.

7. The Committee in line with its previous recommendation (*ibid.*, paras. 22 & 29), and in light of the Vienna Declaration and Programme of Action (1993), recommends the State party to take all necessary measures to end the detention of children in the same facilities as adults and to withdraw its reservation to article 37(c). The Committee furthermore recommends that the

State party reconsider its reservation to article 22 with a view to withdraw it. (given the State party's observation that this reservation is formally not necessary because the State party's law is in accordance with article 22 of the Convention)

## **Legislation**

8. While noting the entry into force of the Human Rights Act 1998 which incorporates the rights enshrined in the European Convention on Human Rights into domestic law, the Committee is concerned that the provisions and principles of the Convention on the Rights of the Child – which are much broader than those contained in the European Convention - have not yet been incorporated into domestic law, nor is there any formal process to ensure that new legislation fully complies with the Convention. The Committee notes that the devolved administrations have introduced some legal reforms to ensure compatibility with the Convention – e.g. to ensure compliance with article 12 in the education system in Scotland and to prohibit corporal punishment in the day-care system in Wales – but is concerned that the State party does not ensure compatibility of the legislation with the Convention throughout the State party.

9. The Committee encourages the State party to incorporate into domestic law the rights, principles and provisions of the Convention to ensure compliance of all legislation with the Convention, a more widespread application of the provisions and principles of the Convention in legal and administrative proceedings, and a better dissemination and training of the Convention.

## **Resources**

10. While noting the increased resources for the implementation of the Convention and some positive moves towards analysing budgets to reveal the expenditures on children; the national objective to halve child poverty by 2010 and eradicate it within a generation; and the strategies and policies tackling child poverty and social exclusion through locally targeted services for children, the Committee is still concerned that the Convention is not implemented to the “maximum extent of available resources” according to article 4 of the Convention.

11. The Committee recommends that the State party ensure transparent analysis of sectoral and total budgets across the State party and in the devolved administrations to show the proportion spent on children, to identify priorities and to allocate resources to the “maximum extent of available resources”. The Committee also recommends that the State party apply this principle in the activities of the Department for International Development.

## **Coordination**

12. The Committee welcomes the establishment of the Children and Young People's Unit in 2001 in addition to other bodies created in the devolved administrations, but it remains concerned that the absence of a central

mechanism to co-ordinate the implementation of the Convention across the State party makes it difficult to achieve a comprehensive and coherent child rights policy. The process of devolution of powers to the devolved administrations intensifies the need for effective coordination of implementation of the Convention across the State party as among the various levels of governments in Northern Ireland, Scotland, England and Wales, as well as between Governments and local authorities.

13. The Committee, in line with its previous recommendation (*ibid.*, para. 23), recommends that the State party assign coordination of the implementation of the Convention to a highly visible and easily identifiable permanent body with an adequate mandate and adequate resources. Coordination should be across the State party as among the various levels of governments in Northern Ireland, Scotland, England and Wales, as well as between Governments and local authorities.

### **Plan of Action**

14. The Committee welcomes that the Convention has been used as a framework in the Strategy for Children and Young People developed by the National Assembly of Wales but it remains concerned that this has not been the case throughout the State party. The Committee notes with satisfaction the statement of commitment made in the written replies and by the head of the State party's delegation to publish and implement an overarching strategy plan to be applied all through the State party and which will be based on the Convention. However, the Committee remains concerned at the lack of a rights-based approach to policy development and that the Convention has not been recognised as the appropriate framework for the development of strategies at all levels of the government throughout the State party. The Committee is also concerned at the absence of a global vision of children's rights and its translation onto national plan of action.

15. The Committee encourages the State party to expedite the adoption and implementation of a comprehensive plan of action for the implementation of the Convention in all parts of the State party, taking into account the WFFC and paying special attention to children belonging to the most vulnerable groups (e.g. poor households, minority groups, disabled children, homeless children, out of care children and children between 16 and 18 years, Irish and Roma travellers, asylum seekers), through an open, consultative and participatory process.

### **Independent monitoring structures**

16. The Committee welcomes the establishment of an independent Children's Commissioner in Wales but is concerned at the limited powers of this Commissioner, in particular in relation to non-devolved matters. The Committee welcomes the plans for the establishment of an independent human rights institution for children in Northern Ireland and in Scotland. The Committee is however deeply concerned that the State party has not yet established an independent human rights institution for children in England.

17. The Committee, in line with its previous recommendation (*ibid.*, para. 23) recommends that the State party:

- a) establish independent human rights institutions with broad mandate and appropriate powers and resources all across the State party and at the national level, in accordance with the Paris Principles (General Assembly resolution 48/134), to monitor protect and promote all the rights of the Convention for all children. They should be easily accessible to children; able to determine their own agenda; empowered to investigate violations of children's rights in a child-sensitive manner; and ensure that children have an effective remedy for violation of their rights;
- b) ensure that all the human rights institutions have formal advisory functions with the respective legislative bodies and that they establish formal links, including of cooperation, with each other;
- c) provide national human rights institutions with adequate resources and appropriate staff; and
- d) ensure that children and children's organisations are effectively involved in their establishment and activities.

### **Data collection**

18. The Committee welcomes the statistical data provided in the written replies to the list of issues the recently published statistics on children and young people; and the intention of the Children and Young People's Unit to publish an annual State of Children's Report. Nevertheless, the Committee is still concerned at the absence of a nation-wide mechanism to collect and analyse data on the areas covered by the Convention.

19. The Committee recommends that the State party establish a nation-wide system such that disaggregated data are collected on all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups, and that these data are used to assess progress and design policies to implement the Convention. The Committee encourages the development of regular reports in England, Northern Ireland, Scotland and Wales and for the whole State party and the promotion of wide public and parliamentary debate on them in the United Kingdom and Scottish Parliaments and Northern Ireland and Wales Assemblies.

### **Training/dissemination of the Convention**

20. The Committee welcomes that a rights-based approach to education has been adopted in Scotland. However, the Committee is particularly concerned that, according to recent studies, most children are not aware of their rights included in the Convention. The Committee is therefore concerned that the State party is not undertaking adequate dissemination, awareness-raising and training activities concerning the Convention in a systematic and targeted manner.

21. In line with its previous recommendations (*ibid.*, paras. 26 and 32) and article 42 of the Convention, the Committee recommends that the State party:

- a) Substantially expand dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and levels of government, including initiatives to reach vulnerable groups;
- b) develop systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel).

## **2. General principles**

The right to non-discrimination

22. While welcoming the adoption of the Race Relations (NI) Order 1997 and the State party's commitment to end discrimination in the State party's nationality law between children born in or out of wedlock, the Committee is concerned that the principle of non-discrimination is not fully implemented for all children in all parts of the State party and that unequal enjoyment of economic, social, cultural, civil and political rights still exist, in particular for children with disabilities, children from poor families, Irish and Roma travellers' children, asylum and refugee children, children of minority groups, children in the care system, detained children, and children aged between 16 and 18 years.

23. The Committee recommends that the State party:

- a) monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination;
- b) monitor in a comparative way the enjoyment by children of their rights in England, Scotland, Northern Ireland and Wales;
- c) develop on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination; and
- d) amend the nationality law to allow transmission of nationality through unmarried as well as married fathers.

24. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29, paragraph 1 of the Convention (aims of education).



## **Best interests of the child**

25. While noting that the “welfare” of the child is included in child care and protection legislation, the Committee is concerned that the principle of primary consideration for the best interests of the child is not consistently reflected in legislation and policies affecting children throughout the State party, notably in the juvenile justice system or immigration practices.

26. The Committee, in line with its previous recommendations (*ibid.*, para. 24) recommends the State party establish throughout the State party the best interests of the child as a paramount consideration in all legislation and policy affecting children, notably within the above-mentioned systems.

## **Right to life**

27. The Committee is concerned at the continued use of plastic baton rounds as a means of riot control in Northern Ireland as it causes injuries to children and may jeopardise their life.

28. Following the recommendations of the Committee against Torture (A/54/44, para.77(d)), the Committee urges the State party to abolish the use of plastic baton rounds as a means of riot control.

## **Respect for the views of the child**

29. The Committee welcomes the increasing encouragement of participation of and consultation with children in government, local authorities and civil society throughout the State party, the establishment of consultative process with children in local authorities service planning, the establishment of youth advisory forum in the Children’ and Young People’s Unit and other platforms for children and young people in all parts of the State party, such as the Scottish Youth Parliament. However, the Committee is concerned that, there has been no consistent incorporation of the obligations of article 12 in legislation for example in private law procedures concerning divorce, in adoption, in education, and in protection throughout the State party. In addition, the Committee is concerned that the right of the child to independent representation in legal proceedings as lay down in the Children’s Act 1989 is not systematically used. The Committee is also concerned that in education, school children are not systematically consulted in matters that affect them. The Committee notes that groups of children in the State party expressed their feelings that their views are duly taken into consideration.

30. The Committee recommends that the State party, in accordance with articles 12 to 17, take further steps to promote, facilitate and monitor systematic, meaningful and effective participation of all groups of children in society, including in schools, like school councils. Furthermore, it recommends that the State party take further steps to consistently reflect the obligations of both paragraphs of article 12 in legislation, and that legislation governing procedure in courts and administrative proceedings (including divorce and separation proceedings and divorce) ensure that a child capable of forming

his/her own views has the right to express those views and that they are given due weight. The Committee further recommends that procedures be formed to acknowledge publicly the views expressed by children and the impact they have on developing programmes and policies, and reflect how they were taken into consideration.

### **3. Civil rights and freedoms**

#### **Name and nationality and preservation of identity**

31. While noting the recent Adoption and Children Bill (2002), the Committee is concerned that children born out of wedlock, adopted children or children born in the context of a medically assisted fertilisation have not the right, as far as possible, to know the identity of their biological parents.

32. In light of articles 3 and 7 of the Convention, the Committee recommends the State party to undertake all necessary measures to allow all children irrespective of the circumstances of their birth or adoptive children to obtain information on the identity of their parents as far as possible.

#### **Torture or other cruel, inhuman or degrading treatment**

33. The Committee is particularly concerned at the recent figures according to which between April 2000 and February 2002, 296 children sustained injuries following restraints and control in prison. In addition, the Committee is concerned at the frequent use of physical restraint in residential institutions and in custody as well as at the placement of children in juvenile detention and in solitary confinement in prisons.

34. The Committee urges the State party to review the use of restraint and solitary confinement in custody, education, health and welfare institutions throughout the State party to ensure compliance with the Convention, in particular articles 37 and 25.

#### **Corporal punishment**

35. The Committee welcomes the abolition of corporal punishment in all schools in England, Wales and Scotland, following its 1995 recommendations (*ibid.*, para. 32) but is concerned that this abolition has not yet been extended to cover all private schools in Northern Ireland.

It welcomes the adoption by the national Assembly for Wales of regulations prohibiting corporal punishment in all forms of day-care, including childminding, but is very concerned that legislation prohibiting all corporal punishment in this context is not yet in place in England, Scotland or Northern Ireland.

In light of its previous recommendation (*ibid.*, para. 31), the Committee deeply regrets that the State party persists in retaining the defence of "reasonable chastisement" and has taken no significant action towards prohibiting all corporal punishment of children in the family.

The Committee is of the opinion that governmental proposals to limit rather than to remove the “reasonable chastisement” defence do not comply with the principles and provisions of the Convention and the aforementioned recommendations, particularly since they constitute a serious violation of the dignity of the child. [see similar observations of the of the Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.79, para 36]. Moreover, they suggest that some forms of corporal punishment are acceptable and therefore undermine educational measures to promote positive and non-violent discipline.

36. The Committee recommends that the State party:

- a) with urgency adopt legislation throughout the State party to remove the “reasonable chastisement” defence and prohibit all corporal punishment in the family and in any other contexts not covered by existing legislation;
- b) promote positive, participatory and non-violent forms of discipline and respect for children’s equal right to human dignity and physical integrity, engaging with children and parents and all those who work with and for them, and carry out public education programmes on the negative consequences of corporal punishment.

#### **4. Family environment and alternative care**

##### **Violence/abuse/neglect/maltreatment**

37. The Committee notes the initiatives taken in the area of child abuse, such as the Family Homes and Domestic Violence (NI) Order 1998; the Circular 10/95 Protecting children from abuse: the role of the education service; the Scotland’s School etc. Act 2000; and the establishment of a UK Child Protection in Sport Unit in 2001. Nevertheless, the Committee is deeply concerned that between one and two children die every week as a result of violence and neglect in the home. It is also concerned at the high prevalence of violence, including sexual violence, throughout the State party, against children within families, in schools, in institutions, in the care system and in detention. It also notes with deep concern growing levels of child neglect. The Committee is alarmed at the lack of coordinated strategy to reduce the rate of these phenomena. It particularly notes the absence of a adequate systematic follow-up of child deaths and that crimes committed against children below the age of 16 years are not recorded. In the care system, the Committee notes a lack of consistent safeguards for children who are privately fostered. The Committee welcomes the steps taken by the Government to support child witnesses in court but notes the lack of public education on the role of the child protection system.

38. In line with its previous recommendations (*ibid.*, para. 31) and in light of articles 3, 6,12, 19, and 37 of the Convention, the Committee recommends that the State party:

- (a) introduce a system of statutory child death inquiries;
- (b) develop a coordinated strategy for the reduction of child deaths as a result of violence and the reduction of all forms of violence against children;

- (c) ensure consistent legislative safeguards for all children in alternative care, including those who are privately fostered;
- (d) carry out large scale public education campaigns and programmes (including through schools) on reducing child death and child abuse with information on the role of statutory and other services in protecting children;
- (e) establish effective procedures and mechanisms to receive, monitor and investigate and prosecute instances of abuses, ill treatment and neglect, ensuring the abused child is not victimised in legal proceedings and that her/his privacy is protected;
- (f) record in the British Crime Survey all crimes committed against children;
- (g) provide for the care, recovery and integration for victims; and
- (h) strengthen the reporting system, through full support of the confidential centres for abused children, and train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment.

## **5. Basic health and welfare**

39. While welcoming the reduction of infant mortality rates and the new focus on children in the planning of the national health service, the Committee remains concerned at persisting inequalities in health and access to health services, including mental health services across the State party linked to socio-economical status and ethnicity (like high rate of infant mortality among the Irish and Roma travellers), at the relatively low rate of breastfeeding and at the persistence of female genital mutilation despite its illegality.

40. The Committee recommends that the State party takes all appropriate measures to reduce inequalities in health and access to health services; to promote breastfeeding and adopt of the International Code for Marketing of Breast-milk Substitutes; and to enforce through educational and other measures the prohibition of female genital mutilations.

### **Adolescent health**

41. While noting efforts undertaken by the State party to reduce the numbers of teenage pregnancies, the Committee remains concerned at the high rate of teenage pregnancies in the State party. The Committee welcomes the one to one mentoring system and the multidisciplinary approach to detecting and managing mental health problems and notes that mental health for children has been introduced under the National Priorities Guidance 1999/2002, but remains concerned that many children suffer from mental health problems, and that the rates of suicide among young people are still high. The Committee is concerned that homosexual and transsexual young people do not have access to the appropriate information, support and necessary protection to enable them to live their sexual orientation. The Committee is furthermore concerned at the rising incidence of STDs among young persons.

42. In line with its previous recommendations (*ibid.*, para. 30), the Committee recommends that the State party:

- a) undertake further necessary measures to reduce the rate of teenage pregnancies, through, inter alia, making health education part of the school curricula, ensuring the inclusion of sex education to all children and the availability of free protection measures; and improving access to confidential and adolescent-sensitive advice and information and other appropriate support (as recommended by the independent Advisory Group on Teenage Pregnancy);
- b) review its differential policies for young mothers under the age of 16 years with regard to allowance entitlements and parenting courses; and
- c) take all necessary measures to strengthen its mental health and counselling services, ensuring that these are accessible and sensitive to adolescent, and undertake studies on the causes and backgrounds of suicides;
- d) provide adequate information and support to homosexual and transsexual young people and encourages the State party, further to the statement of intention given by the delegation, to repeal Section 28 of the Local Government Act 1986, where it applies.

### **Standard of living**

43. The Committee is extremely concerned at the high proportion of children living in poverty in the State party which limits their enjoyment of many rights under the Convention and leads to higher incidence among those children of mortality, accidents, teenage pregnancy, poor housing and homelessness, malnutrition, educational failures, or suicide. The Committee welcomes the State party's commitment to end child poverty and the initiative taken in this regard, but notes the lack of an effective and coordinated poverty eradication strategy across the State party.

44. The Committee urges the State party to:

- a) undertake all necessary measures to the "maximum extent of available resources" to accelerate the elimination of child poverty;
- b) better co-ordinate and reinforce its efforts to address the causes of youth homelessness and its consequences; and
- c) review its legislations and policies concerning benefits and social security allowances for 16 to 18-year-olds.

## **6. Education, leisure and cultural activities**

### **Education**

45. The Committee welcomes the increase of the budget devoted to education and the measures adopted by the State party to raise standards of literacy and numeracy through initiatives such as the Education Action Zones programme as well as the development of broad citizenship programmes. Furthermore, the Committee welcomes the development of legislation in Scotland to reflect article 12 of the Convention, but notes that similar legislation is required throughout the State party and that guidelines are insufficient measures to implement article 12 of the Convention.

The Committee is concerned at the still high rate of temporary and permanent exclusions affecting mainly children from specific groups (ethnic minorities inter alia black children, Irish and Roma travellers, children with disabilities, asylum seekers etc.), the sharp differences in outcomes for children according to their socio-economic background and to other factors such as gender, disability, ethnic origin or care status.

Moreover, the Committee is concerned at the widespread bullying in schools. The Committee is particularly concerned that children deprived of their liberty in prisons and juvenile detention centres do not have a statutory right to education and that their education is not under the responsibility of the Departments responsible for education and that they do not enjoy support for special education needs.

The Committee is further concerned that the majority of children in the care system do not attain basic qualifications and so are teenage mothers.

The Committee welcomes the development of integrated schools in Northern Ireland, but remains concerned that only about 4 per cent of the schools are integrated and that education continues to be heavily segregated.

46. In light of articles 2, 12, 28 and 29 of the Convention, and in line with its previous recommendations (*ibid.*, para. 32), the Committee recommends that the State party:

- a) ensure that legislation throughout the State party reflects article 12 and respects children's rights to express their views and have them given due weight in all matters concerning their education, including school discipline;
- b) take appropriate measures to reduce temporary or permanent exclusions; ensure that children throughout the State party have the right to be heard before exclusion and have the right to appeal against temporary and permanent exclusion, and ensure that children who are excluded do continue to have access to full time education;
- c) undertake all necessary measures to remove the inequalities in educational achievement and in exclusion rates between children from different groups and to guarantee all children an appropriate quality education;
- d) ensure that children in detention have equal statutory right to education and improve education in care;
- e) take measures and adequate mechanisms and structures to prevent bullying and other forms of violence in schools and include children in the development and implementation of these strategies, in light of the Committee's recommendations adopted at its day of general discussion on "violence against children within the family and in schools";
- f) taking into consideration the Committee's general comment on the aims of education, include the Convention and human rights education in the curricula in all primary and secondary schools and teacher's training;
- g) increase budget and take appropriate measures and incentives to facilitate the establishment of additional integrated schools in Northern Ireland to meet the demand of a significant number of parents;

- h) develop educational programmes for teenage mothers to facilitate and encourage their further education; and
- i) evaluate the impact of privatization of schools on the right of children to education.

## **7. Special protection measures**

### **Asylum-seeker/refugee children**

47. The Committee welcomes the establishment in 1994 of Children's Panel of Advisers and is aware of the increasing numbers of children claiming asylum either with their families or on their own. The Committee is concerned that detention of these children is not compatible with the principles and provisions of the Convention. The Committee is further concerned that the dispersal system may impede a better integration and lead to an escalation in racially related incidents; placement in temporary accommodation of children seeking asylum may infringe their basic rights such as access to health or education; processing applications may take several years; Children's Panel of Advisers are not always adequately funded; and that the ongoing reform of the asylum and immigration system fails to address the particular needs and rights of asylum seeking children.

48. In accordance with the principles and provision of the Convention, especially articles 2, 3, 22 and 37, and with respect to children, whether seeking asylum or not, the Committee recommends that the State party:

- a) Refrain as a matter of policy from detaining unaccompanied minors and ensure the right to speedily challenge the legality of the detention in compliance with article 37 of the Convention. In any case detention must always be a measure of last resort and for the shortest appropriate period of time;
- b) ensure that refugee and asylum-seeker children have access to basic services, such as education and health and that there is no discrimination in benefit entitlements for asylum seeking families which could affect children;
- c) consider the appointment of guardians to unaccompanied asylum seekers and refugee children;
- d) take all necessary measures to prevent the dispersal of children who have settled in a particular area when they reach 18 years;
- e) undertake efforts to expedite the procedure for asylum applications and to avoid the placement of children in temporary accommodation which are not foreseen for such children and rather accommodate them as "children in need" under the child care legislation;
- f) carry out a review of the availability and effectiveness of legal representation and other forms of independent advocacy to unaccompanied minors and other children in the immigration and asylum systems; and
- g) address thoroughly the particular situation of children in the ongoing reform of the immigration and asylum system to bring it into line with the principles and provisions of the Convention.

## **Irish and Roma travelers**

49. The Committee is concerned at the discrimination against children belonging to the Irish and Roma Travellers which is reflected among others by the higher rate of mortality among these children, their segregated education, the conditions of their accommodation, and racial attitudes towards them. The Committee is also concerned at the existing gap between policies and effective delivery of services.

50. In line with its previous recommendations (ibid., para. 40), the Committee recommends that the State party devise –in a consultative and participatory process with these groups and their children- a comprehensive and constructive plan of action to effectively target the obstacles in the enjoyment of rights by children belonging to these groups.

## **Children in armed conflicts**

51. The Committee is deeply concerned that about one third of the annual intake of recruits into the armed forces are below the age of 18 years, that the armed services target young people and that those recruited are required to serve for a minimum period of 4 years raising to six years in the case of very young recruits. The Committee is also concerned at the widespread allegations that young recruits have been the victims of bullying and at the fact that children below the age of 18 years take direct part in hostilities overseas. The Committee remains concerned at the negative impact of the conflict situation in Northern Ireland on children, including the use of emergency and other legislation in force in Northern Ireland.

52. The Committee recommends that the State party:

- a) ratify the Optional Protocol on the Involvement of Children in Armed Conflict and take all necessary measures to prevent the deployment of persons below the age of 18 years in the circumstances referred to in the declaration made upon signature by the State party keeping in mind the object and purpose of the Optional Protocol;
- b) while it recruits persons who have attained the age of 16 years but who have not attained the age of 18 years, shall endeavour to give priority to those who are the oldest in light of article 38, para. 3 of the Convention and strengthen and increase its efforts to recruit persons of 18 years and older;
- c) in line with its previous recommendations (ibid., para. 34), review the emergency and other legislation, including in relation to the system of administration of juvenile justice, at present in operation in Northern Ireland to ensure its consistency with the principles and provisions of the Convention.



## **Economic exploitation, including child labour**

53. The Committee is concerned that the national minimum wage does not apply to young workers above the minimum age of employment, and therefore they can be at risk to be economically exploited. The Committee notes that policies with regard to minimum wage reflect programmes of the State party aimed at encouraging young people to study and improve their skills. Nevertheless, the Committee is concerned that these policies may discriminate against children who must work.

54. The Committee recommends that the State party reconsider its policies regarding the minimum wage for young workers with a view not to discriminate against most vulnerable children.

## **Sexual exploitation and trafficking**

55. The Committee welcomes the 2001 National plan for safeguarding children from commercial sexual exploitation and the 1997 memorandum of understanding signed between the State party and the Philippines Government to combat the sexual exploitation of children. It is nevertheless concerned that trafficking for sexual exploitation or other exploitation is still a problem and that children sexually exploited are still criminalised by law.

56. The Committee recommends that the State party:

- a) undertake a study on the scope, causes, and background of child prostitution;
- b) review its legislation not to criminalise children who are sexually exploited;
- c) continue to implement policies and programmes in accordance with the Declaration and Agenda for Action, and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;
- d) ensure that adequate resources (human and financial) are allocated to policies and programmes in this area.

## **The administration of juvenile justice**

57. The Committee welcomes the State party initiatives to introduce restorative justice and other constructive community based disposals for juvenile offenders; the almost complete inclusion of 17-year-olds in the juvenile justice system and the creation of multidisciplinary teams to respond to child offenders behaviours, but the Committee notes with serious concern that the situation of children in conflict with the law has worsened since the consideration of the initial report. The Committee is particularly concerned that the age at which children enter the criminal justice system is low with the age of criminal responsibility still set at 8 years in Scotland to 10 years in the rest of the State party and the abolition of the principle of *doli incapax*. The Committee welcomes the different approach reflected in the Children's Hearings in Scotland and the debate on including young people of 16 to 18

years of age in the Children's hearings. The Committee is particularly concerned that since the State party's initial report, children between 12 and 14 years of age are now being deprived of their liberty.

More generally, the Committee is deeply concerned at the high increasing numbers of children in custody, at earlier ages for lesser offences, and for longer custodial sentences imposed by the recent increased court powers to give detention and training orders. Therefore, it is the concern of the Committee that deprivation of liberty is not being used only as a measure of last resort and for the shortest appropriate period of time, in violation of article 37 (b) of the convention. The Committee is also extremely concerned at the conditions that children experienced in detention and that children do not receive adequate protection or help in young offender's institutions (for 15- to 17-year-olds), noting the very poor staff-child ratio, high levels of violence, bullying, self harm and suicide, the inadequate rehabilitative opportunities, the solitary confinement in inappropriate conditions for long time as a disciplinary measure or for protection, and the fact that girls and some boys in prisons are still not separated from adults.

In addition the Committee notes with concern that:

- a) the Crime and Disorder Act 1998 introduced in England and Wales measures that may violate the principles and provisions of the Convention;
- b) children can be tried in adult courts in certain circumstances;
- c) children in custody do not always have access to independent advocacy services and to basic services such as education adequate health care, etc.;
- d) the privacy of children involved in the criminal justice system is not always protected and their names are in cases of serious offences often published; and that
- e) young people of 17 years of age are considered as adults for the purpose of remand.

58. In line with its previous recommendations (*ibid.*, paras. 35 & 36), the Committee recommends that the State party:

- a) establish a system of juvenile justice that fully integrates into its legislation, policies and practice the provisions and principles of the Convention, in particular articles 3, 37, 40 and 39, and other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System.

In particular, the Committee recommends that the State party:

- b) considerably raise the minimum age for criminal responsibility;
- c) review the new Orders introduced by the Crime and Disorder Act 1998 and make them compatible with the principles and provision of the Convention;
- d) ensure that no child can be tried as an adult irrespective of the circumstances or the gravity of his/her offence;
- e) ensure the privacy of all children in conflict with the law is fully protected in line with article 40 (2)(b)(vii) of the Convention;

- f) ensure that detention of children is used as a measure of last resort and for the shortest appropriate period of time and that children are separated from adults in detention, and encourage the use of alternative measures to the deprivation of liberty;
- g) ensure that every child deprived of liberty have access to independent advocacy services and an independent child sensitive and accessible complaint procedure;
- h) take all necessary measures, as a matter of urgency, to review the conditions of detention and ensure that all children deprived of their liberty have an equal statutory right to education, health, and child protection as other children;
- i) review the status of young people of 17 years of age for the purpose of remand with the view of giving special protection to all children under the age of 18 years;
- j) allocate appropriate resources in Children's Hearings in Scotland to substantively increase disposals and allow young offenders of 16 to 18 years of age to be also included in the Children's Hearings system.

## **8. Optional Protocols**

59. The Committee notes that the State party has not ratified the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict..

60. The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict. [as recommended above, para. 52(a)]

## **9. Dissemination of documentation**

61. The Committee recommends that in light of article 44, paragraph 6, of the Convention, the second periodic report and written replies presented by the State party be made widely available to the public at large and that the publication of the relevant summary records and the concluding observations adopted by the Committee be considered.

Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the parliament and the general public, including concerned non-governmental organizations, and children's groups.

## **10. Periodicity for submission of reports**

62. The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fourth periodic report, on 14 September 2009. This report will combine the third and fourth periodic reports. However, due to the important number of reports received by the Committee every year, and the related significant delay between the date of submission of a State party report and its consideration by the Committee, the Committee invites the State party, in order to reduce such delay, to submit its consolidated third and fourth report 18 months before its due date on 14 March 2008.

63. Finally, the Committee expects the next periodic report of the State party to include information from all the Overseas Dependent Territories and Crown Dependencies of the United Kingdom of Great Britain and Northern Ireland.