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INTRODUCTION

The UN Convention on the Rights of the Child offers the Opportunity for a new era for children. Taken seriously it has the potential to achieve radical shifts in the priority afforded to children and their status in society. However, the reality is that in the UK life has in recent years been getting worse rather than better for very many children. The appalling growth in child poverty, with its associated denial of rights, coupled with an atmosphere of increasing hostility towards children, cuts in levels of services, and a continued resistance to any consistent recognition of children's civil rights has contributed to this deterioration.

The UK Agenda for Children analyses in considerable detail the extent to which relevant law, policy and practice comply with the principles and standards in the Convention. It was compiled in collaboration with a very wide range of organisations and individuals, and the Agenda has the formal support of 183 national organisations in the UK (page xvi).

The following report is compiled from the UK Agenda and aims to:

- a) highlight key ways in which children's rights are being breached;
- b) show where the UK Government's report to the Committee is unsatisfactory; and
- c) indicate where further information is needed from the Government in order to make an informed assessment of the implementation of particular Articles.

Throughout this document, page references refer to the UK Agenda, where further details and source materials are identified. Paragraph references refer to the UK Government report to the UN Committee.

GENERAL MEASURES OF IMPLEMENTATION

Article 4 - the duty to implement the Convention to the maximum extent possible

The Convention has, to date, been given a very low profile by the Government. There has been no parliamentary time allocated to discussion of its implications. Within the Department of Health, the Department designated as having responsibility for implementation, a very small

proportion of a very few officials' time is devoted to the Convention. There is no Government department with overall responsibility for children's policy and no identified official in each Government department with continuing responsibility for scrutinising proposed policy to ascertain its consistency with the principles in the Convention. Indeed, a series of policies and laws introduced by the Government since ratification are clearly at odds with principles in the Convention (for example: proposals on secure training centres for 12-14 year olds and other sentencing changes for very young children, page 207; child support (maintenance) provisions, page 75; erosion of the rights of Travellers and Gypsies, pages 4 and 79; and proposed restrictions on the rights of homeless families to housing, page 77).

The inter-departmental groups referred to in the Government Report (para 52) have not explicitly addressed the implementation of the Convention, nor is it their brief to do so.

There is no governmental body to promote implementation, and the Government has explicitly rejected proposals for any statutory independent office - a Children's Rights Commissioner or ombudsman (a detailed proposal for such an office is widely supported by NGOs in the UK).

There has been no commitment to ensuring that the maximum resources available are being directed to the promotion of the rights within the Convention. Examples are given throughout the UK Agenda of inadequacies in both levels of resources and appropriate legislation to achieve compliance with the principles and standards in the Convention.

The current level of the UK aid programme stands at 0.31 % of GNP, despite promises made at the Rio Summit to meet the UN target for aid of 0.7 % and the aid budget has now been frozen until 1996. Furthermore only 8.8 % of the aid budget is targeted at human priorities. Without an increase to the contribution of the aid budget, the UK cannot meet its commitments under Articles 23.4, 24.4 or 28.3 in respect of disability, education or health (page 299).

QUESTION - Article 4

1) What measures does the Government plan to introduce to ensure that Government policy and legislative proposals are systematically scrutinised for compliance with the principles and standards in the Convention, and to implement them to the maximum extent possible?

2) What plans does the Government have to meet its commitment to achieve the target of 0.7% of GNP for the aid budget and is there any commitment to divert a greater proportion to human priorities?

Article 42 - the duty to publicize the provisions of the Convention

* The Government announced that it had ratified the Convention in an answer to a parliamentary question with no accompanying press release. No other public announcement was made. No attempt has been *made through the media, through conferences, roadshows or any other method to ensure that the principles and provisions of the Convention [are] widely known, by appropriate and active means, to adults and children alike*". The leaflet produced on the Convention, referred to in the Government Report, was not widely advertised and despite the claim in the Report (para 60), it is not a leaflet intended for children and has not been circulated in schools. No information concerning the existence or the contents of the Convention has been made available to children by the Government. There is no statutory requirement in the National Curriculum to address the UN Convention on the Rights of the Child.

QUESTION - Article 42

3) What additional measures is the Government taking to ensure that children, in particular, are informed about the Convention and its implication for their lives?

Article 44.2 - the duty to report factors and difficulties affecting implementation of the

Convention

* The Government Report fails in three significant ways to "indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the ... Convention":

a) It is a purely descriptive and selective report, noting those positive aspects of Government policy which it seeks to promote and ignoring the profound and growing problems facing many children in our society which represent breaches of a number of articles in the Convention.

b) It misrepresents either deliberately or inadvertently, the implications of certain laws and policies affecting children by placing on them an interpretation which seeks to imply the recognition of rights which in practice do not exist.

c) In failing to acknowledge many of the breaches of children's rights that do exist, the Report thereby fails to provide any targets or strategies for working towards the elimination of those breaches and the greater promotion of children's rights in the UK.

QUESTION - Article 44.2

4) What explicit measures does the Government intend to take to monitor the implementation of those rights which are not currently being complied with?

Article 44.6 - the duty to make reports widely available to the public

* Both the drafting and the publication of the Government's report were done with the minimum of consultation, collaboration and publicity. Despite the Committee's guidelines recommending that the process of producing the report should be one that "encourages and facilitates popular scrutiny of government policies", and despite persistent requests by NGOs for information from the Government throughout the preceding year, the first draft of the report was made available to a limited number of organisations, giving them just eight working days during the Christmas period of 1993 to comment on it. No organization or individual outside the Government had been approached in advance for discussion, information or views on the extent of compliance with the individual articles in the Convention nor suggestions on how to promote the rights of children in the UK. Certainly the Government has not created any opportunity whatever for an open and constructive dialogue about the current state of children's rights in the UK.

QUESTION - Article 44.6

5) How does the Government propose to promote a dialogue both with the relevant NGOs and with the wider public about how fare children's rights are currently being respected and what needs to change in order to further promote and protect those rights?

GENERAL PRINCIPLES

Article 2 - the right of all children to all the rights in the Convention without discrimination

* There is widespread evidence of continued direct and indirect discrimination against children from black and other minority ethnic communities (pages 4, 30, 35, 86, 112, 155, 165, 215).

* No legislation exists in the UK rendering it unlawful to discriminate on grounds of disability. The Government has repeatedly opposed attempts to introduce such legislation, most recently in the 1994 parliamentary session when procedural tactics were used to block a private member's bill which sought to introduce civil rights for disabled people (page 4).

* The Criminal Justice and Public Order Bill contains proposals potentially damaging to Gypsy and Traveller families by withdrawing the obligation on local authorities to provide sites for families at the same time as introducing harsh penalties on families who stop on land without

permission. Currently, places on legal sites fall well below the number needed to accommodate the mobile Gypsy and Traveller population. These proposals serve to discriminate against this group of families and their children, effectively denying many of them the right to continue their way of life. Children in such families will be exposed to the dangers of increased evictions and will also be impeded in the exercise of their right of access to education (Article 28), to health care (Article 24), and to enjoy their own culture (Article 30) (page 4 and 80).

* Children in prison have no rights to education during their imprisonment nor do they have rights of access to the National Health Service (page 154 and 221).

* In England and Wales (and by 1995 in N Ireland), there is integrated legislation covering most aspects of public and private child welfare law. No such provision exists in Scotland and there is currently no timetable for its introduction. The Government has placed considerable emphasis in its Report on the value of the Children Act 1989 as a framework for child welfare legislation, yet has failed to introduce comparable protection and provision for Scottish children. It is important to emphasize that while the Children Act was a welcome reform, it is by no means a children's rights charter, and compares poorly in some respects with family law in some other European countries. While some provisions reflect principles in the Convention, they do so in relation to a minority of children, certain services for children and certain court hearings.

* The Government Report claims to indicate clearly which of the provisions described apply to which jurisdiction in the UK. However, there are numerous examples throughout the Report where the position of children in Scotland is totally disregarded. Unqualified references to the Children Act, in which only the daycare provisions apply to Scotland as well as England and Wales, are used for example in of physical punishment, parental guidance, play, personal identity, privacy and deprivation of liberty and numerous others. In particular, the Report addresses aspects of education including vocational and further education, truancy, and the aims of education with no reference whatever to the position of Scottish children. The inadequacy of the Scottish dimension of the report betrays a lack of knowledge and an undervaluing of aspects of Scottish children's lives and the laws which regulate them.

QUESTION - Article 2

6) Given that the Government clearly recognises in its report the value of anti-discrimination legislation in respect of race and sex, why has it consistently opposed equivalent legislation to protect the rights of disabled people, including children?

7) What measures are being taken to provide Scottish children with integrated child care legislation comparable with that which exists of the rest of the UK?

8) Does the Government have any plans to ensure that young people in penal institutions have a legal right to education and to health care under the National Health Service?

9) How does the Government propose to prevent the repeated eviction of children in Gypsy and Traveller families if the proposals contained in the Criminal Justice and Public Order Bill are introduced? What new measure is the Government planning to ensure that more Gypsy caravan sites are provided?

Article 3

Article 3.1 - the duty in all actions to consider the best interests of the child

* Whilst the Children Act 1989 in England and Wales, and comparable legislation in Scotland and N Ireland, places an obligation on courts considering a child's upbringing to ensure that the welfare of the child is the paramount consideration, the 'best interests principle' is lacking in any other legislation. There is, for example, no such principle underpinning health, education, social security, child labour, or child support legislation. Nor is there any requirement in the field of planning, road development, transport, or environmental health to consider the best

interests of children (pages 111, 134, 162, 217, 237, 247).

Article 3.2 - the duty to ensure care and protection for the well-being of the child

* Although the rate of road accidents is declining, for 10-14 year olds it is one of the highest in Europe. There are also wide social class differences. Amongst families with unemployed parents, the risks of a child being killed are 12 times as high as those with children in professional families. Furthermore the extent to which the rate of accidents has gone down is likely to be as much because of the increasing restrictions placed on children arising from parental fear of accidents as from policies to make the roads safer. There is a high correlation between child pedestrian mortality and levels of road traffic, yet Government policies in this field are predicted to produce a doubling in levels of road traffic in the UK by the year 2025 (page 138).

* Over 300 million gallons of untreated sewage are discharged around the UK coastline every day. Children are amongst the most vulnerable to the effects of this pollution yet the Government has recently negotiated less stringent implementation rules with the European Union in respect of its obligations to comply with bathing water regulations. In the north-west of the country, two out of every three beaches failed to comply with these standards; in Scotland one in three failed. The risks to children include vomiting, diarrhoea, itchy skin, lack of energy and loss of appetite (page 141).

Article 3.3 - the duty to provide services and facilities to an agreed standard

There is a serious lack of specialist paediatric staffing in many areas of the health service. There are insufficient community paediatric nurses resulting in some children either staying in hospital longer than necessary or being discharged without adequate support in the community. There is evidence that in as many as 55 % of out-patients departments, and 43 % of accident and emergency departments, children were cared for in non-paediatric areas, despite guidance from the Department of Health that specialist knowledge was necessary for the care of children. 25 % of children under 16 are still treated on adult wards; in adult intensive care units looking after children, only 2% of nurses were qualified in the care of children and less than 1 % had training in children's intensive care (page 114). The Department of Health has produced very good guidance to health authorities and trusts in respect of services and standards for children's health care but there are no regular systems in place for monitoring its implementation. And there is significant evidence that the guidelines that exist are not widely implemented or used as a basis for setting standards (page 114-116).

QUESTION - Article 3

10) How does the Government propose to ensure that obligations to consider the best interests of the child care are incorporated into national and local policy making and all areas of relevance to children's lives?

11) What additional measure is the government introducing to tackle the continuing high level of child pedestrian mortality and, in particular, the social class differentials in accident risk?

Article 6 - the right to life and development

* The Government's report to the Committee documents the fall in the infant mortality rate between 1978 and 1992 from 13.1 to 6.6 per 1000 live births but fails to report the marked differences that exist according to social class. Children of unskilled workers are twice as likely to die in their first year as children of professional or managerial parents. The social class differences in infant mortality widened between 1978 and 1990 (the ratio between social classes V and I increasing from 1.8 to 2.0). The Health of the Nation, the Government's plan for health care in England, recognises the socioeconomic differences in infant and peri-natal mortality but fails to set targets for its reduction (page 100).

* A recent survey found that every children's intensive care unit in the UK reported having to turn away critically ill children in the period 1991-1992, primarily because of a shortage of both beds

and nursing staff (page 109).

* In N Ireland, since 1971, seven children have been killed by rubber and plastic bullets fired by the security forces. Other child "joyriders" have been killed by the security forces. Effective strategies of diversion of children from joyriding have recently had funding withdrawn despite their proven success.

QUESTION - Article 6

12) What measures is the Government taking to reduce the social class differential in infant mortality?

13) What measures are being taken to divert young people in N Ireland from anti-social activities such as joy-riding which have in the past placed their lives in jeopardy?

Article 12 - the right to express an opinion and have it taken seriously

* The Children Act 1989 in England and Wales, the proposed Children (NI) Order and comparable child care legislation in Scotland requires that the views of children are given consideration by courts and local authorities when matters concerning their upbringing are being considered. This legislation only applies to a limited number of children in a limited range of circumstances. There is no other requirement in law to allow children to express their views and have them taken seriously. No action has been taken by the Government to seek implementation of this principle.

* In education, children have no right to be consulted over school choice, curriculum choice, special educational provision, or exclusions. In direct breach of Article 12.2 there is no right for the child to be heard in such formal administrative proceedings as school choice, exclusion and special education appeals, nor in the course of formal special education assessment. Under 18 year olds are precluded from being school governors and schools are under no statutory responsibility to seek the views of children on any matter relating to their education or the running of schools.

There is no requirement on schools to have complaints procedures for children; the Local Government Commissioners (ombudspople) are specifically forbidden from investigating "internal school matters". The Government's observation in its Report that "there is no obstacle in law to prevent children from making a complaint" about the curriculum or the conduct of an LEA or governing body is seriously misleading (para 137). Most children have no knowledge of education law, and are given no information about how to proceed with a complaint or who to make it to.

* When new education legislation was passing through Parliament last year (after ratification) the Government opposed attempts to amend it to include some reflection of Article 12 (pages 163-165).

* There is no requirement in law that parents should consult with children when making decisions that affect them (pages 23-24). There is no statutory right in England, Wales and N Ireland for children under 16 to be consulted or involved in decisions relating to medical treatment or health care. A House of Lords judgement in 1986 ruled that children have an independent right to consent to medical procedures if they have sufficient understanding, but this judgement has been undermined by a subsequent ruling seeking to distinguish between consent and refusal to consent (page 113).

QUESTION - Article 12

14) What information is available to children in school to ensure that they understand their rights to make a complaint in respect of the curriculum, religious worship, or the conduct of an education authority or governing body? What procedures exist to facilitate this process? What

measure are being undertaken to extend this right of complain to all relevant aspects of school life?

15) What measures are being taken in the education system of implementation Article 12 both in respect of the child's right to participate in decision that individually affect him or her, and also in respect of the right to participate in the development of school policy and administration? What measures are being taken to ensure that affected children have a right to be heard in all administrative procedures within the education system - eg school choice and school exclusion appeals and special education assessment and appeals?

16) Why is there no obligations on parents to consult with their children on matters of concern to them, given the duties introduced for courts and local authorities making decisions on children's welfare?

CIVIL RIGHTS AND FREEDOMS

Articles 7 and 8 - the right to a name and nationality and to preserve identity

* The UK Government has entered a reservation in respect of immigration and nationality law. It is the view of the Children's Rights Development Unit and many other NGOs that this reservation breaches Article 51.2 in that it is "incompatible with the object and purpose of the Convention", since UK legislation in this field allows breaches of three underlying principles of the Convention, Articles 2, 3 and 12. The Unit together with other NGOs have made representations concerning this reservation to other European States Parties (page 245).

* The British Nationality Act 1981 removed the automatic right of British nationality to all children born in the UK. Some children now born in the UK are stateless for the first 10 years of their life if neither of their parents are UK citizens or settled in the UK and they cannot acquire the nationality of their parents (page 249).

* When parents whose children are UK citizens are deported, the children often have no choice but to leave with them even though they may have been both born and brought up in the UK. They are thus effectively deprived of vital aspects of their identity (page 249).

* Adopted children have no right to knowledge of the identity of their parents until they are 18 years old. Children of unmarried parents have no right to knowledge of the identity of their father; there is no obligation on the mother to name the father on the birth certificate. Children born by donor insemination have no significant rights to knowledge of genetic parentage. In the legislation, the right of anonymity of the donor has been given precedence over the right of the child to an identity (page 6).

QUESTION - Articles 7 and 8

17) would the Government consider removing its reservation in respect of nationality and immigration?

18) How does the government ensure that its nationally and immigration legislation respect the basic principles in Articles 2, 3 and 12?

19) Would the Government consider reviewing the relevant legislation relating to identity including knowledge of parents to ensure that the rights of the child take precedence over other interests?

Articles 13, 14, 15 and 16 - the right to freedom of expression, conscience, thought, religion, association and privacy

* Without a written constitution or bill of rights in the UK there is a presumption in law that

unless an action is specifically proscribed, it is lawful. The Government Report relies on this presumption when defending its record in respecting children's civil and political rights (para 161). It argues that because there is nothing in law to obstruct certain freedoms, those freedoms therefore exist for children. However, the presumption in law that freedoms exist also rests on a presumption of the right of self-determination - that an individual is free to exercise choices in respect of religion, political beliefs, friendships etc. Those freedoms do largely exist for adults in our society. But for children, they do not. Children do not have the right of self-determination and the fact that freedoms exist for adults in society is not sufficient on its own to guarantee those rights for children. Children are largely dependent on the actions and attitudes of their parents. Therefore without explicit measures to promote and protect civil rights they can be, and often are, overridden by parents within the family and in school in respect of, for example, dress, sexuality, the curriculum, sex education, political beliefs (page 3).

* Children under 18 (16 in Scotland) do not have a statutory right to choose their own religion. Furthermore, parents have the right to withdraw their children from religious education and can request that lessons are provided in a particular religion. Children have no comparable rights. Nor can they exercise the right to participate in religious education where the parent wishes them to be excluded (page 11).

* There is no culture of respect for children's rights to confidentiality within the UK. There tends to be a presumption that information imparted by a child can be shared and the emphasis on protection in the field of public care, often leads to inappropriate breaches of confidentiality. Child protection procedures emphasize the obligation on professionals to divulge disclosures made by children irrespective of the wishes of the child. In practice, the ensuing interventions by professionals can be experienced by the child as a further loss of control over their lives and even as further abuse. In this instance the law is clearly designed to protect and promote the interests of children but is often insensitively applied in a manner which fails to respect the individual rights of the child to participation, privacy and confidentiality (page 14).

* Children can be finger-printed as part of the process of applying for asylum which would appear to breach their right not to be "subjected to arbitrary... interference with his or her privacy" (page 254).

QUESTION - Articles 13, 14, 15 and 16

20) What measures does the Government intend to introduce to ensure that children's civil rights are not overridden by those adults who have authority over them?

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Article 18 - the government's duty to acknowledge both parents joint responsibility for the care of their children and to provide the necessary support services.

* The level of publicly funded day care for under-fives is very low compared with other European countries. Day care is available for only 2% of under compared with 30 % in France and 48 % in Denmark. Only 25% of children are in nursery school from the age of three, compared with 95% of French and Belgian children and 85% of Italians and Danes. The Government has recently made available: £45 million for the development of out-of-school care for children a welcome development in the light of the almost non-existent provision of these vital services for working parents. However, the money is a one-off payment for initiating provision which will subsequently have to be self-financing. The inevitable costs that will need to be charged will preclude from access families on low incomes (page 25).

* Maternity provision has recently been improved to meet the minimum necessary to comply with the provisions of an EU Directive, but there is no statutory paternity leave, no statutory provision of leave to care for dependents or to have time off when children are sick. Without these provisions in an economy which relies on women being active in the labour market, children do and will continue to suffer. The lack of support represents both a breach of Article 18 and of Article 3, the obligation to consider the best interests of children (page 27).

* There is no requirement in law for those with parental responsibility to exercise those responsibilities in line with the best interests of the child, and no detailed definition of parental responsibilities, as there is in the legislation of several other European countries (page 23).

* The Children Act 1989 places a duty on local authorities to identify "children in need" and to provide appropriate services for those children. However, serious deficiencies in the preventive family support services continue as highlighted in the Government's own Children Act Report 1993. A recent report by the Audit Commission, *Seen But Not Heard* (1994) pointed to poor co-ordination between social services, health and education authorities and argued that there should be a statutory responsibility on those authorities to prepare and publish co-ordinated plans.

QUESTION - Article 18

21) If the Government is to promote the Convention to the maximum extent of available resource, is it not necessary to provide services and legislative protection to ensure that parents are able to combine work and child without detriment to children? What measures do the Government propose to take to ensure that preventative family support services are improved and consistent across the UK?

22) Will the Government consider introducing a more detailed definition of parental responsibility (to include the welfare principle, and obligation to take children's views serious etc), to seek to ensure that rights in the Convention are fully implemented for children within the family?

Article 9 - the right to live with one's family

* Most arrangements for children visiting parents who are in prison are profoundly unsatisfactory and fail to comply with the requirement in, Article 9 that children separated from their parents have the right to maintain contact with that parent. The restrictions on visiting hours, their infrequency, the hostile physical environment in which visiting takes place, as well as lack of money for visits all contribute to the considerable difficulties experienced by children in maintaining contact with imprisoned parents (page 39). For children in N Ireland whose fathers are serving long sentences on the mainland, there are particular difficulties in maintaining any meaningful contact. The cost, time and stress of journeys to England reduces the opportunity for regular contact and can have devastating consequences for children (page 274).

* In N Ireland, young offenders are often held by the security forces for up to 48 hours without anyone being informed, in breach of the requirement in Article 9.4 that when separation takes place as a result of detention or imprisonment, "...[the authorities] shall, upon request, provide the parents... with the essential information concerning the whereabouts of the absent member of the family" (page 274).

* Under UK immigration rules, asylum seekers have no right to family reunion. Even if they are granted Exceptional Leave to Remain, on humanitarian grounds, normally they are not allowed to be joined by their immediate family for a further four years (page 20).

QUESTION - Article 9

23) What plans does the Government have to improve the extend visiting arrangements for children whose parents are in prison?

Article 20 - the duty to provide care for children unable to live with their families

* The legislative framework for "*special protection and assistance*" for children unable to live with their families exists throughout the UK. But the standards of care in many children's homes are a cause for serious concern. A series of highly critical inquiries into malpractice

have resulted in a higher Governmental focus on this issue but there are still many inexperienced, untrained and poorly paid staff caring for damaged, disturbed and highly vulnerable children, often in homes which are poorly decorated and equipped and not consistent with the requirement in Article 20.3 of "suitable institutions for the care of children" or 3.3 and the requirement to "ensure that institutions... for the care or protection of children shall conform with the standards established by competent bodies, particularly in the areas of suitability of their staff as well as competent supervision" (pages 33-35).

* A disproportionate number of children from mixed race families are represented in the public care system, raising concerns that these children are more at risk of losing their right to family life. There is a lack of adequate research evidence as to the causes of this over-representation without which it is not possible to develop policies to ensure that they are not being discriminated against in breach of Article 2 (page 35-36).

QUESTION - Article 20

24) *What specific improvements to ensure respect for children's rights have been introduced in response to the criticisms of residential care referred to in the Government Report?*

25) *What measures does the Government propose to introduce to address the disproportionate numbers of mixed race children in public care?*

Article 19 - the right to protection from all forms of physical and mental violence

NB The Children's Rights Development Unit believes that it is most important that this right - the right to physical and personal integrity - should be seen as a fundamental civil right for children. The protection it demands goes beyond the current definition of child abuse.

* The protection of children in the UK provided by the law on assault and cruelty is limited by the common law concept of "reasonable chastisement" which provides parents and some other carers with a defence. Children thus have less protection from violence than adults: physical punishment of children is the only legally and socially accepted form of inter-personal violence in the UK. In practice, recent court decisions have affirmed that very high levels of violence involving the use of implements and causing serious bruising are accepted as "reasonable chastisement" (in contrast to the remarks in para 336 of the Government report). Until this defence is removed Article 19 will continue to be breached with children not being offered the right to protection from all forms of violence (page 56). The Government report suggests that "physical punishment of children has no place in the child care environment" (para 333). This policy does not extend into the home, as indicated above. In state-supported education, pupils are protected from "reasonable" corporal punishment only by the civil, and not the criminal law. In relation to other child care environments, the policy has been implemented in some cases only through guidance, and a recent court decision (LB Sutton v Davis, March 1994) indicated that the guidance is not sufficient to prevent children being hit by child-minders. There is a very strong NGO coalition in favour of legal reform and education to end ALL physical punishment of children.

* Children whose parents pay for their education can be subjected to corporal punishment in private schools. The Government Report defends the retention of this form of punishment on the grounds of parental choice (para 492). This would appear to be not only a breach of Article 28.2, the duty to administer discipline in a manner consistent with the child's dignity and Article 19, the right to protection from all forms of physical violence, but also Article 2 and the right of all children to all the rights in the Convention without discrimination. As 't stands the civil law protects all children from corporal punishment in school except this one group. (pages 57 and 169).

High levels of violence occur in young offender institutions. There is a growing body of evidence of both institutionalised violence perpetrated by the system, including the use of strip cells, and also violence inflicted by other inmates including a range of forms of bullying including racial harassment, brutal initiation ceremonies, stealing, assaults and threatening behaviour. There have been a number of recent cases

of suicides amongst young offenders who have been subjected to such bullying. There are concerns that much of this behaviour occurs with the collusion of prison officers. The continued existence of this widespread and serious violence represents a fundamental breach of Articles 19 and 37(a) (page 203 & 220).

QUESTION - Article 19

26) The Committee is aware of UK court decisions which have sanctioned parental beatings with implements causing heavy bruising: what action is the Government taking to ensure implementation of Article 19 in the home, and also in private schools?

27) What action is the Government taking to tackle reported concerns that life in many young offender institutions is dominated by bullying, poor conditions, and inadequate staffing?

Article 25 - the right of children placed in the care of the state to periodic reviews

* Whilst the Children Act (and comparable legislation in Scotland) places reviewing duties on local authorities for all children that they look after, there are inconsistent duties to review children placed in different categories of institution, and in different forms of non-institutional care. For example, there are no legislative duties to review individual children placed in young offender institutions; duties to review children whose liberty is restricted outside the penal system vary according to the institution, with less legislative safeguards for children in youth treatment centres, education and health institutions; there are duties to visit children in private foster-care, but no duty to review their cases. The Government Report (pages 345-355) states that children detained under the Mental Health Act are entitled to the protection of its provisions but most young people in mental hospitals are detained informally and therefore without any rights to regular review of their detention or treatment. This inconsistency of protection would appear to breach the requirements of Article 25 as well as Article 2, the right of all children to all the rights in the Convention (pages 37, 118, 222).

QUESTION - Article 25

28) What is the system, if any, for periodic reviews of children placed in health or education establishments and penal institutions? Are there any plans to provide the same level of requirements to undertake reviews in respect of all children who are placed away from their family?

BASIC HEALTH AND WELFARE

Article 23 - the right of disabled children to special care, education and training and to the fullest possible integration

* Disabled children are substantially excluded from many aspects of day to day life. There is a continuing lack of integrated day care, play provision, residential care and leisure, culture and arts facilities. Transport systems are inaccessible to many disabled children as are many shopping centres, offices, educational establishments, theatres, and playgrounds (page 134). Despite the Education Act 1981 which sought to encourage the integration of children with special educational needs into mainstream education, there was only a 4% decrease in segregation between 1982-1989 (pages 159-160), and it appears that segregation of children described as having emotional and behavioral difficulties is actually increasing.

* There are duties in England and Wales under the Children Act 1989 to give disabled children opportunities to lead lives which are as normal as possible and comparable provisions are being introduced in the Children (NI) Order in N Ireland due to come into effect in 1995. However, there is no comparable legislation in Scotland. Disabled children in Scotland, therefore, have fewer rights to social integration than other children in the UK which would appear to breach Article 2. The Government states in its Report that it intends to make similar provision for Scottish children but there is no timetable for doing so (pages 27-28).

QUESTION - Article 23

29) *Is it still the case that disabled children can be compulsorily placed in separate special education facilities against the wishes of themselves and their parents?*

30) *When will the Government introduce measures to provide disabled children in Scotland with the same level of provision as that available for other children in the UK?*

31) *What additional measures does the Government plan to take to ensure that the rights of disabled children are fully promoted in line with the Convention in view of its apparent opposition to legislation to protect those rights?*

Article 24 - the right to the highest level of health possible and access to health care services

* The UK has a very high rate of teenage pregnancies compared with other European countries. One in 15 young women between the ages of 15-19 became pregnant in 1990. There are inadequate family planning services for young people - only 56 % of health authorities provide youth advisory services, and some refuse to see under 16s. The recent legislation on sex education in schools which allows school governors to veto sex education in primary schools, and parents to remove their children from all sex education except basic biological information up to the age of 18 does little to promote a commitment to reduce teenage pregnancy. Up to one third of teenagers say that the sex education they received was given too late (page 105).

* The Government fails to address the needs of young people with mental health problems. As many as one in four children under 18 are thought to suffer from mental health problems, yet doctors are only diagnosing psychiatric disturbance in only 2% of children. The incidence of mental illness, depression, attempted suicide and eating disorders are all increasing. Less than 5 % of the total mental health budget is spent on children despite the fact that they represent 25% of the population. Most young people are admitted informally to psychiatric hospital and are therefore not protected by the civil rights embodied in the Mental Health Act protecting patients in respect of treatment and detention against their will (page 107).

* Not all children have equal access to health services. Many children from black and other minority ethnic families experience racism within the National Health Service and find that services do not address their religious and cultural needs (page 112). Homeless or highly mobile families often have difficulties registering with a doctor. Particular problems are faced by Traveller families who often experience prejudice and discrimination in trying to access services. These problems will be significantly increased by the provisions of the Criminal Justice and Public Order Bill which removes local authority obligations to provide sites whilst introducing an offence of criminal trespass which will render Travellers camping on unauthorized sites liable to prosecution. The consequent loss of stability and access to properly maintained sites cannot fail to be detrimental to the health of children in these families (page 79). Immunisation levels have improved but whilst in 1990 in England and Wales, average uptake for immunisation programmes was 88 % for whooping cough and 90% for mumps and rubella, this figure masks rates as low as 63 % in some districts (page 104).

* The proposed new World Health Organization limit of 10 micrograms per litre of lead in water is exceeded in 1.9 million households (21 %) and children are especially vulnerable to its harmful effects. It has been associated with impairment to intelligence and development. In 1992 as many as 3.5 million people were at risk of receiving water supplies with levels of nitrates above the legal limits and 14.5 million people were receiving water which breached the standards for pesticides. Again children are particularly vulnerable to such exposure. The UK Government has recently negotiated with European Union for both a reduction in the required European Union standards, and for a delay in implementation of the standards (page 140).

* Air pollution is a growing problem in the UK. Research studies show links between air pollution, mainly from cars, and the growth in child asthma. Emissions of nitrogen oxides from

road transport, which has been linked in numerous studies to respiratory illness particularly amongst children, increased from 810,000 tons in 1981 to 1.4 million in 1991 (page 140).

QUESTION - Article 24

32) It appears to the Committee that the policies of the Department of Health towards tackling the high level of teenage pregnancies, and the policies of the Department for Education towards sex education are inconsistent. Will the Government review its education legislation in the light of its health targets and the Conventions's principles?

33) Is the Government proposing to introduce measures to promote the rights of young people with mental health problems to improved access to services?

34) Why has the Government failed to specify targets and strategies for reductions in inequalities in child health in its health plan for England, the Health of the Nation?

Article 26 - the right to benefit from social security

* The right of unemployed 16-17 year olds to receive income support was withdrawn by the Government in 1988 and in return a promise of training and a training allowance for every young person not in full-time education or work was given. In practice this promise, has not been fulfilled and in January 1994, there were 97,000 young people unable to be placed on training schemes of whom 68,000 had no income. The discretionary safety net of severe hardship allowances has been heavily criticised as overly complex and inaccessible. The Government claim in its Report (para 451) that this system is working is disputed by all organisations working in this field (page 74).

* There has been a dramatic increase in the numbers of young homeless people following the withdrawal of benefit entitlement, in large part attributable to this and other changes to the social security system such as the introduction of lower levels of benefits for under 18s irrespective of circumstances. Many of these young homeless people are leaving care and have no homes to go to, others come from homes where parents cannot afford to keep them with no means of support or where they have been physically or sexually abused. Despite the introduction of some measures to tackle this problem, primarily in London, there are still young people living and begging on the streets (page 78). There has been consistent, vocal and unanimous opposition to the withdrawal of benefits to this group of young people from NGOs working in this field. The Government's Report is significantly silent on this point.

QUESTION - Article 26

35) How does the Government reconcile the continued high levels of concern amongst organisations working with young people over the lack of benefits for 16 - 17 year olds with its obligations under the Convention?

36) Are there any proposals to address the concerns being raised by NGOs and church organisations working with homeless young people?

Article 27 - the right to a standard of living adequate for proper development

* The incidence of child poverty has increased dramatically over the past 15 years. Using as the definition of poverty, those living on less than half the average wage after housing costs (a measure commonly used within Europe), there are 3.9 million children living in poverty in 1993 as compared with 1.4 million in 1979. This represents one third of all children. Studies produced by UNICEF, the Commission for European Communities, and the National Children's Bureau all point to the fact that children in the UK have suffered greater deterioration in their standard of living than those in other European countries. Growing unemployment, together with an increase in the incidence in low pay as a result of Government policies of deregulation of the

labour market and increased part-time working have contributed to this pattern as well as the rise in numbers of lone-parent families. There is clear evidence that inequalities in UK society have widened and that the poorest 10% of families have grown significantly poorer in real terms, while average incomes have increased (page 70).

* There is a substantial body of research demonstrating the failure of the benefit system to provide children and their families with a standard of living adequate for their proper development. This research documents the extreme hardship experienced amongst families on benefit many of whom are unable to afford the most basic necessities of living - food, heating, adequate clothing, household essentials. In 1991 there were 2.1 million children living in families dependent on such benefits (page 71).

* The incidence of homelessness amongst families in recent years has grown substantially. In 1993, nearly 140,000 households were accepted as homeless by local authorities in England alone, compared with 83,000 in 1984. The combined effect of Government policies on the sale of local authority housing, restrictions imposed on new building by local authorities, and a period of high interest rates in the late 1980s contributed to this problem. Research amongst children living in temporary accommodation because they were homeless, reveals poor diet, low birth weight, high levels of sickness, poor school attendance, high risk of accidents, and lack of play opportunities (page 76). Despite this, the Government are now proposing to amend current legislation to restrict the rights of homeless families to permanent accommodation. A recent consultation document from the Government setting out these proposals received over 10,000 responses, the vast majority of which expressed deep concern over the implications of the proposed changes to the law. The Government Report fails to address the problem of homelessness in the UK; the issue is not mentioned at any point throughout the Report, despite the fact that it affects a significant number of children. Without access to secure and adequate housing children's rights of access to education, health and health care and social development are seriously at risk.

* The growth in child poverty has corresponding impact on children's right to the best possible health. A number of recent reports document the relationship between poverty and ill-health. Children living in poor families have higher rates than other children of infant and child mortality, and are more likely to be diagnosed as suffering from infectious diseases, slow growth, dental disease, respiratory problems, accidents and behavioral and emotional problems. 'Me poor housing conditions in which many children live further exacerbates their risk of poor health (pages 81 and 96).

* Since water supplies were privatised in 1988, a growing number of families are now having their water supplies disconnected as a result of being unable to pay the charges. In 1992 21,000 families were disconnected, a 177% increase over the previous year. There are no public supplies of water. As a result of these disconnections, there has been a rise in the incidence of dysentery and hepatitis in many cities where the highest rates of disconnection are occurring illnesses which had largely been eradicated. Access to a clean water supply is integral to the minimum standard of living necessary for the proper development of a child (page 82).

* The Child Support Act which establishes new procedures for the collection of maintenance is not underpinned by a principle of promoting the best interests of the child. It has been strongly criticised by many organisations working in the field, because its rigid and inflexible formula for determining levels of maintenance take no account of the costs associated with absent fathers keeping in contact with their child As a result there are examples of children having reduced or even no contact with their fathers who are unable to afford the associated costs. Thus, measures introduced primarily to reduce the costs of providing benefits to single parents, are having the effect of denying children the rights to maintain contact with their fathers (page 84).

QUESTION - Article 27

37) Does the Government have a strategy for tackling the growth in child poverty in the UK in

line with its obligations under Article 27, the right of all children to an adequate standard of living and Article 4, to undertake measures to the maximum extent possible to promote that right?

38) How does the Government ensure that the incomes of the poorest families and those wholly dependent on benefit are sufficient to provide children with an adequate standard of living?

39) The Government Report fails to address policies on housing and homelessness. What is the pattern and extent of homelessness. What is the pattern and extent of homelessness over the past 10 years and what strategies is the Government adopting in response to those patterns?

40) Would the Government agree that measures to recoup maintenance from absent fathers should be underpinned by a commitment to promote the best interests of all affected children? Does it consider that the current arrangements satisfactorily achieve that objective, given the level of concern that has been expressed to the contrary?

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Article 28 - the right to education on the basis of equality of opportunity

* There has been a dramatic increase in the numbers of children excluded from school in the past two years, amongst whom children with special educational needs and Afro-Caribbean boys are disproportionately represented. Many of these children have difficulties in finding alternative educational provision and are being deprived of the opportunities for education (page 154).

* Increasing numbers of parents are being asked to contribute to the costs of education such as books or equipment. This pattern is contributing to growing inequality between schools where parents can afford such contributions and those that cannot (page 157).

* There is a considerable body of evidence of the benefits to children of pre-school education. Indeed, research indicates that it is one of the most effective means of countering the disadvantage faced by children growing up in impoverished backgrounds, and thus ensuring that all children are able to benefit from education on the basis of equality of opportunity. However, provision of pre-school education is not available to all children. Only 50% of three and four year-olds currently attend school with provision ranging from 20 % in some areas to 80 % in others. And many of these children are in reception classes rather than nursery education. Only one third of children in Wales and Scotland are in nursery schools and a quarter of children in England (page 158).

QUESTION - Article 28

41) Are there any statistics available on the numbers of children excluded from school? Do these identify the ethnicity of children and is there any evidence that children from minority ethnic communities are disproportionately represented? If so, is the Government taking measures to tackle this issue?

42) In relation to the Government's obligations to progressively provide free education, does it consistently monitor the extent to which contributions are being required of parents towards the costs of education? If so is there evidence that these contributions have increased in recent years?

43) Does the Government have plans to extend the availability of nursery education, and if so, over what timescale?

Article 29 - the duty to promote to the full the child's personality and talents and to promote respect for human rights and the natural environment

* There is no requirement in education law to teach human rights, and the School Curriculum and Assessment Authority is proposing to abandon the current requirement within the history syllabus of the National Curriculum to address the UN Charter and the Universal Declaration of Human Rights (para 503). There is an optional part of the National Curriculum on the Education for Citizenship theme but a recent survey reveals that less than a quarter of schools had a policy on this subject. Similarly, environmental education has a low priority. 80% of secondary schools have no agreed policy for environmental education and it has the lowest priority in schools amongst the cross-curricular themes (pages 165 and 130).

* Despite the fact that the UK is now a society representing a wide range of languages, religions and cultures, there is growing concern that the National Curriculum fails to achieve an explicit commitment to anti-racism and multi-culturalism. The Government Report outlines its policy on respect for ethnic diversity (para 504) but fails to describe how that policy is put into practice (pages 165-166).

QUESTION - Article 29

44) Are there any plans to ensure that human rights and environmental education are given a higher priority in the curriculum?

45) How is the policy for promoting respect for a child's cultural identity implemented in practice?

Article 31 - the right to play, recreation and leisure

* The proportion of Government expenditure on arts and leisure activities devoted to children does not reflect the 20 % of the population that they represent. For every £100 spent by the Department of National Heritage, only 3p is dedicated to children's play. In addition, both play facilities and youth provision have faced considerable cuts in levels of service provision in recent years. 62% of local authorities experienced cuts in provision in 1993/4. Funding for the only central body to co-ordinate and promote play provision, the National Play and Information Centre referred to in the Government report, (para 509) has been drastically cut from £800,000 to £300,000 in 1993/4. It is difficult to reconcile these reductions in provision with a commitment to promote opportunities for play, recreation and leisure for children in line with Article 4, the duty to implement this right to the maximum extent of resources available (page 181). There are considerable local variations in the facilities and provision available, reflecting the absence of any coordinated strategy (page 180).

* Many children living in poverty are being denied the opportunity to play in a safe environment. There is considerable evidence of the higher levels of risk to children living in large inner city housing estates. They suffer more road accidents, head injuries, violence and attacks from dogs. There are less likely to be gardens in which they can play safely, and their homes are more hazardous - overcrowding and lack of money to buy playpens, stair gates or fireguards all contribute to these difficulties (page 85).

QUESTION - Article 31

46) What co-ordination of policy exists to ensure that the right to play, leisure and recreation is implemented for children, including in particular, those in poor inner city areas?

SPECIAL PROTECTION MEASURES

Article 22 - the right of refugee children to protection and assistance in pursuit of the rights on the Convention

* The Asylum and Immigration Appeals Act 1993 introduces a new category of claims for asylum without foundation which will not carry with them any right of appeal. These claims are defined as those which it is considered do not "raise an issue as to the UK's obligations under the Geneva Convention on Refugees or which are 'frivolous or vexatious'". This means that people whose claim for asylum is not listed in the Geneva Convention, for example people fleeing civil war and danger, could be considered 'without foundation'. This provision would appear to breach the requirement to take account of the best interests of children required in Article 3 (page 254).

Article 22 requires that children who are refugees shall receive "*appropriate protection and humanitarian assistance in the enjoyment of the applicable rights ... [in this Convention]*". However, under the present legislation in the UK refugees in receipt of state benefit are only entitled to receive 90% of the benefit payable to any other family in comparable financial circumstances. This serves to reduce the income of refugee families below the minimum level considered necessary for day to day living expenses and represents a clear policy of discrimination against such families and their children, in breach of both Article 2 and 22 (page 86).

* Measures have been introduced in the Asylum and Immigration Appeals Act 1993 to limit the responsibility of local authorities to provide accommodation to refugee families whilst any accommodation however temporary or inadequate is available to them. This restriction does currently not apply to other homeless families. Refugee families will actually have to be on the street before any help will be available to them. Again this provision would appear to breach both Article 2 and 22 (page 86).

QUESTION - Article 22

47) Does the Government have any proposals to ensure equal rights of refugee children in respect of both access to housing and state benefits.

Article 38 and 39 - the duty to apply rules of humanitarian law to children in armed conflicts, and to provide rehabilitative care for victims of armed conflicts or abuse

* The Government Report fails to address at any point the difficulties experienced by children in N Ireland as a result of the violent conflict which has existed there for the past 25 years. The loss of civil rights associated with the Prevention of Terrorism Act, the loss of parents either through imprisonment or death, the psychological impact of living continually in a community dominated by violence and hatred, the material deprivation within the community because of lack of investment and security - none of these is acknowledged. This failure necessarily means that there is no attempt to identify any government strategy for seeking to ensure that the rights of children in N Ireland are better respected (pages 260-280)

* The minimum age for voluntary enlistment into the armed forces is 16 and although Government policy is that under-18s are less likely to take part in hostilities than over-18s, there were, for example over 200 under-18s taking part in the Gulf war, one of whom died (page 278).

QUESTION - Articles 38 and 39

48) What are the effects on children of the continued violent conflict in N Ireland? Has any research been undertaken to evaluate its impact and from which to develop policies to counter any harmful effects? What strategies are being developed to promote greater integration amongst children from the different communities?

49) Is the Government revising its legislation on recruitment to the armed services to ensure that any recruitment of under-18s, priority is given to the oldest? Will the Government consider

raising to 18 the minimum age for recruitment?

Article 40 - the right of children accused of criminal offenses to be treated with dignity in a manner consistent with respect for their human rights

* Delays are endemic within the youth justice system, contrary to the requirement in Article 40.2(b)(iii) *"to have the matter determined without delay"*. Recent research in one part of the country indicates that cases took between 57-448 days to come to court. In N Ireland delays can be over two years.

* The age of criminal responsibility is 8 in Scotland and 10 in the rest of the UK which would appear to breach Article 2. Even 10 years of age is very low in comparison with the rest of Europe.

QUESTION - Article 40

50) Does the Government have any plans to raise the age of criminal responsibility for all children in the UK?

51) Does the Government accept the effectiveness of community-based facilities as a key part of any strategy to reduce youth crime? Is there a commitment to enhancing such provision and what level of expenditure is being made available to develop it?

Article 37 - the right to protection from torture, inhuman or degrading punishment

* Residential children's homes in England and Wales are the only institutions for which there are detailed regulations limiting methods of control. Concerns have been expressed over the treatment of young people in local authority secure accommodation. In one such unit recently, restraint techniques used resulted in children incurring fractured bones. Recent reports on young offender institutions reveal a lack of meaningful activity for prisoners, widespread bullying, poor basic living conditions, limited work opportunities, boredom, poor staffing levels and low morale. Such concerns cannot be consistent with the right to be treated *"with humanity and respect for the inherent dignity of the person"*, nor to protection from inhuman or degrading treatment (page 203).

* Figures from the Council of Europe demonstrate that the UK locks up a vastly greater proportion of young people than any other country in Europe. In most countries, the proportion of the prison population who are young people is only a quarter that of the UK. In N Ireland, juveniles are 1.5 times as likely to receive immediate custody as adults. These figures appear to indicate that the UK has not tended to use imprisonment *"as a measure of last resort"* (page 205)

* The proposals contained in the Criminal Justice and Public Order Act 1994 will introduce secure training centres for children aged 12-14 years. They will result in children of those ages being imprisoned often at considerable distances from their homes for up to a year. Despite the claim in the Government Report that these centres represent a form of provision different from anything tried before (para 574), similar institutions have been tried before and failed. They have been opposed by representatives from the law, health, child care, penal, education and youth services. They will isolate very young people from their families, expose them to significant dangers of bullying and self harm, and will result in some young people guilty of three comparatively minor offenses being imprisoned. As such they do not comply with the requirement in Article 37(b) to use imprisonment as a measure of last resort, nor the requirement in Article 9 not to separate children from their parents unless to do so would be in their best interests. nor the requirement in Article 40.4 to seek alternatives to institutional care. Furthermore, the estimated £30 million per year that these centres will cost could have paid for a massive investment in community provision which has a demonstrably better record in reducing youth crime (page 207). The legislation will also lower from 14 to 10 years the age at which courts can impose long custodial sentences for more serious offenses.

* The draft rules for the new secure training centres have been drawn up although they have not been made publicly available. They will allow strip searching of children, and require staff members to be alone when they search children. Family contact can be severed by the director of the Centre. Outsiders will not be allowed to visit without the permission of the Secretary of State, and children will be prohibited from communicating by phone or letter with anyone without permission from the Secretary of State. These provisions would appear to be in breach of Article 37. The series of scandals into abuse of children in institutional care referred to in the Government report (para 26) highlights the profound risks to children who have no effective access to confidential help. These rules run entirely counter to the spirit of the Children Act to which the Government gives such prominence in their report.

QUESTION - Article 37

52) How does the Government reconcile its proposals for new secure training centres and for the extensive of custodial sentences for younger offenders with its obligations under Article 37 (b)? And how does it propose to protect young offenders from abuse in these establishments?

53) Are the Government taking any further measures to ensure that all young people are offered comparable levels of protection irrespective of the institution in which they are placed?

54) Did the Government consider the investment of comparable sums of money to that proposed for secure training centres in community based provision? On what grounds did they reject this approach given its proven track record in reducing youth crime levels?

Article 39 - the duty to provide physical and psychological treatment for recovery and social integration

* There is inadequate provision of rehabilitative treatment for children who have been subjected to violent physical or sexual abuse. In England alone in March 1992 there were nearly 11,500 children on child protection registers as a result of physical or sexual abuse. Whilst not all those children would be in need of rehabilitative therapy, there is no doubt that a significant number would. The sum of £1.8 million quoted in the Government Report (para 590) as having been made available to voluntary organisations over a 5 year period for this purpose would appear to be totally inadequate. Very few local authorities provide any specialist treatment for helping refugee children. -The Medical Foundation for the Care of Victims of Torture provides therapeutic treatment for child refugees but their limited resources mean that they are only able to provide help to a tiny number of children -11 children in the first half of 1993.

QUESTION - Article 39

55) Are there any plans to increase the level of rehabilitative care for children who have been subjected to abuse to reflect the growing awareness of the long-term psychological damage that can ensue from such abuse?

Article 32 - the right to protection from economic exploitation

* The Government entered a reservation on this Article in respect of young people over the school-leaving age. The Report argues that young people over 16 are considered to be adults in the labour market and therefore free to negotiate their own terms and conditions. It is interesting to note that the Government considers them to be adults in relation to employment when to be so offers them less protection, whereas in relation to the social security system, where to be an adult provides greater entitlement to benefit, the Government treats them as children. 16-17 year olds have no rights to income support. The research data that is available from Europe does indicate that 16-18 year olds are more at risk of accidents, and physical harm. (page 230 and 233)

The legislation protecting children under 16 at work is now 60 years old. It is no longer adequate for the world of work in the 1990s, it is inadequately enforced, and its deficiencies are placing many young people at risk both of economic exploitation and inadequate access to

education and play. No Government research has been funded to ascertain how the legislation is working or what changes might be needed. The little independent research data that is available points to high numbers of children working illegally, high levels of accidents, and considerable ignorance of the law (pages 231-327).

QUESTION - Article 32

56) Would the Government consider reviewing its reservation in view of the research evidence from Europe that young people are more at risk at work than older employees?

57) Does the Government not consider that there is a need for a review of the protective employment legislation in light of the changes that have taken place in the nature of child labour over the past 60 years?

Article 33 - the right to protection from narcotic and psychotropic drugs

* Between 1989 and 1992 the numbers of young people admitting to having used illegal drugs almost doubled from 15%-29%. Despite recent wide publicity given to changing patterns of drug and solvent abuse amongst young people, there is little evidence that this is being matched by increases in suitable services. In most parts of the country there are virtually no services for young drug users. Most established services exist for adults with children and young people often not properly catered for. In schools the new wave of drug use amongst young people is coinciding with a considerably reduced commitment to drug education. Despite the claim in the Government Report (para 602) that it recognises the important role of education in combatting drug misuse, specific funding from government to local education authorities for health education coordinators was withdrawn in March 1993 (page 99).

QUESTION - Article 33

58) What new programmes are being developed to tackle the specific growth in drug abuse amongst younger children?

Article 34 - the right to protection from sexual exploitation and abuse

* There are comprehensive child protection procedures in place designed to identify and protect children at risk of violence from their family. However, concerns have been raised that, for many children, these procedures themselves can be experienced as further abuse. The high levels of intervention, the emphasis on prosecuting the abuser, and the lack of confidentiality offered to the abused child can all contribute to the process taking priority over the child (pages 61 and 24).

QUESTION - Article 34

59) Does the Government consider that the child's rights to privacy and confidentiality is adequately respected in child protection procedures? Is the balance between prosecution of the abuser and rehabilitative care for the child appropriate?

Article 35 - the right to protection from abduction, sale or trafficking

* There is a growing problem in the UK of children being abducted by a parent on breakdown of the marriage. Parents, usually mothers, experience extraordinary difficulties in getting their children back once they have been taken abroad. The Foreign and Commonwealth Office (FCO) tend to take a very low key approach to helping parents recover their children. There is a need for a more pro-active response in terms of financial and practical help if the rights of children in these circumstances are to be properly protected (pages 290-291).

QUESTION - Article 35

60) Has the Government considered the creation of a Commissioner for Abducted Children to address the problems faced by parents in getting abducted children returned?

Article 30 - the right of the child to practice his or her own religion, culture and language

* Whilst there are no formal restrictions on the rights of any group to use their own language and practise their own culture and language, the real opportunities for many children to exercise this right are effectively denied. The Government defend their failure to adopt a more pro-active approach in the promotion of Article 30 by arguing that there are over 200 minority languages spoken in the UK (para 623). However, the substantial majority of the minority communities speak one of about 10 languages (Chinese, Turkish, Urdu, Bengali, Punjabi, Gujerati, Hindi, Vietnamese, Somali and Farsi). There are measures that could be taken to ensure greater respect for their culture. Many children from black and other minority ethnic communities coming into public care continue to be placed with white families. The majority of local authorities have no policy on same-race placements. The proposed changes to adoption law place very low emphasis on the child's racial and cultural identity. Television, radio and children's literature lack positive images of black children and their families (pages 35, 44 and 192).

* In N Ireland, there is a lack of amenities for the teaching of Irish, and a lack of Irish language materials or media programmes.

QUESTION - Article 30

61) Does the Government consider that the culture and language of children from minority communities can be adequately protected without an explicit lead from the Government to that end?

62) Does the Government intend to provide access to rights to the Irish language comparable with those provided in Wales through the Welsh Language Act 1993?

63) Has the Government made the Convention available in Welsh and other languages?

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