



Convention on the
Rights of the Child

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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: United Kingdom of Great Britain and Northern Ireland

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

(a) The withdrawal of two reservations made to articles 32 and 37 (d) of the Convention;

- (b) The ratification of the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (ILO);
- (c) The entry into force of the Human Rights Act 1998;
- (d) 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;
- (e) 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;
- (f) The promotion of children's rights within the State party's international aid;
- (g) The adoption of the Children (Leaving Care) Act 2000 and the Homelessness Act 2000;
- (h) The adoption of the Protection from Harassment Act 1997, the Sex Offenders Act 1997 and the Family Homes and Domestic Violence (NI) Order 1998;
- (i) 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 in the ratification of the Convention, many of the concerns and recommendations contained in its concluding observations (CRC/C/15/Add.34) on the State party's initial report (CRC/C/11/Add.1) have been insufficiently addressed, particularly those contained in paragraphs 22-27, 29-36, 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 as contained in the concluding observations on the initial report that have not yet been implemented or insufficiently implemented and to address them and the 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 articles 37 (d) and 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) owing 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 number 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 (CRC/C/15/Add.34, paras. 22 and 29), and in light of the Vienna Declaration and Programme of Action, recommends that the State party 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 also recommends that the State party reconsider its reservation to article 22 with a view to withdrawing it. given the State party's observation that this reservation is formally unnecessary 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 such as ensuring that the education system in Scotland complies with article 12 and that corporal punishment in the day-care system in Wales is prohibited, but remains concerned that the State party does not ensure that its legislation is compatible with the Convention throughout its territory.

9. The Committee encourages the State party to incorporate into domestic law the rights, principles and provisions of the Convention in order to ensure that all legislation complies with the Convention and that the provisions and principles of the Convention are widely applied in legal and administrative proceedings. The State party is also encouraged to provide training in the provisions of the Convention and to disseminate the Convention more widely.

Resources

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

11. **The Committee recommends that the State party undertake an analysis of all sectoral and total budgets across the State party and in the devolved administrations in order to show the proportion spent on children, identify priorities and 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 remains concerned that the absence of a central mechanism to coordinate the implementation of the Convention throughout the State party makes it difficult to achieve a comprehensive and coherent child rights policy. The process of devolution of powers to the respective administrations makes more compelling the need for effective coordination of the implementation of the Convention throughout the State party between the various levels of government 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 throughout the State party, including to the devolved administrations, to a highly visible and easily identifiable permanent body with an adequate mandate and sufficient resources.**

Plan of Action

14. **The Committee welcomes the fact that the Convention has been used as a framework in the Strategy for Children and Young People developed by the National Assembly for Wales, but 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 based on the Convention to be applied throughout the State party. However, the Committee remains concerned at the lack of a rights-based approach to policy development and at the fact that the Convention has not been recognized as the appropriate framework for the development of strategies at all levels of government throughout the State party. The Committee is also concerned that there is no national plan of action based on a global vision of children’s rights.**

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 The Way Forward for Care and paying special attention to children belonging to the most vulnerable groups (e.g. children from poor households, children from minority groups, disabled children, homeless children, children in care, children between 16 and 18, Irish and Roma travellers’ children and 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 the 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.) recommends that the State party:**

(a) Establish independent human rights institutions with a broad mandate and appropriate powers and resources all across the State party and at the national level, in accordance with the Principles relating to national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134, annex), 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 violations 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;

(d) Ensure that children and children's organizations 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 the Children report. Nevertheless, the Committee is still concerned at the absence of a nationwide mechanism to collect and analyse data on the areas covered by the Convention.

19. **The Committee recommends that the State party establish a nationwide system whereby 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 in the National Assemblies for Northern Ireland and Wales.**

Training/dissemination of the Convention

20. The Committee welcomes the adoption of a rights-based approach to education in Scotland. However, the Committee is particularly concerned that, according to recent studies, most children are not aware of the rights contained 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 its nationality law between children born in and 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 there is unequal enjoyment of economic, social, cultural, civil and political rights, in particular for children with disabilities, children from poor families, Irish and Roma travellers' children, asylum-seeker and refugee children, children belonging to minority groups, children in care, detained children and children aged between 16 and 18 years old.

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 the comparative 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;**

(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 Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of the Committee's General Comment No. 1 on the 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 and immigration practices.

26. **The Committee, in line with its previous recommendations (ibid., para. 24) recommends that the State party adopt the best interests of the child as a paramount consideration in all legislation and policy affecting children throughout its territory, notably within the juvenile justice system and in immigration practices.**

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 jeopardize their lives.

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 a consultative process with children in local authority service planning, the establishment of a 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 the obligations of article 12 have not been consistently incorporated 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 laid down in the Children Act 1989, is not systematically exercised. The Committee is also concerned that in education, schoolchildren 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 of the Convention, take further steps to promote, facilitate and monitor systematic, meaningful and effective participation of all groups of children in society, including in schools, for example through 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 court procedures and administrative proceedings (including divorce and separation proceedings) 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 established that would allow the views expressed by children to be taken into account in and to have an impact on developing programmes and policies affecting them.**

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 fertilization do not have the right to know the identity of their biological parents.

32. **In light of articles 3 and 7 of the Convention, the Committee recommends that the State party take all necessary measures to allow all children, irrespective of the circumstances of their birth, and adopted children to obtain information on the identity of their parents, to the extent possible.**

Torture or other cruel, inhuman or degrading treatment

33. The Committee is particularly concerned at recent figures according to which between April 2000 and February 2002, 296 children sustained injuries as a result of restraints and measures of control applied 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 restraints 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.

36. 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.

37. The Committee is of the opinion that the Government’s 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 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, thereby undermining educational measures to promote positive and non-violent discipline.

38. **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, involving 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

39. 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 Child Protection in Sport Unit in 2001. Nevertheless, the Committee is deeply concerned that one or two children die every week as a result of violence and neglect in the home. It is also concerned at the 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 the growing levels of child neglect. The Committee is alarmed at the lack of a coordinated strategy to limit the extent of these phenomena. It particularly notes the absence of adequate, systematic follow-up of child deaths and that crimes committed against children below the age of 16 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.

40. **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 the schools, aimed at reducing child deaths 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, investigate and prosecute instances of abuses, ill-treatment and neglect, ensuring that the abused child is not victimized 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 reintegration of victims;**
- (h) **Strengthen the reporting system, through full support for 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

41. While welcoming the decline in 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-economic status and ethnicity (e.g. the high rates 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.

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

Adolescent health

43. While noting the efforts undertaken by the State party to reduce the number 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 the mental health of children has been introduced in the National Priorities Guidance 1999/2002, but remains concerned that many children suffer from mental health problems and that the rate of suicide among young people is 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 sexually transmitted diseases among young persons.

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

(a) **Take further necessary measures to reduce the rate of teenage pregnancies through, inter alia, making health education, including sex education, part of the school curricula, making contraception available to all children, 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 policies for young mothers under the age of 16 years with regard to allowance entitlements and parenting courses;**

(c) **Take all necessary measures to strengthen its mental health and counselling services, ensuring that they are accessible and sensitive to adolescents, 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 intent made by its delegation to repeal section 28 of the Local Government Act 1988, where it applies.**

Standard of living

45. 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 a higher incidence among those children of death, accidents, pregnancy, poor housing and homelessness, malnutrition, educational failure and suicide. The Committee welcomes the State party's commitment to eliminate child poverty and the initiatives taken in this regard, but notes the lack of an effective and coordinated poverty eradication strategy across the State party.

46. **The Committee urges the State party:**

(a) **To take all necessary measures to the "maximum extent of ... available resources" to accelerate the elimination of child poverty;**

(b) To better coordinate and reinforce its efforts to address the causes of youth homelessness and its consequences;

(c) To review its legislation and policies concerning benefits and social security allowances for 16- to 18-year-olds.

6. Education, leisure and cultural activities

Education

47. The Committee welcomes the increase in the education budget 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. The Committee is concerned at the still high rate of temporary and permanent exclusion from school affecting mainly children from specific groups (ethnic minorities, including black children, Irish and Roma travellers, children with disabilities, asylum-seekers, etc.), and the sharp differences in educational 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, that their education is not the responsibility of the departments responsible for education, and that they do not have support for special education needs. The Committee is further concerned that the majority of children in the care system, as well as teenage mothers, do not attain basic qualifications. 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 largely segregated.

48. **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 exclusion, ensure that children throughout the State party have the right to be heard before exclusion and to appeal against temporary and permanent exclusion, and ensure that children who are excluded do continue to have access to full-time education;

(c) Take all necessary measures to eliminate 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 an equal statutory right to education and improve education for children in care;

(e) Take measures and set up 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 No. 1 on the aims of education, include the Convention and human rights education in the curricula in all primary and secondary schools and teacher training;

(g) Increase the budget for 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;

(i) Evaluate the impact of privatization of schools on the right of children to education.

7. Special protection measures

Asylum-seeking/refugee children

49. The Committee welcomes the establishment in 1994 of the Children's Panel of Advisers and is aware of the increasing number of children claiming asylum, either with their families or on their own. The Committee is concerned that detention of these children is incompatible with the principles and provisions of the Convention. The Committee is further concerned that the dispersal system may impede better integration and lead to an escalation in racially related incidents; that placement in temporary accommodation of children seeking asylum may infringe their basic rights such as access to health or education; that processing applications may take several years; that the Children's Panel of Advisers is 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.

50. **In accordance with the principles and provisions 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 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-seeking children have access to basic services such as education and health, and that there is no discrimination in benefit entitlements for asylum-seeking families that could affect children;

(c) Consider the appointment of guardians for unaccompanied asylum-seeking and refugee children;

(d) Take all necessary measures to prevent children who have settled in a particular area being forced to leave when they reach the age of 18 years;

(e) Undertake efforts to expedite the procedure for dealing with asylum applications and to avoid placing children in temporary accommodation which are inappropriate, accommodating them rather 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 for unaccompanied minors and other children in the immigration and asylum systems;

(g) Address thoroughly the particular situation of children in the ongoing reform of the immigration and asylum systems to bring them into line with the principles and provisions of the Convention.

Irish and Roma travellers

51. Committee is concerned at the discrimination against children belonging to the Irish and Roma travellers which is reflected inter alia, in the higher mortality rate among these children, their segregation in education, the conditions of their accommodation and social attitudes towards them. The Committee is also concerned at the gap between policies and service delivery.

52. **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 to the enjoyment of rights by children belonging to these groups.**

Children in armed conflict

53. 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 four years, increasing 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 in Northern Ireland on children, including in the use of emergency and other legislation in force in Northern Ireland.

54. **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 of the Optional Protocol, keeping in mind its object and purpose;**

(b) **While it recruits persons who have attained the age of 16 years but who have not attained the age of 18 years, endeavour to give priority to those who are the oldest in light of article 38, paragraph 3, of the Convention, and strengthen and increase its efforts to recruit persons of 18 years and above;**

(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

55. The Committee is concerned that the national minimum wage does not apply to young workers above the minimum age of employment, and that therefore they can be at risk of being 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.

56. **The Committee recommends that the State party reconsider its policies regarding the minimum wage for young workers in light of the principle of non-discrimination.**

Sexual exploitation and trafficking

57. 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 Government of the Philippines 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 sexually exploited children are still criminalized by law.

58. **The Committee recommends that the State party:**

- (a) **Undertake a study on the scope, causes and background of child prostitution;**
- (b) **Review its legislation so as not to criminalize 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, both human and financial, are allocated to policies and programmes in this area.

Administration of juvenile justice

59. The Committee welcomes the State party's 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' behaviour, but 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 and at 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 increasing number of children who are being detained in custody at earlier ages for lesser offences and for longer sentences imposed as a result of the recently increased court powers to issue detention and restraining orders. The Committee is therefore concerned 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 experience in detention and that children do not receive adequate protection or help in young offenders' 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 rehabilitation opportunities, the solitary confinement in inappropriate conditions for a 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.

60. In addition, the Committee notes with concern that:

(a) The Crime and Disorder Act 1998 has 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;

(e) Young people of 17 years of age are considered as adults for the purpose of remand.

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

62. **In particular, the Committee recommends that the State party:**

(a) **Considerably raise the minimum age of criminal responsibility;**

(b) **Review the new orders introduced by the Crime and Disorder Act 1998 and make them compatible with the principles and provisions of the Convention;**

(c) **Ensure that no child can be tried as an adult, irrespective of the circumstances or the gravity of his/her offence;**

(d) **Ensure that the privacy of all children in conflict with the law is fully protected in line with article 40 (2) (b) (vii) of the Convention;**

(e) **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;**

(f) **Ensure that every child deprived of his or her liberty has access to independent advocacy services and to an independent, child-sensitive and accessible complaint procedure;**

(g) **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 statutory rights to education, health and child protection equal to those of other children;**

(h) **Review the status of young people of 17 years of age for the purpose of remand with a view to giving special protection to all children under the age of 18 years;**

(i) **Allocate appropriate resources for the Children's Hearings in Scotland to allow the number of cases dealt with to be substantially increased and to allow young offenders of 16 to 18 years of age to be included in the Children's Hearings system.**

8. Optional Protocols

63. The Committee notes that the State party has not ratified 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.

64. **The Committee encourages the State party to ratify the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, as recommended above.**

9. Dissemination of documentation

65. **The Committee recommends that, in light of article 44, paragraph 6, of the Convention, the second periodic report and the written replies submitted 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 of submission of reports

66. **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, i.e. 15 January 2009. This report should combine the third and fourth periodic reports. However, owing to the large number of reports received by the Committee every year and the consequent significant delay between the date of submission of a State party's report and its consideration by the Committee, the Committee invites the State party to submit a consolidated third and fourth report 18 months before its due date of 15 July 2007.**

67. **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.**
