

CONCLUDING OBSERVATIONS FOR THE UK

from the
UN Committee
on the
Rights of the Child



ADAPTED FROM THE CHILDREN'S RIGHTS ALLIANCE 'GET READY FOR CHANGE!' DOCUMENT
Welsh Assembly Government working in partnership with the Wales UNCRC Monitoring Group



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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The UN Committee on the Rights of the Child examined the UK Government in September 2008 to see how well it is protecting children's human rights. The Committee meets every four to five years to review the progress that has been made.

Information on the progress that had been made in the UK since the last reporting period was provided by the four UK Governments, (England, Scotland, Northern Ireland and Wales) and put into one report. The main Welsh Assembly Government report was called Rights in Action. Other organisations within these countries also provided information to be considered by the Committee. This included information from the Welsh Assembly Government and a number of other organisations in Wales who have an interest in Children's Rights (e.g. Non-Government Organisations who monitor progress, the Children's Commissioner and Funky Dragon the Children and Young Peoples Assembly for Wales).

Having considered this evidence and in some cases visited the country concerned, the Committee has made 124 concluding observations (recommendations) about where the Government must do more to put the UN Convention on the Rights of the Child fully into practice in the UK. However, the four UK countries and their governments are at different points in their development and will also have different priorities.



In October 2008 having considered all of the information submitted, The Committee said the Government in the UK must:



- 1.** Do everything it can to carry out the recommendations the Committee made in 1995 and 2002 that have not yet been put into practice, as well as these new recommendations.
- 2.** Remove the reservation to article 32 as it applies to the Overseas Territories and Crown Dependencies.

Article 32 says that children must be protected from harmful work. There should be a minimum age for employment, and rules about the number of hours children can work and the conditions they can work in.

There are 14 overseas territories linked to the UK and the UK Government is in charge of different things in each country, such as foreign affairs, security and public services. The overseas territories include Bermuda, Gibraltar and the Falkland Islands. There are 3 crown dependencies of the UK as well – Jersey, Guernsey and the Isle of Man. The UK Government must report to the UN on the state of children's rights in these countries as well as in the UK.

- 3.** Continue to bring laws in line with the Convention on the Rights of the Child.

- 4.** Make sure the principles and rights of the UNCRC are part of the planned British Bill of Rights and the Bill of Rights in Northern Ireland. This could be by having a special section about children's rights.
- 5.** Make sure that the UNCRC is put into practice in a well-organised way across the whole country. This includes making sure it happens in local areas, because councils have many powers in relation to children.
- 6.** Make sure that each country in the UK has a body to co-ordinate putting the UNCRC into practice, and that each body works well and has enough money, people and equipment to do its job.
- 7.** Make sure that a high-profile team in the Government has overall responsibility for putting the UNCRC into practice across the UK (England, Scotland, Wales and Northern Ireland) and for checking how well this is happening.



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- 8.** Make detailed plans of action to put children's rights into practice in all parts of the UK.
- 9.** Make sure there is enough money to put these plans of action into practice, and that there are ways to regularly check on how well these plans are working.
- 10.** The children's rights plans of action must pay special attention to the most vulnerable children.
- 11.** Make sure all four Children's Commissioners are independent.
- 12.** Make sure all four Children's Commissioners have the power to receive and investigate complaints from children (or on behalf of children) about their rights being ignored.
- 13.** The Children's Commissioners should have enough people and money to carry out their work properly and be able to protect the rights of all children in the UK.
- 14.** Make sure it uses all available money to put children's rights into practice.
- 15.** Focus especially on ending child poverty and reducing inequality for children when deciding how the money to put children's rights into practice should be spent.
- 16.** Make regular checks on how much money is being spent by government on making sure that children's human rights are being respected and protected (this is called a children's rights impact assessment).
- 17.** Make sure that the rights in the UNCRC are known and understood by adults and children, including by making the UNCRC part of the compulsory national curriculum.
- 18.** Make sure the principles and values of the UNCRC are central to everything that happens in all schools.



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19. There must be training on the UNCRC for all adults working with children, including the police, immigration workers, the media, teachers, health professionals, social workers and child care workers.

20. Encourage the involvement of NGOs and children in promoting children's rights and putting them into practice. This includes involving them in planning new policies and projects.

An NGO is a non-governmental organisation – a charity or other group that is not part of government.

21. Involve NGOs and children in following up these concluding observations, and in preparing the next report for the UN Committee.

22. Better protect children against discrimination by urgently dealing with the intolerance and negative stereotypes of children and young people in society and in the media.

23. Do more to raise awareness about and prevent discrimination against children. This might need to include work to help certain groups of children, including traveller children; migrant children; young refugees and asylum seekers; lesbian, gay, bisexual and transgender children; and children from minority groups.

24. Make sure all cases of discrimination against children are dealt with properly.

25. Do everything it can to make sure that the best interests of the child are part of every law or policy that affects children, including in criminal justice and immigration.

Best interests means that people should always think about the effect any decisions they are making about a child or young person will have on them, and whether that decision is really the best thing for that child or young person.

26. Use all available resources to protect children's right to life, including by checking the ways of preventing child deaths work well.



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- 27.** Introduce automatic, independent and public inquiries into any unexpected child death or serious injury (whether the child is in care or locked up).
- 28.** Treat Taser guns and similar devices as weapons, and make sure the same rules and restrictions apply to them as to other weapons.
- 29.** End the use of all harmful devices on children.
- 30.** Make sure respect for children's views in the family, in school, in the community and in institutions is promoted, put into practice, and becomes part of the law.
- 31.** Promote the principle of respect for the child's views in the courts and in any other proceedings affecting the child.

Proceedings affecting a child could include an exclusion hearing, an appeal against a statement of special educational needs, a meeting to decide which parent a child should live with, and lots of other decisions.

- 32.** Support organisations that support children to get involved in decision-making.
- 33.** Continue to work with NGOs to make more opportunities for children to properly take part in decision-making, including in the media.
- 34.** Think again about the use of ASBOs as they may go against the rights of children to move around freely (freedom of movement) and to gather together (freedom of association and peaceful assembly).

An anti-social behaviour order, or ASBO, is a legal order that protects the community from the anti-social behaviour of one person. Breaking an ASBO is a criminal offence.

- 35.** Think again about the use of the mosquito device and other measures as they may go against the rights of children to move around freely and to gather together.

A mosquito device is an ultrasonic device that works by making a high-pitched ringing sound. It can only be heard by under-25s. Mosquito devices are used to stop teenagers from gathering in public places.



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- 36.** Make sure that children are protected in law and in practice against unlawful or unnecessary interference with their right to privacy.
- 37.** Introduce stronger rules to protect information about children.
- 38.** Do more to respect the privacy of children in the media, and especially to avoid publicly shaming children. This should be done in partnership with the media.
- 39.** Make rules about children's involvement in TV programmes (especially reality shows) to make sure their rights are not ignored.
- 40.** Make sure restraint is only used against children as a last resort, and only to prevent harm to the child.
- 41.** Ban all ways of physically restraining children for the reason of "discipline".
- 42.** Ban all physical punishment in the family.
- 43.** Make sure that physical punishment is clearly banned in schools, in care and in all other institutions.
- 44.** Make it less acceptable to use smacking to bring up children by promoting positive and non-violent ways of disciplining children, and respect for children's equal right to human dignity.
- 45.** Provide education and training on how to positively bring up children for parents and for adults working with children.
- 46.** Do everything it can to put the recommendations from the UN Study on Violence against Children into practice.

Restraint is physically holding someone to stop them doing something, for example, to stop them hitting someone else or hurting themselves.

The UN Study on Violence against Children was set up in 2002 to get a picture of how children across the world experience different forms of violence. It made over 60 recommendations for how violence against children can be prevented.



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- 47.** Use the recommendations from the UN Study on Violence against Children to make sure every child is protected from all physical, sexual and mental violence.
- 48.** Offer more help to parents and guardians to help them raise their children.
- 49.** Stop any children being taken into care because their parents do not earn much money.
- 50.** Take children's views into account in everything to do with the family or being in care, and make sure children can easily make complaints if they need to.
- 51.** Make sure children with one or both parents in prison get the support they need. This should include help to stay in contact with their parents if this is in the child's best interests.
- 52.** Monitor children living in foster care, children's homes or institutions, and children who are looked after by other family members. This monitoring should include regular visits to these children.
- 53.** Work out why so many disabled children are in long-term care homes, and check how they are treated and cared for in these institutions.
- 54.** Make sure that contact proceedings can be started to allow children separated from their parents and siblings (brothers and sisters) to have contact with their families.
A contact proceeding is when someone applies to a family court to have contact with a child. A judge then decides whether a child should see the person applying for contact.
- 55.** Provide training and education to help prepare children living in care or in institutions for adult life.



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- 56.** Take into account the recommendations made about children without parental care at the UN Committee's Day of Discussion in 2005.

The UN Committee on the Rights of the Child holds a Day of Discussion every year to explore a children's rights issue in more detail with governments, human rights organisations, NGOs, children, and other experts. The Committee then makes recommendations based on the debate.

- 57.** Do more to make sure children are adopted as quickly as possible, taking into account their best interests and their culture.
- 58.** Make sure the Hague Convention on Intercountry Adoption applies to all the Overseas Territories.
- The Hague Convention on Intercountry Adoption is an international treaty that protects children who are being adopted from abroad and children who are being adopted from the UK by adults living abroad from being abducted, sold or trafficked.*
- 59.** Set up ways to check how many cases of violence, sexual abuse, neglect, bad treatment or exploitation take place in the family, in schools, in institutions and in all types of care.

- 60.** Make sure adults working with children (including teachers, social workers, health professionals, the police and judges) know about their duty to report and act on suspected cases of domestic violence affecting children.

- 61.** Do more to support victims of violence, abuse, neglect and bad treatment to make sure they are not victimised (treated unfairly) again during court cases.

- 62.** Make sure there are good services in all parts of the UK to help children who have suffered from violence, abuse, neglect or bad treatment.

- 63.** Do everything it can to make sure the laws that protect disabled people and allow for services to be provided for disabled children are put into practice properly.

- 64.** Develop new ways of finding out if children have disabilities early on in life.



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- 65.** Provide training for people (such as doctors, nurses, teachers and social workers) who work with disabled children.
- 66.** Develop a national plan to make sure all disabled children can take part fully in society.
- 67.** Make sure more information is available about the needs and rights of disabled children, and do more to make sure their participation rights are respected and they are not discriminated against.
- 68.** Ratify (agree to follow) the International Convention on the Rights of Persons with Disabilities.
- 69.** Develop a Government plan to give all children equal access to health services. This plan must be linked to policies aimed at ending child poverty.
- 70.** More money should be spent on mental health services for children, and services should be expanded. Services should particularly focus on certain groups of children including children in care, children living in poverty and children in trouble with the law.
- 71.** Put into practice international rules about marketing baby formula.
- 72.** Do more to promote baby-friendly hospitals.
- 73.** Include promoting and encouraging breastfeeding in training for nursery staff.
- 74.** Provide better sex and relationship services and education to teenagers, and make sure that sex education is taught in schools.
- 75.** Carry out research into why teenagers use drugs and alcohol so that programmes can be developed to reduce the level of drug and alcohol use.



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- 76.** Improve mental health and counselling services for teenagers (both in the UK and in the Overseas Territories) and make sure they are fully accessible and sensitive to young people's needs.
- 77.** Provide clear and correct information about drugs and alcohol to children and do more to support children who are trying to stop using them.
- 78.** Introduce laws to end child poverty by 2020 and set clear targets for achieving this.
- 79.** Make sure that laws and actions to end child poverty make the poorest children and families the top priority.
- 80.** Do more to give more practical support directly to children living in poverty by providing help with food, clothing and housing.
- 81.** Reintroduce the law that puts a legal duty on local councils to provide safe sites for travellers.
- 82.** Do more to make sure that children's backgrounds (including where they live, how their parents are educated, and the amount of money their family has) do not affect how well they do in school.
- 83.** Put more money into making sure that all children get a fully inclusive education. Children from disadvantaged groups should receive an excellent education.
- 84.** Make sure children who do not go to school get an excellent education.
- 85.** Only use permanent and temporary exclusion from school as a last resort.
- 86.** Do more to reduce the number of children who are excluded from school.
- 87.** Make sure that social workers and psychologists are available in schools to help children who are having problems with school.



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- 88.** Make sure children in care or living away from home have someone to represent and defend their best interests.
- 89.** Do more to stop bullying and violence in schools, including by using education about human rights and tolerance.
- 90.** Strengthen children's participation in everything that affects them at school and in their education.
- 91.** Make sure children have the right to appeal against their exclusion.
- 92.** Make sure all children, and especially children in care, have the right to appeal to a special educational needs tribunal about the type of education and support they receive.
- 93.** Make sure schools in Northern Ireland become integrated, and students are from all different backgrounds and religions.
- 94.** End selective education in Northern Ireland.
- 95.** Do more to make sure all children can enjoy their right to rest and play, and to take part in leisure and cultural activities. These activities should be appropriate for all different age groups (ranging from little children to teenagers).
- 96.** Make sure all playgrounds are of good quality and accessible to all children, including disabled children.
- 97.** Do more to make sure that asylum-seeking and migrant children are only ever locked up as a last resort, and for the shortest possible time.

A special education needs tribunal is an independent body. It considers parents' appeals against the decisions local councils make about a child's special educational needs and the type of support that child should receive.

An asylum seeker is someone who leaves their home country for their own safety, for political reasons or because of war, and travels to another country hoping that the Government there will protect them and allow them to stay.



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- 98.** Make sure that the UK Border Agency employs staff with special training to interview children.

The UK Border Agency is in charge of keeping the UK's borders secure and enforcing laws around immigration and customs. It considers applications to enter or stay in the UK.

- 99.** Think about giving unaccompanied asylum-seeking and refugee children guardians to look after their best interests.

- 100.** Provide figures on the numbers of children seeking asylum in the UK, including those whose age is disputed.

An age dispute is where there is disagreement about whether a person is under or over 18 years-old.

- 101.** Give the benefit of the doubt to unaccompanied asylum-seeking children in age disputed cases. This means that they should be treated as children and given the same services and support as other asylum seeking children.

- 102.** Get guidance from experts on how to decide whether a person is under or over 18 years of age.

- 103.** Make sure that, if refugee or asylum-seeking children are sent back the country where they came from, checks are done to make sure the child will be safe. Research must be done on where the child will be living and what his or her life might be like.

- 104.** Change the law to stop the prosecution of children who enter the UK without valid travel documents.

- 105.** Collect information on the sexual exploitation and abuse of children, and use this to develop plans to stop this happening.

- 106.** Make sure that laws and policies always treat children who have been sexually exploited and abused as victims of crime and not as criminals. This includes child prostitutes.



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107. Ratify (agree to follow) the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

108. Provide enough money to put the Anti-trafficking Action Plan properly into practice.

109. Ratify the Council of Europe Convention on Action against Trafficking in Human Beings.

Child trafficking is where children and young people are illegally moved for the purpose of exploitation (often for money) within or between countries.

110. Make sure that child protection rules for trafficked children meet international standards.

111. Make the age of criminal responsibility higher.

The age of criminal responsibility is the age when the law says a person must take full responsibility for the crime they have committed. At the moment the age of criminal responsibility on England is 10 years old.

112. Find alternatives to locking up children who are in trouble with the law.

113. Make sure that children are only locked up as a last resort and for the shortest possible time.

114. Make sure children can never be tried in court as an adult, no matter how serious the crime.

115. Make sure no child is locked up in a prison with adults.

116. Make sure all children who are locked up have a legal right to education.

117. Look again at the way the Counter Terrorism Bill applies to children.

The Counter Terrorism Bill that says that terrorist suspects can be held for up to 42 days without being charged with a crime. This rule will also apply to children aged 10 and above (because our age of criminal responsibility is 10 years old).

118. Make sure that children from the Overseas Territories who are locked up in another country have their rights fully respected. They must have the right to be visited by their parents and families (if it is in their best interests).



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119. Make sure the rights of child victims and child witnesses are protected at all stages of the criminal justice system.

The criminal justice system the way people who are accused of committing a crime are dealt with. It includes the police, the courts, prisons, and the probation service.

120. Carry out an independent review of ASBOs and aim to stop them being given to children.

121. Think about ratifying the international human rights treaties that it has not yet agreed to follow, including the:

¹ *Convention on the Protection of the Rights of All Migrant Workers*

² *Convention on the Rights of Persons with Disabilities*

³ *Convention for the Protection of all Persons from Enforced Disappearance.*

122. Ratify the Optional Protocol on the sale of children prostitution and child pornography as soon as possible.

123. Make sure all these recommendations are fully put into practice, including by sending them to the UK Parliament, government departments and the governments in Wales, Scotland and Northern Ireland.

124. Make the Government's report to the Committee and the Committee's concluding observations (recommendations) widely available to the public and to children.



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The four UK Governments must now work to address the recommendations made by the UN Committee. However, in drawing up plans to address the recommendations made, we need to identify which of the recommendations are most important and are a higher priority. In Wales, the government will do this in partnership with all of those who have an interest, including children and young people themselves. The conference in March 2009 provides a starting point for developing and agreeing the priorities within the concluding observations for Wales and will result in an action plan for Wales to be taken forward over the next five years.

