



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Seventy-second session

17 May-3 June 2016

Item 4 of the provisional agenda

### Consideration of reports of States parties

## List of issues in relation to the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland

**The State party is requested to submit, in writing, additional, updated information, if possible before 1 March 2016 (10,700 words maximum).**

*The Committee may take up any aspect of children's rights set out in the Convention during the dialogue with the State party.*

1. Where not otherwise stated, the responses to the questions in each part of the present list of issues should include information in respect of England, Wales, Scotland and Northern Ireland, as well as in respect of the overseas territories and Crown dependencies, as relevant.

### Part I

**In this section, the State party is requested to submit its responses to the following questions.**

2. Please update the Committee on the process of developing a bill of rights for the United Kingdom, including on how the process has involved consultation with children, civil society organizations and national human rights institutions in the State party, and how the bill will affect the protection of the rights of the child in accordance with the Convention, as compared to the Human Rights Act of 1998.

3. In the light of the Convention not being incorporated into the domestic law of the State party, please explain what progress has been made to give full effect to the Convention at the levels of the State and of each of the four nations, including measures taken to guarantee domestic remedies for breaches of the principles and rights provided under the Convention.

4. Please inform the Committee about the steps taken by the State party to ensure that the Children's Commissioners in England, Wales, Scotland and Northern Ireland are independent, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and mandated, inter

alia, to receive and investigate complaints from or on behalf of children concerning violations of their rights.

5. Please explain why children under the age of 18, or under the age of 16 in Northern Ireland, are excluded from age-discrimination legislation or from proposals for such laws.

6. Please inform the Committee about the progress made in the overseas territories on abolishing all legal distinctions in status between children who are “belongers” and those who are “non-belongers”, and between children born in wedlock and those born out of wedlock.

7. Please explain the measures taken to protect children, in particular Muslim children, from stigmatizing effects of the counter-terrorism measures.

8. Please provide further information on the measures taken to ensure children’s access to justice and the representation of children in civil and criminal proceedings in the context of cuts in the provision of free legal aid.

9. Please explain why a youth parliament has not been established in Northern Ireland, and why support to the Funky Dragon in Wales has been withdrawn, resulting in its dissolution. Please explain the progress made in this area in the overseas territories and Crown dependencies.

10. Please update the Committee on initiatives in England, Wales, Scotland and Northern Ireland to lower the voting age to 16.

11. Please provide information on how the State party intends to fulfil its obligation to remove all legal defences for corporal punishment of children in the home and all other settings throughout the State party, including the Crown dependencies and overseas territories.

12. Please provide further information on how the use of restraint is prohibited or restricted in education, custody, mental health, welfare and immigration institutions, both residential and non-residential, throughout the State party. Please also explain how compliance with such prohibition and restriction is monitored.

13. Please provide information on the causes of the recent increase in children placed in care. Please explain to the Committee why, reportedly, many children in care face frequent transfers, and provide information on measures that have been taken or envisaged in order to ensure stability and continuity of child placement. Please also provide information on measures taken to ensure that children in care have regular contact with their families when it is in their best interests.

14. Please provide further information on the measures taken or planned to meet the increase in demand for mental health-care services for children. Please include information on the human, technical and financial resources allocated to such services for prevention, early detection, treatment, recovery and reintegration, including to address child sexual abuse. Please explain how the best interests of the child are protected and how due consideration is given to the views of the child in cases of mental health treatment of children below the age of 16.

15. Please clarify whether sex and relationship education is provided in all education settings, including special schools for children with disabilities and special educational needs, and through education provided in the youth detention centres, such as young offender institutions and secure training centres. Please also clarify whether sex and relationship education includes information on how to access confidential sexual and reproductive health-care services, contraceptives, and support in cases of sexual abuse or exploitation.

16. Please update the Committee on possible new legislation that is expected to replace the Child Poverty Act of 2010 and on its detailed content, as well as on how consultation with children and other stakeholders has been conducted in developing the legislation. Please indicate whether a child rights impact assessment has been conducted of the recent welfare reform, including the cap on household benefits and other reductions in benefits. Please also indicate the measures being taken to mitigate negative impact of this reform on the enjoyment of the rights of children, particularly those in vulnerable situations.
17. Please provide further information on the measures taken to prevent child homelessness, including for children above the age of 16. Please clarify the measures taken to prevent children from being placed in temporary accommodation by public authorities for prolonged periods of time before having access to permanent accommodation.
18. Please provide information on the efforts to end the segregation in education in schools in Northern Ireland and to end academic selection for post-primary education on the basis of transfer tests.
19. Please explain how the best interests of the child are taken into account as a primary consideration in decisions involving migrant, asylum-seeking or refugee children, including with respect to age assessment, refugee status and residency permits. Please clarify how the asylum instruction on assessing age is consistent with the State party's overall policy to treat an age-disputed individual as a child until the assessment is completed (see CRC/C/GBR/5, para. 226).
20. Please provide information on progress made in raising the minimum age of criminal responsibility, developing a broad range of alternative measures to detention for children in conflict with the law and ensuring that such children are never tried as adults in ordinary courts. Please also inform the Committee about progress made in establishing a juvenile justice system in Northern Ireland, the overseas territories and Crown dependencies. Please update the Committee on the design of Secure Colleges (see CRC/C/GBR/5, para. 263), highlighting how they will be made compatible with the Convention.
21. Please provide information on progress made in abolishing the possibility of a life sentence, referred to as detention during Her Majesty's pleasure or detention for life or by similar terms, for offences committed while the offender was under the age of 18.
22. With respect to the concluding observations on the report submitted by the State party under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/GBR/CO/1), please update the Committee on the measures taken or planned to implement its recommendations. Please also update the Committee on any follow-up to the recent inquiries on child sexual abuse and exploitation, including child sexual exploitation by gang groups in Rotherham (Jay inquiry) and sexual abuse by the clergy (Goddard inquiry).
23. With respect to the concluding observations on the report submitted by the State party under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/GBR/CO/1), please comment on information that the Army Board recently stated its intentions to expand the recruitment of children. Please also comment on information that the minimum period of service for children is again longer than that for adults.
24. Please inform the Committee of any export of arms since 2009 to any of the countries listed in annexes I and II of the 2015 report of the Secretary-General on children and armed conflict (A/69/926-S/2015/409); if there have been such exports, please indicate to which countries and explain what measures the State party took to guarantee that those arms would not reach the parties that recruit or use children in armed conflict.

## Part II

**In this section the Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report regarding:**

- (a) New bills and laws, and their respective regulations;
- (b) New institutions and their mandates, and institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

## Part III

### **Data, statistics and other information, if available**

1. Please provide up-to-date information on the consolidated budget regarding children and social sectors, if possible by indicating the percentage of each budget line in terms of the total national budget and gross national product and geographic allocation.
2. Please provide, if available, updated statistical data, disaggregated by age, sex, ethnic and national origin, geographic location and socioeconomic status, for the past three years, on:
  - (a) The number of antisocial behaviour orders and civil injunction and dispersal orders issued against children under the Anti-social Behaviour, Crime and Policing Act of 2014;
  - (b) The number of incidents where taser guns, attenuating energy projectiles and rubber or plastic bullets were used against children;
  - (c) The number of stop-and-search checks carried out on children;
  - (d) The number of child victims of violence carried out by non-State actors involved in paramilitary-style attacks in Northern Ireland;
  - (e) The number and proportion of care leavers having access to employment, education, training and adequate housing;
  - (f) The number of girls subjected to female genital mutilation;
  - (g) Mental health-care services for children, including: the number of children with mental health needs; the number of children on the waiting list for child and adolescent mental health-care services; average waiting times for specialist outpatient care; and the number of children with mental health needs admitted to adult wards of psychiatric hospitals, treated in assessment and treatment units, and detained in police cells;
  - (h) Children facing relative income poverty, absolute poverty and a combination of income poverty and material deprivation after housing costs, as an absolute number and as a proportion among all children;
  - (i) Child malnutrition, including undernutrition and overnutrition and micronutrient deficiencies;
  - (j) The number of children using food banks;
  - (k) The number of homeless children, including those placed in temporary accommodation, such as a bed and breakfast, for more than six weeks;

(l) The number of children with disabilities and special educational needs who attend mainstream schools, attend special classes or units in mainstream or special schools, or are out of school, disaggregated, if possible, by the type of impairment and disorder;

(m) The number of children in conflict with the law prosecuted in youth courts, prosecuted in adult courts, and diverted from prosecution;

(n) The number of children subjected to solitary confinement or segregation in custody and the length of such confinement or segregation;

(o) The number of children involved in sexual exploitation, pornography and trafficking, and the number of those children who were provided with access to recovery and social reintegration services.

3. Please provide the Committee with an update of any data in the report that may have been superseded by more recent data or that may have been affected by new developments.

4. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.

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